

Supreme Court of Civil Justice.

[BEFORE CHIEF JUSTICE NEEDHAM.]

PIDWELL v. THE HUDSON BAY CO.

TUESDAY, June 11, 1867.

Pidwell v. Hudson Bay Company—This was a suit brought to recover the sum of \$727, value of wearing apparel, &c., belonging to plaintiff's wife, who was a passenger on the steamship Labouchere from San Francisco for Victoria, in April, 1866, which vessel was wrecked and the wearing apparel lost. The Solicitor General and Mr. McCreight, instructed by Mr. Peakes, for the plaintiff; Mr. Ring and Mr. Walker, instructed by Drake & Jackson for the defendants.

Mr. Ring, before the case was opened, would call his Lordship's attention to a recent case that had occurred in London. Recorder Russel Gurney had declined to sit as Magistrate and hear a complaint against ex-Governor Eyre, of Jamaica, because he (the Recorder) had sat on the Royal Commission, appointed to inquire into the cause of the Jamaican outbreak. His Lordship (Chief Justice Needham) having sat as member of a Commission to examine into the cause of the loss of the Labouchere, was therefore not competent to sit as Judge in this case.

His Lordship—It is true that I sat upon a Royal Commission appointed to inquire into the causes that led to the loss of the Labouchere, and if the learned counsel on either side believe that in consequence of having done so, I am incompetent to sit as Judge in this case, I regret that that belief was not made known before any expense had been incurred.

Mr. Ring said that he was instructed to apply for a postponement, so that the case might be tried before his Lordship's colleague. The Solicitor General replied that this objection, coming at the last moment from counsel for defendants, could not be regarded as anything else than a pretext for delay. His Lordship had no colleague—and no one except his Lordship could sit on that bench unless in case of resignation or death. If Mr. Begbie were sent for he could not try the case. This case had been a long time before the court, there had been abundant opportunity in which to raise this objection, but the eleventh hour has been chosen as a time in which to place his Lordship in a peculiar and delicate position.

Mr. McCreight—If such a principle as this were to obtain, that a Judge having once expressed an opinion on a point of law in one case should be forever debarred from again trying a similar case, there would be an end to justice.

Mr. Ring maintained that Judge Begbie could be easily telegraphed for to try this case; when the Royal Commission sat, the Chief Justice (Needham) acted as both Judge and jury.

Mr. McCreight replied that two Naval gentlemen occupied the bench with the Chief Justice at the time of the Commission and the verdict was, in a great measure, attributable to them.

Mr. Walker said that if his Lordship would refer to the Union Proclamation he would find that the form of Government in force on the mainland at the time of Union was extended to the Island, and that therefore the Judge on the mainland had power to sit here. His clients were willing to have the case postponed until Mr. Begbie could try it.

Mr. McCreight—Mr. Begbie will have to be sworn in as his Lordship's successor first. His Lordship—The question as to my competency to try this case is divided into two points—first, is the court, as at present constituted, in point of law, incompetent? Second—If not competent in point of law, is it incompetent to try the case as a matter of delicacy? Now, as to competency, it was decided after a long argument before the House of Lords that if a Judge had any interest, direct or indirect, immediate or remote, in any case, then, as a point of law, his decision was invalid. But I have never yet heard it suggested that because a Judge has tried one case and expressed an opinion upon it he is incompetent to try a similar one. I have never known such a doctrine to be advanced before, nor do I believe it to be correct. I believe this court is perfectly competent, from a legal point of view, to try this case.

