

Tuesday, August 7, 1864.

THE ASSIZES.

[REPORTEUR CHIEF JUSTICE CAMERON.]

The summer session of the Court of Assizes was duly opened yesterday morning, before Hon. Chief Justice Cameron. The following gentlemen were sworn in as Grand Jury: Kenneth McKenzie, Esq., foreman; James Lowe, John M. Work, A. F. Main, D. B. Blair, R. Harvey, Charles Kent, Lionel Varley, James Frazer, Thos. L. Stahlachmidt, H. Nathan, Jr., and John Wilkie, Esqrs.

THE ASSIZES.

[REPORTEUR CHIEF JUSTICE CAMERON.]

The Trial of Quarles.

WEDNESDAY, July 27th, 1864.

His Honor took his seat at 10:30 a.m. Regina v. Wm. Quarles.—The prisoner stood indicted upon the complaint and information of Robt. Chesbire Janion, Wm. Lowthian Green, and Henry Rhodes, trading at Victoria under the style of Janion, Green & Rhodes, for misdemeanor, in obtaining certain goods, fixtures and billiard tables in the St. Nicholas Hotel, free and unencumbered, and let to Mr. Thomas, at a rental of \$200 per month, and that he, the said Wm. Quarles, was also possessed of certain brick buildings and erections on the upper side of Douglas street, and received for the said brick buildings, and received paid for advances on the same; by means of which said false pretences, the said William Quarles did, then, (unlawfully) obtain from the said Henry Rhodes, certain pieces of hosiery and underclothing, and men's shirts, of the value of \$900 65, of the goods of the said firm, with intent thereby to defraud. Whereas, in truth, and in fact, the said Wm. Quarles was not possessed or interested in the one-half interest in the said fixtures and billiard tables, in the said hotel, free and unencumbered, the same being conveyed to the firm of Anderson & Co., by a bill of sale for \$2,800; and whereas, in truth and in fact, the said Wm. Quarles was not possessed of the said brick buildings, etc., and had not paid for the same, and had not received advances for the same, and had not paid for the same to Geo. Cruickshank, for the sum of \$2,000, by a deed dated 11th January, 1863, to the great damage and deception of the said Janion, Green & Rhodes; to the evil example of all others in like case of defrauding against the form of the statute in such cases made and provided, and against the peace of our Lady the Queen, her crown and dignity.

The prisoner, who appeared perfectly collected, and displayed no apparent concern on entering the dock, when required to plead to the indictment, replied in a firm voice "not guilty." The Attorney General, instructed by Mr. Green, prosecuted for the Crown; Mr. McCreight appeared on behalf of the complainants, and Mr. Ring, instructed by Mr. Copland, conducted the defence. A jury was then empanelled, during which a long discussion took place as to the right of challenge in cases of misdemeanor. His Honor having at length set the matter at rest, the following jurors were sworn:—Wm. Denny, foreman; P. McFleming, A. Belsaco, L. Anthony, Jas. Craig, John Esra, Thomas Storey, Geo. Creighton, Jas. Tomlinson, Jas. Laidlaw, Jas. Fleeth, Robt. Lettice.

tures in the St. Nicholas Saloon, clear of all encumbrances. That Mr. Thomas was paying him \$200 a month for them, with a right to purchase at some \$7,000 or \$8,000. He said he also owned all the brick buildings on Vandyke's lot on Douglas st., and had received advances on them, they were his own. He said he had been sending goods to Caribon, and that he had an order for these goods from that quarter. We were talking for half an hour, and I told him I would call next day, I told him he might buy goods to the amount of five or six hundred dollars, and Mr. Blair was told to sell them to him. He bought more than that amount, and gave him a mortgage on the brick buildings, and that the contractor had not been paid, he should not have had one dollar's worth of goods from me. I should have refused him credit if I had known that any of his interests were mortgaged, or that the goods were paid for by me. I have never been paid for any of the goods sold. I saw Quarles after this, he wanted to buy some Old Tom on credit. I refused to sell.