Mr. McCreight—No, certainly not. I have no interest, directly or indirectly, immediate or remote, in this case. It is true that I sat as a member of the Commission appointed by the Executive to inquire into the causes that led to the loss of the Labouchere, and that, assisted by two Assessors from the Navy, and guided by the light of their knowledge, a decision was arrived at; but I have yet to learn that I am thereby rendered incompetent to sit as Judge of a case where different evidence may be presented, and a different decision arrived at. The second point, viz: that I ought, from motives of delicacy refrain from sitting, I think, overborne by the fact that justice demands my presence here. The precedent advanced by the learned counsel for the defendants, of Mr. Gurney, in the case of Governor Eyre declining to sit and hear a charge against him, will not apply here, because that gentleman retired in the presence of a large number of judicial brethren who were prepared to take his place. Here the case is widely different. The point raised as to the effect of the Union Proclamation, is one easily disposed of. This court remains as originally constituted. The Proclamation made no change in the judicial department of the Government and was never intended to do so, or it would have openly expressed it; and since the point has been raised I may as well say that I have laid the matter before some of the oldest and best lawyers of Westminster Hall and find myself backed by their unanimous opinions. Therefore, were I to retire to-day, no other gentleman could sit here and exercise the duties devolving upon me. It is competent, however, both sides consenting, to elect a Judge or arbitrator, and I requested by both sides, I shall willingly telegraph Judge Begbie to come down and take my place, while I will go to Cariboo and take his place. But our expenses must be paid. (Laughter.)

Mr. McCreight—You will have to get a Commission from the Governor for Mr. Begbie.

After a short consultation with his clients, Mr. Ring asked if the plaintiffs were willing to accept the Chief Justice's proposition? Mr. McCreight—No, certainly not.

The case was then proceeded with and the following jurors sworn to try the case: J. C. Nicholson (Foreman), Henry Nathan, Henry Russell, G. E. Fardon, T. L. Stahlehdmit, A. F. Main, Richard Carr, & J. Stuart.

Mr. McCreight proceeded to open the case for the plaintiff by briefly reciting the points of the complaint and the answer of defendants.

The learned Solicitor General followed with an address to the jury, in the course of which he stated the various points he expected to prove and the law bearing upon the case.

Mrs. Pidwell, sworn—Am the wife of plaintiff; went to San Francisco on the 3rd of March, 1866, on the Labouchere; started to return in the Labouchere on the 14th of April following; had a large leather trunk and two smaller ones; made a list of the articles in the trunks and returned to Victoria [that produced]. Counsel for defendants objected to list being read and objection was sustained; I had dresses, shawls, underclothes and such things as a lady usually travels with, in the trunks; I lost something over \$500 worth of goods; I paid \$30 for my passage on my return on the Labouchere to a young man, who, I think was named Warren and who acted as purser, he gave me a receipt (something like the one produced in Court); my luggage was taken into the saloon of the ship and when I last saw them they were placed by the steward under the saloon table at my request, as he could not get them into the stateroom; the steward said he would attend to the trunks; I went to bed about 10 o'clock and had just dozed off when I felt a shock, the vessel seemed to strike and tremble and strike again; there was a general bustle and excitement among the passengers—a great deal of fear manifested; I sat down by my trunk and after a time went back and lay down in my room until the steward came and told me I had better get up as we might have to go ashore; I got into my dress and reached the land; I never saw my trunks after that, nor my box of plants; the other box, valued at \$13, was returned to me; I did not see the Labouchere sink; I returned to San Francisco and remained there from Monday till Saturday, when I left for Victoria again; I paid \$41 to get back; I recollect one silk dress, hanging up in my stateroom, which was ruined by the wreck.

Cross-examined by Mr. Walker—Saw no trunks landed on the shore, but a dress of mine was handed me by the captain; Capt. Mount asked me if my trunk was in the saloon? I replied that it was; he said, "You will probably get it for I gathered up all I could and placed them on a fishing smack;" did not see the smack come on shore; made no particular inquiry as to my trunk, felt so thankful at having escaped with my life that I did not inquire particularly about my luggage; never told Mrs. Thain or any one else that my trunk came on shore and was broken open and robbed; have travelled to and from San Francisco; have always had my baggage checked on the other side steamships, but never on this side boats.

Re-examined by the Solicitor General—Heard nothing said about checks for baggage; a coachman brought my baggage on board; everything was in great confusion, and nobody asked me any questions; I was bringing up a few presents for my daughters, in addition to my wardrobe.

Wm. Fraser Tolmie, sworn—Am Chief Factor of the Hudson Bay Company, and Member of the Board of Management, of the same company—an senior member; I knew the Labouchere, she came out here in 1859; remember tenders being sent in by the Company for the mail service by the Labouchere; a contract was made by the Company with the Government for the mail carriage; I believe I have a copy of the contract at the office; I went down to San Francisco by the Labouchere on the 3d of March, 1866; she was ordered by the Board of Management, of the Hudson Bay Company, to go to San Francisco; I ordered certain alterations to be made upon her for the Hudson Bay Company; the steamer was steered by the ordinary steering wheel near the rudder; I ordered the steering apparatus to be altered from the stern to the forepart of the vessel; the Hudson Bay Company paid for that; I gave orders to run her from San Francisco to Victoria at certain stated times, to carry freight and passengers; both ways; she made one round trip before the 3d of March, one round trip and a half carrying freight and passengers; Capt. Mount had sole charge of the ship at San Francisco when I left there at the latter end of March.

Cross-examined—Capt. Mount was in the service of the Company for many years; he was about 16 years master.

Re-examined—He had gone to California and the North West Coast several times; with these exceptions he had been continuously employed in coasting and in land navigation.

J. T. Pidwell, examined—Am the plaintiff in the action; I don't know the goods which were put aboard at San Francisco; I can tell what was taken from here and returned; my wife showed me a list of certain articles; what she stated in Court as to value is incorrect, arising from excitement on appearing in Court the first time in her life; on her return from San Francisco I went over the list; I bought everything except a few articles of trinkets; I came to a reasonable estimate of the value of the goods; total for wearing apparel \$590; for some jewelry about \$25 or \$100; the whole, with other things, \$727, giving credit for return of fare, etc.; there was no compromise made with the Company; I never authorized anybody to receive any sum of money for me.

Cross-examined—Many of the things I purchased and know the value of, the purchases extended perhaps over ten years; I generally keep my head clear; I suggested an arrangement and got a promissory denial for claim from Dr. Tolmie about 12 months ago; I do not know that the tendency would be to ruin Capt. Mount; the claim was against the H. B. Co.; I mentioned in round numbers the value of the goods to Dr. Tolmie—\$700 to \$1000; I am not backed up by anybody in the suit; persons came to me and talked of the suit; I do not know the Company are threatened with several actions; Mr. Adams and Mr. Anthony had freight on board; so had Reid the boatman and others; we got the opinion of able legal gentlemen on the law of the case; subscribed in the first instance to get legal opinion.

Edward Dickinson, sworn—Was a passenger on the Labouchere when she was wrecked; there were about 90 or 100 passengers on board of her; the boat was in an unfinished state when we went aboard;

unfinished carpenter work lay about the deck, and they were at work on the vessel; she started about two hours after her advertised time; it was dark when we got outside, rough when crossing the bar; do not know whether there was a fog or not after crossing the bar; put on my boots and saw high rocks looming up over the side of the vessel, and white foam all around us; it was a dark night, no fog, saw the rock; the steward was ripping up the saloon table to get at the pump in the center of the cabin; that pump did not "fetch" for two hours; the chief engineer, assisted by Frank Sylvester, one of the passengers, fixed the pump; I worked on a small pump at the stern; during the night I asked Captain Mount what he intended to do; he said he intended to get the pump in the morning; to let the water run from the cabin deck overboard, holes were bored in the staterooms; water ran from 1, and was roused at between 4 and 5 o'clock; went on deck and saw land ahead; don't know what the captain did; heard the vessel was sinking; saw great confusion on board, and passengers trying to launch a boat; only saw two life-preservers, there were none in my state-room; the boat had no oars; saw no pilot boat in sight; I left the ship on a raft, and was picked up by a fishing boat.

Cross-examined by Mr. Walker—A few articles were thrown off the vessel into the sea; saw the trunks placed in her; I worked until the captain told me there was no danger, when I went to bed; the reason that the pump in the cabin threw no water was not because there was no water to throw, because the pump at the stern threw water freely; the pump was not in order; I saw a vessel settle more at the stern and that a pump was there; was there and not further forward; know nothing of the engine pump; the captain said there was no immediate danger, and I went to bed; I don't know what rock it was I saw, it might have been one of the Farallones; the captain seemed to be cool and collected.

Re-examined by the Solicitor General—I saw the vessel lying at the wharf at two or three o'clock in the afternoon; everything seemed to be in the greatest confusion.