Cross-examined by Mr. Ring.—I may have said that I should have refused credit if I had known the goods were going to San Francisco. I remain sure of the time that the goods were not going out of our local jurisdiction. The goods may have been pursued in American territory, but you have probably not pursued any goods in an American court, or you would, perhaps, know my reason. I am not aware that the goods were carried from the interior of British Columbia into American country. Individuals may escape with the proceeds of goods. My reason for not wishing to follow the goods to California I can explain by stating that I have recently obtained a judgment in an American court, and that I would be paid in green-backs, which are worth from 35 to 40 cents in the dollar. I relied most upon Quarles' property. I cannot say how long after the sale the delivery was made. I did not go or send to the Registry office to ascertain whether the mortgage was registered or not. I relied upon the truth of the statement. We do not attempt to control the shipments of customers in whom we have confidence. I think I should have refused Quarles' credit if he had told me the goods were going to San Francisco. We had previous transactions to a limited amount with Quarles and Pitts. They gave a note for goods purchased, which they could not pay when due, and we had to re-sell the goods on their account. I saw Quarles in jail in presence of the jailor, and he told me that he found out that John D. Hager, to whom he had consigned the goods at San Francisco, was a highly respectable young man, and if he wished to save him from the disgrace of being mixed up in such a matter he might give an order on him for the goods. I added that I did not want to know that, but any time before the arrival of the steamer would do. (To Mr. Ring)—Have you ever been in the jail?

Mr. Ring—Oh yes (laughter.) Mr. Rhodes—Then you will know that he could not well help hearing. I never said that he found out that John D. Hager, to whom he had consigned the goods at San Francisco, was a highly respectable young man, and if he wished to save him from the disgrace of being mixed up in such a matter he might give an order on him for the goods. I added that I did not want to know that, but any time before the arrival of the steamer would do. (To Mr. Ring)—Have you ever been in the jail?

Mr. Ring—Then we cannot get at the mystery of this diamond. It is a brilliant stone, if it is a diamond, it is a brilliant stone to discover it, I'm afraid I can't assist you (laughter.) Re-examined by Mr. McCreight.—Witness (reading from the invoice) if diamond means anybody it must mean Quarles. This concluded the evidence for the prosecution.

Mr. Ring addressed the Court for the defence. He rose with some embarrassment to defend the case, which was enhanced by the feeling caused in the community by the alleged defrauding of commercial men. He said that the jury to do justice from their minds all they had previously heard, or thought, or felt, on the case, and try the prisoner solely on the sworn evidence before the Court. He would remind the jury that one of the grounds alleged to obtain the credit, was that the prisoner had sent the goods to a better market at San Francisco, he must therefore be charged with obtaining them under false pretences. The pretence of getting the goods to send to Caribon, did not, evidently, come within the meaning of the Act; besides this alleged false pretence was not set out in the indictment. There was no doubt as to the receipt and capture of Quarles, but the jury must not waste criminalizing themselves on this point, think to themselves that they must protect the community, and punish the offender. It was far better that 99 guilty men should escape, than that one innocent man should be convicted. He would ask the jury, in spite of all that had been said about those goods going to California, etc., if it were not a fact that Mr. Rhodes did not use the goods in his possession? What evidence was there before the jury that Quarles intended to go down to California, and pocket the proceeds of the sale of those goods? None whatever. The learned counsel alluded to the extravagance and recklessness of the wife of the prisoner, and he would ask the jury to consider the influence such a wife would have on a man—what a wife he might have, or what a man without any intention whatever of false pretences. The learned counsel referred to Mr. Cruickshank's loss of \$2,000 on property worth \$20,000; and he would ask the jury, Quarles had erected brick buildings, as an excess, the value of this property, whether or not, was not entitled to represent a portion of this valuable property as free, and a good security for this party, 900 odd cents? The main question was whether this property was not good security for this additional \$1,000, after being so immeasurably increased in value, and thus the jury would have a fair and impartial verdict.