Cross-examined by Mr. Walker—Saw no trunks on board the Labouchere on the 14th April; went to bed about 8:30 p. m.; did not go on deck until she struck; there was great confusion; when I went down to the cabin I observed the steward tearing away the tables to get at the pump; the pump would not work; there was a small one in the stern which worked; I had goods and luggage on board; there were trunks and baggage of other persons; there did not appear to be any checks used for the baggage; I saw no such system; there were more goods on board than my own; saw no life-preservers on board; I escaped in an Italian fishing boat; I saw no pilot boat; am a little short-sighted.

Cross-examined—In other ships there are checks given for baggage; on the Labouchere there did not appear to be anyone to attend to such; I had merchandise on board, which I got a bill of lading; I was one who consulted about getting reclamation shortly after the accident; I am certainly interested in the result; I have not contributed to do I mean to do so—to the costs of the suit.

Re-examined—It is usual, on San Francisco steamers, to get checks for baggage; there was no such system on the Labouchere that I could see or hear of; I have no direct interest in this suit; have not contributed in any way to the costs of this suit.

James Allan, sworn—Was cook on board the Labouchere; before the ship struck I went down forward to change my shoes and saw Jack, an Indian, standing on the lookout; he was one of the crew; he had been on board the Enterprise no one was with him on the lookout at the time, which was about a quarter of an hour before she struck.

Cross-examined—The night was dark; could see breakers ahead quite close; could see no great distance; there was no one else on the forecastle on the look out; there was no one that I could see overhead on the look out; after she struck I got on deck; saw the land about half an hour afterwards.

The written evidence—taken before a Commission of W. A. Elliott, engineer of the Labouchere at the time of the wreck—was read to the jury by the counsel for plaintiff.

Counsel for the plaintiff proposed to produce the Commission issued by Governor Kennedy for the enquiry into the loss of the steamer, but it was objected to. Evidence was tendered to show that a copy was made by some one who saw the report, and which was published in the Government Gazette; also, evidence of Mr. Fowler, to show that all the public documents were sent up to British Columbia; also, of Mr. Griffith, to prove that the report printed was a copy of the report made after the enquiry.

This evidence was objected to by the opposing counsel, who maintained that Governor Kennedy had no power, as Vice-Admiral, to order a Commission of Enquiry into the loss of the vessel, and he proposed to call Mr. Drake to show that the proceedings were illegal.

His Lordship overruled the objection and disallowed the evidence of Mr. Drake on the ground that a witness cannot be called to prove a matter of law.

Objection was made to any hearsay evidence of a report made.

Mr. Walker claimed that the party in whose possession the report was should have been subpoenaed to produce it. He had not been so subpoenaed and none of the evidence taken before the Commission could be produced here. The decision of the Commission was not a judgment in rem. Mr. Walker also claimed that the Commission had not been legally constituted and proceeded to quote from the Merchant's Shipping Act in support of his position, when His Lordship interrupted him by saying, that a part of that Act applied to the Colonies and a part did not. Besides, the power was vested in the Crown to order a Commission to inquire into any matter.

The Solicitor General replied that the Court had no power to compel the production of the public documents.

The Chief Justice—I have seen the highest functionaries in England, from the Lord Chancellor down, obey a subpoena of a Court

of Queen's Bench. I have seen Her Majesty's Principal Secretary of State attend in obedience to a summons of a Court, and I have seen the highest functionaries of the land send down their secretaries with important public documents.

The Solicitor General alluded to the failure of the Legislature to procure the presence of the Chief Justice—Ah, that's a different matter. The one is for political purposes, the other for the purposes of law.

Mr. McCreight followed the Solicitor General in support of the admission of evidence taken before the Commission, and quoted authority to show that the decision was clearly a judgment in rem, which was defined to be an adjudication upon the status of some particular subject-matter, for instance—the loss of the Labouchere. The learned counsel pressed the admissibility of the evidence.

Mr. Ring replied at considerable length in opposition to the admission of the evidence taken before the Commission, and that it must be introduced. The document is not produced, and the plaintiffs propose to give secondary evidence, to the effect that the Colonial Secretary had refused to give plaintiff the document; but that is not enough. They might have given the public officer notice to produce the document, or a subpoena might have been served upon him. Had he been properly applied to, his Lordship said, that there was no doubt he would have complied with the request; if he had not complied, there was the subpoena to fall back upon, and the court was of opinion that the mainland was under its jurisdiction. The secondary evidence was ruled out.

Mr. Ring rose to ask for a non-suit, it having been shown that the trunks were under the control of Mrs. Pidwell, as well as the time.

The Court said that it was no answer to the complaint to say that the goods were under the control of the plaintiff, because it was alleged that they were lost through the negligence of the defendants, and therefore the question of the control or custody of the goods was immaterial.

The evidence for the plaintiff here closed. Mr. Walker addressed the jury for the defence. The case was one that if it were decided against the defendants would pour them in the jury box for the remainder of their natural lives [His Lordship—Don't frighten the jury men; laughter.] He asked the jury to dismiss everything they had heard or read on the subject of the loss of the ship and to try the case on its merits. The question was one that sought to relieve parties shipping goods from insuring them and to throw the onus of their loss on the owners. Why did shippers insure goods? Because the ship was not responsible for the loss of the goods.

The learned counsel quoted copiously from Addison, to show that the defendants were not liable for goods lost.

The Chief Justice here said he would tell the jury that, as a matter of contract, the defendants were liable, unless by the terms of their contract they limited the liability.

Mr. Walker—Have the defendants no common law exemption, as according to Addison?

The Chief Justice—I shall so tell the jury; and with reference to the negligence, I shall tell the jury that if the ship was lost through the negligence of the captain or any of the Company's servants, then the defendants are liable. His Lordship added, that he thought it best to tell Mr. Walker of his intention at first.

Mr. Walker then announced his intention to confine himself to the facts of the case, and rapidly sketched the course of the Labouchere from the harbor of San Francisco to the time of the accident, and the incidents which transpired thereafter.

At the conclusion of Mr. Walker's address, the Court rose until ten o'clock, a. m., Wednesday.

WEDNESDAY, June 12th, 1866.

W. A. Mount, sworn and examined by Mr. Ring—I was master of the Labouchere; I commanded the steamer to San Francisco once before the accident; last took her down in March; I sent five compasses to be adjusted, and had them returned just before we started on the voyage when the accident occurred; [witness here described the alterations made in the ship previous to starting for her last voyage; the compasses were perhaps 20 feet nearer the engines than on the passage down; the new work extended from aft to square with the front of the pilot house; the first deck 7 ft. 6 in. high, and the pilot house was on top of that deck; the pilot house was seven feet high over the deck; the wheel was in the forward part of the pilot house and the compasses were in the extreme front end of the pilot house; I had two rooms in the same line extending backwards.

His Lordship—What does all this mean? You might as well ask him if the ship had a keel.

Mr. Ring—My Lord, you don't know my case; I want to make the question of magnetic influences plain to the jury.

nothing to North, and about a 1/4 or 1/2 past 10, the Indian boy reported land; I ran into the pilot house to strike the bell; I was on deck at the time, and the Indian boy, the officer of the watch, and the Indian boy were also there; not more than a quarter of a minute after the bell was struck to stop and just as I had rung to back, the ship struck the rock; I saw a lumen as I went to the pilot house and struck the bell, the breakers were close alongside; we backed to get her turned round and headed her for clear water; went ahead at full speed with the lead going; and I think there was to be set on; the rapid motion of the ship more water was raised by the pumps; we got ahead of the water and made the pumps suck; I felt, then, that the ship was safe, and made short stretches to and fro waiting for daylight or for the fog to clear up; as soon as I saw the Farallones light I pushed for it as hard as I could; the water suddenly commenced to gain on us, and I think there may have been a stone in the broken plank and that the ship ran for half an hour, getting slower and she stopped; the water reached the furnaces, when she stopped; we could not use our sails because she would not have sailed, being half full of water; the saloon table was made to ship and unship; had there been no fog the accident would not have happened; soon after the vessel struck I went into the pilot house and found a variation of a point and a-half in one compass, and one point with another compass; the atmosphere may affect a compass; I was afraid to run because of the fog and the variation in the compasses; I had no opportunity of taking an observation; I was anxious to get off from San Francisco, I had a number of men aboard for the Princess Royal who wanted to run away; I had a large number of passengers who were anxious to start; the men for the Princess Royal all began knocking me about before I left the wharf; I saw Mrs. Pidwell go aboard a boat to leave the ship; I went back to the ship and filled one boat and part of another with luggage.