His Honor in charging the jury, said the indictment made distinct charges against the prisoner, viz: that he had falsified the pretence in possession of certain property. The prosecution in their evidence only show that the alleged false pretences

were actually made, but that these pretences were actually untrue; the offence lay in the pretence of some existing fact which actually did not exist; and if the goods were obtained on the pretence of an existing fact, the case would be made out. His Lordship referred to the evidence the jury would have to consider, and proceeded to read it over. He said the jury must find specifically whether the prisoner possessed the property in the saloon fixtures, and on Douglas street, free and unencumbered, before they could find guilty. The indictment also alleges fraud, and that the prisoner intended to defraud. The learned counsel alluded to the necessity of disabusing their minds of any previous impressions, and giving their judgment solely on the evidence, which he must say, left no doubt whatever as to his own mind.

Afternoon Sitting.

George Cruickshank, cross-examined by Mr. Ring.—The value of the lot on Douglas street has been subsequently improved by buildings; thought there were six wooden buildings; the lease was my security with the buildings on it; had since got possession of the whole affair; would take cost and charges for his bargain, and glad to get it; Quarles paid \$600 on 30th April, also \$200 on May 24; did not pay \$500 on 12th May; paid for notes 2d May; discounted notes for Quarles, but that had nothing to do with the mortgage; knew nothing whatever about the goods coming back to Rhodes; knew nothing whatever about a negotiation between Calverwell and Quarles; Quarles had promised to pay me \$2,000 by a loan on the property mortgaged.

A. A. Blair, sworn, examined by the Attorney-General.—Was present in the U. S. Consul's office when Quarles came in with an invoice of dry goods he wished to send to San Francisco; of course he returned the goods without the invoice. (Laughter.) The security was for the debt, not for his return; the debt was a floating debt; could not tell the exact amount without reference to the books; thought Quarles returned before the expiry of the 90 days, credit allowed; had no recollection of telling Quarles that the security would be cancelled if he returned. Re-examined by the Attorney-General.—Quarles' return was immaterial to us; if he paid the debt the security would be cancelled, whether he returned or not. Mr. McCreight.—Was cashier for Janion, Green & Rhodes; Quarles' note had never been paid; there was no probability of its being paid.

Cross-examined by Mr. Ring.—The goods returned as the goods were marked. I believe, I think; I believe they came from a wharf; did not know that the diamond R meant "brilliant Rhodes"; thought it more likely to mean "transcendent Ring." (Laughter.) Could not tell what was the name of the man; as he had not explained the goods same on a dry. (Laughter.) Did not pay for the goods, only paid the drayage. (Laughter.)

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THE SUFFERER'S BEST FRIEND!



HOLLOWAY'S PILLS.

All Disorders affecting the Liver, Stomach, and Bowels.

These Pills can be confidently recommended as the most simple and certain remedy for indigestion, flatulency, acidity, heartburn, colic, constipation, and all the many maladies resulting from disordered stomach and bowels. It is of primary importance to set the stomach right. These pills are powerful, alterative, and strengthening in their action. They may be taken under any circumstances, though powerfully tonic and satisfactorily aperient, they are mild in their operation, and beneficial to the whole system.

Sporborg & Rueff, COMMISSION MERCHANTS.

Importers and Wholesale Dealers

Groceries, Provisions, Boots and Shoes.

Wharf Street, Victoria, V.I.

BENSON'S WATCHES & CLOCKS

WATCH AND CLOCK MAKER, BY SPECIAL APPOINTMENT, TO HIS ROYAL HIGHNESS THE PRINCE OF WALES.

Opinions of the London Press upon Benson's Great Clock and Watches in the Exhibition, 1862.

"As a sample of English clock-work, the works of the Benson exhibited, which have been universally admired for the beauty and elegance of their construction, and the accuracy of their movement, are of the highest quality."—The Standard, London, 11th Nov. 1862.

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Tuesday, August 9, 1864.