To a juror—The ship was about three miles from shore when she struck.

Direct examination resumed—I told Mrs. Pidwell that I brought one large trunk ashore, and she said she thought it might be here; I gave her one package that was done up in canvas, and a dress; I told the passengers in general that I had brought some trunks aboard; I afterwards saw the package that I gave her on board the steamer. [Counsel for plaintiff here admitted that the package was returned, and stated that it was not one of those in dispute.] I had a freight clerk on board who would have looked after the luggage had he been asked; did not see Mrs. Pidwell coming on board; heard nothing about any trunks coming on board; the Company had agents at San Francisco.

The following copy of the ticket issued by the Company at San Francisco was read: "Hudson Bay Company's steamer, Labouchere.—This ticket will be forfeited if transferred.—Passage from San Francisco to Victoria.—No. 10.—San Francisco, 1866.

This ticket entitles Mrs. Pidwell to a Cabin Passage from San Francisco to Victoria.—The Company will not be responsible for the maintenance of passengers after arrival at Victoria.—Agent, Capt. WARRAN, Purser. Received \$30.

Mr. Ring—There is a custom adopted by shipowners at San Francisco as to the carriage of passengers' baggage?

Mr. Wood objected to the question. His Lordship thought the question was immaterial.

Witness—If I give a receipt for it I'm liable; if I do not give a receipt I am not liable; such is the custom at San Francisco.

Cross-examined—I was a master mariner previous to 1850; am 46 years of age, and have been a seafaring man since 1835. [Witness proceeded to detail his career at sea during a series of years.] C. M. went here as second mate of the bark Vancouver in 1844; in April of the same year was made first mate; in 1849 was master of an American vessel at California—the Mary Adair was the first ship of which I was master in the Company's service; was master of the steamer Enterprise for three seasons; I have read the Merchant's Shipping Act through; am aware that there is a section of the Act which says that a ship's compass must be adjusted at stated periods; if they are sent to an optician the requirement of the law is complied with; a wooden ship may possibly disturb its compasses quite as much as an iron steamship; the mass of machinery in a steamship will not necessarily influence a compass; a great many alterations were made in the Labouchere at San Francisco; the steering apparatus was removed 120 feet nearer the bows and forward of the machinery; the steering apparatus was in the pilot-house. [Witness here described the position of certain iron work near the wheel, and the accommodation provided for passengers; before starting I thought it was necessary to see that if my compasses were right, but I can't say that I thought so, because of the alteration; I did not take any such precaution before I started from the wharf; I had not all my sails bent before I sailed, only the foremast sail and trysail; the square sails were not bent, because the yards were on deck; the mainmast was not set from fear of fire; on the way down I issued orders to have a lead on each paddle-box; the deep sea lead I saw nothing of; I saw the hand leads hanging up in the rooms before we started; I took my bearings when I was just inside of Point Bonita. [The exact position of the ship when the bearings were taken was pointed out on the chart by the witness.] I judged of my position simply by my eye; this was the only precaution I took to see if my compasses were correct; I found they were correct by adopting this course; the telltale compass in the room was the best instrument of the three; they were all good alike, only mine was the best [laughter.] After passing the Golden Gate I steered S W by W for half-an-hour, then W, nothing to N, to clear Point Reyes; the pilots tell sailing vessels to steer W 1/2 S; I don't know what the course is the pilot steers; I don't know that there is any extraordinary danger in going into San Francisco which you might not avoid if you had a chance; had the compasses been correct, I could not by any possibility have struck on Point Reyes if the weather had been clear; the fog was the sole cause of my going on shore; don't know that I went ashore on Point Reyes; I have an idea that I went ashore west

of Drake Bay; I have doubt Point Reyes; I believe I did not know.

The Court—It has been struck on Point Reyes, I did not know.

Examination resumed—In found myself opposite Point Reyes; the vessel was on the opposite side of the point; the compass was off 3 1/2 points west of true going ashore.

To the Court—The two steering by I think were not three compasses was wrong; went ashore because the one His Lordship—Now, Mr. S you are at liberty to ask the Court you may think fit; previous examination before me. There is a direct have my notes before me.

The Court here suggested minutes to enable Capt. Mount to be relevant.

Upon the resumption of Solicitor General proceeded Capt. Mount had not sworn May, 1866, differently from what to-day.

Mr. Ring objected, but the question to be relevant.

The examination of the Solicitor General was then resumed. The Solicitor General, after before the Commission, after the vessel to the variation caused by the magnetic field.

Witness—Yes; but from that have come to my knowledge changed my mind. To the Court—I also saw my vessel I should variation, and that I attributed to the variation; I compasses must have been correct, but I do not know the time, and have now it is a current setting on the north, with a southwest that I believed it was on got ashore, supposing my correct; it is as likely to Farallones as on Point Bonita; Mrs. Reid's were off it been 3 1/2 points difference; courses off on the chart, he.

To the Solicitor General to attribute the loss to; steering compass immediately with another compass further east.

The Counsel for the defendant, given by Capt. Mount, as Beach, be used. His Lord well as he could recollect, ment given in the paper, but the Judge's note and I save a great deal of time would be able to correct of at that time given. The read over by His Lordship loss of the vessel at that attributed to the deviation arising from the quantity during the alterations.

After the reading of the estimate of the enquiry, into the case last year, Mr. McGraw from the Royal Navy, of chart of San Francisco in ship, certain points connected.

By the Solicitor General port steering compass with I found a point and a half struck; there was half between port and starboard after I found a point and had no reason to think that passes were incorrect; my compass; I could not believe; I expressed to at the time of the accident such a ship as the Labouchere in difference in the compass difference half an hour what could have done; any fault to find with was not occur to me to shift old place in order to see the cause of the deviation in the compasses.

At this stage His Lord the sailing master showed a point and a half would of Point Reyes.

To the Court—By taking observation as well as the ascertained; there are a stance, comparing a number of swings; I think the manner of swinging it done; don't know such a ship as the Labouchere of swinging a compass have an effect on compass alone varied my compass rock in Puget Sound; I makes a compass more otherwise be; I never have an effect on the compass; I never studied nothing to remark at Smith was a vigilant man there from about 5 p. m. minute when Smith was safe thing to trust the vessel was trustworthy, had courage; I did not see possible way back to San the ship, because I don't did not occur to me my were going full speed fill the ship with water afterwards; I had read forty fathoms of water did not occur to me to pumps sucked I did danger; I did think about; I recollect having a light at sea; I swam there was a light, add I saw a light about 1/2 I saw the ship I had was; I did not go on the land, and was got said it was advisable the ship; I thought I and made for it, being water fast; I did cause I would not be I knew the difference add a pilot boat; I would have been, I cause I would have helped of Mrs. Pidwell I got to take a box ped was Mr. P. Point Reyes, which