VANCOUVER ISLAND GOLD

Within the last few weeks announcements have been made exploring expeditions. Gold has been discovered on the Cowichan river sufficient to give from a quarter to three cents a pan, and sufficient indications have been discovered to justify, according to the explorers, a still larger yield already stated our regret that we do not give the Cowichan river a trial test; for whatever indications, we think that a gold field has justified something more "prospecting" of a few pans more recent discovery on Sooke little more gratifying than the we take it in the light of the Victoria. According to the fifteen pans of dirt, fifteen were obtained, thus averaging half cents to the pan. If the indications from the surface, this might be put down as a promising yield; for it is the quantity that would be repaid. Whether, however, the deep or shallow—covering a river, or confined to a few "rush" alone will determine the risk attending a gold hunt in Sooke district is not very evident. Sufficient proof has been obtained to show that the quantity of exploration to be in paying quantities exists along remaining portion of the work of enterprising miner. While we are organizing to leave for the Sooke, and we have no doubt the expiration of many days, a number of men will be engaged to give it a proper test.

From 1858, till the present time, various attempts have been made to discover payable gold which, although bringing to the country, have resulted in do not see in this, however, destroy our hopes in the present. We know that for years while the gold mines were yielding so largely, the taintly existed about New Zealand, after rumor of gold diggings, but beyond obtaining a few pans of dirt, no payable gold was really nothing to induce Zealand possessed the slightest auriferous country. Yet a few years since have been almost unparalleled richness almost to re-produce a Caribon Island, but we think it high diggings will be developed. The laborer three or four do not fact that gold has been found one of our rivers, is sufficient that we may like every other California, be able to boast On the Jordan and on the which fall into the sea but gold has been discovered and but there really never have an adequate number of men places. Should the information exploring party has afforded a considerable portion of our income, better employed, to test Sooke river, we feel confident of a gold field on Vancouver the mouth of the Sooke, from whence it takes its first sixteen miles; but even the ravines of the ranges, and streams, gold may probably quantities. Let a few induced to scour the country, we see no reason why such which have occurred in with no greater inducement, should not be obtained in Vancouver Island a large number of prospectors had formerly nothing but two and three, whose thrown away. The present we think, turn out different placing Vancouver Island her more favored mining

CHARGES AGAINST A SIBERIAN

John Weeks, of the bark appeared before Mr. Penney, answer several charges, preferred against the named Frederick Lupton, charged for the prosecution. Capt. Weeks. The prosecution was examined by the magistrate dismissed the Captain, when disassembled in which complaints duty, had laid hands on a fine of \$10, which was

PRIZE MEDAL.

was awarded to A. SALOMONS, 35, OLD CHANGE, LONDON.

The Cardin's PATENT JUPON

Collapses at the slightest pressure, and resumes its shape when the pressure is removed.

Spiral Crinoline Steel and Bronze, For Ladies' Skirts (Patent), will not break, and can be folded into the smallest compass.

NEW PATENT HARMON CORSET (self-adjusting), Obtained a Prize Medal, and is the very best Stay ever invented.

Castle's Patent Ventilating Corset, Invaluable for the Ball Room, Equestrian Exercises, and Warm Climates.

To be had, retail, of all Drapers, Milliners, and Stay Makers, and wholesale only of SALOMONS, 35, Old Change, London.

FRAUDULENT TRADE MARKS CAUTION.

Having received information that certain unprincipled persons in the United Kingdom have been engaged in the sale of inferior quality, bearing our Names and Trade Marks, and in fraudulent imitation of the goods manufactured by us, to the serious injury of the purchasers thereof,

WE HEREBY GIVE NOTICE, that in order to protect ourselves and the public, all goods manufactured by us, from and after this date, will be marked.

"TUPPER & COMPANY, MANUFACTURERS, 61a, Moorgate Street, London;

WORKS—LIMEHOUSE AND BIRMINGHAM. In addition to the Trade Marks heretofore used, to denote the different qualities of our goods, viz: Best First, Second, and Third Quality, we have placed in Circle—

AND NOTICE IS FURTHER GIVEN, that all persons manufacturing, selling, or shipping, or engaged in any wise in the sale of inferior quality, bearing our Names and Trade Marks, and in fraudulent imitation of the goods manufactured by us, will be prosecuted to the full extent of the law.

TUPPER & COMPANY, 61a, Moorgate Street, London, E.C. 30th December, 1863.