d about a 1/4 of 1/2 past reported land; I ran into the bell; I was on the deck, the Indian boy was more than a quarter of a mile struck to stop and back, the ship struck the room as I went to the deck the bell, the breaker; we backed to get her headed her for clear water; speed with the lead going, or 8 fathoms with the sent the carpenter to water came from, or to be set on; the best wheel and by the rapid here water was raised ahead of the water and I felt, then, that the made short stretches to daylight or for the fog as I saw the Farallones as hard as I could; we commenced to gain on us, may have been a stone in it that it dropped out as the ship ran for half hour and slower, until the furnaces, when she stopped our sails because she filled, being half full of table was made to ship were been no fog the accve happened; soon after went into the pilot house of a point and a-half d one point with another sphere may affect a com- run because of the fog the compasses; I had no g an observation; I was om San Francisco, I had board for the Princess to run away; I had a engers who were aux- for the Princess Ryan about before I felt the Pidwell go aboard a boat went back to the ship and part of another with ship was about three en she struck. on resumed—I told Mrs ought one large ring she thought it might be a package that was done dress; I told the passen- I had brought some erwards saw the package board the steamer Ore- Pidwell's name upon it. here admitted that the d, and stated that it was isue. I had a freight would have looked after been asked; did not see on board; heard no- nks coming on board; agents at San Francisco, y of the ticket issued by n Francisco was read; mpany's steamship let- tel will be forfeited if e from San Francisco, n Francisco, 182 entitles Mrs Pidwell to m San Francisco to Vie- will not be responsible of passengers after ar Agent. Clas Received \$30. is a custom adopted by Francisco as to the car- baggage? ght the question, im- to the question, I give a receipt for it, I am custom at San Francisco I was a master mariner an 46 years of age, an- aring man since 1832 to detail his career a e of years.] C me on of the bark Vancouver of the same year was mas- ter of an American cor- ia—the Mary Adams which I was master of; ce; was master of the for three seasons; I have Shipping Act through a section of the A- ship's compass must be eriods; if they are set- equirement of the law a wooden ship may possi- e quite as much as a mass of machinery in necessarily influence many alterations. I here at San Francisco was removed 120 feet and forward of the m- ing apparatus was in- ness here described the on work near the whar- tion provided for pass- I thought it was neces- y compasses were rig- thought so, because not take any such pre- ced from the wharf; I before I sailed, only all; the square shaft yards were on deck; set from fear of fire; ed orders to have a l- the deep sea-lead I in the hand leads hang- re we started; I took as just inside of the position of the ship was- ken was pointed out- itness.] I judged of eye; this was the o- see if my compasses w- were correct by ad- tellate compass in- instrument of the sh- like, only mine was by passing the gold- er by half—both of- position of the ship w- e course is the pilot's ow that there is any- n going into San Fr- not avoid if you ha- compasses been cor- ability have struck- eather had been cle- e cause of my going- at I went ashore on P- that I went ashore w-

of Drake Bay; I have doubts that I went on Point Reyes; I believe I did strike there, but I don't know. The Court—It has been presumed that I struck on Point Reyes, I don't know that I did. Examination resumed—In the morning I found myself opposite Point Reyes and equally opposite the Farallones; the fact of my compasses being out 3/4 points was not the cause of my going ashore. To the Court—The two compasses I was steering by I think were not wrong; one of the three compasses was wrong; I do not think I went ashore because the one compass was out. His Lordship—Now, Mr Solicitor General, you are at liberty to ask the witness any questions you may think fit connected with the previous examination before the Royal Commission. There is a direct contradiction; I have my notes before me. The Court here suggested a recess of ten minutes to enable Capt. Moutat to refresh his memory. Upon the reassembling of the Court, the Solicitor General proceeded to ask whether Capt. Moutat had not sworn, on the 4th of May, 1866, differently from what he had done to-day. Mr Ring objected, but the Court decided the question to be relevant. The examination of Capt. Moutat by the Solicitor General was then resumed. The Solicitor General—Do you recollect, before the Commission, attributing the loss of the vessel to the variation of the compass, caused by the magnetic influence of the iron? Witness—Yes; but from other circumstances that have come to my knowledge I have changed my mind. To the Court—I also said that if I had swung my vessel I should have detected the variation, and that I attributed the loss of the vessel to the variation; I also said that the compasses must have been out at least 3/4 points, but I adopted another man's idea at that time, and have now discarded it. There is a current setting on the shore from the north, with a southwest wind, and I did say that I believed it was on Point Reyes that I got ashore, supposing my compasses had been correct; it is as likely that I would be on Farallones as on Point Reyes; I took Mr Townsend's word for it that there must have been 3/4 points difference; I did not lay the courses off on the chart, he did. To the Solicitor General—I cannot tell what to attribute the loss to; I did compare one steering compass immediately after she struck with another compass further aft, and found a deviation. The Counsel for the defence accepted His Lordship's suggestion, that the former evidence given by Capt. Moutat, as taken down by the Bench, be used as evidence; His Lordship stated that, as well as he could recollect, the published statement given in the papers were very correct, but the Judge's notes were legal. It would save a great deal of time, and Capt. Moutat would be able to correct or add to his evidence at that time given. The evidence was then read over by His Lordship to the jury: The loss of the vessel at that time Capt. Moutat attributed to the deviation of the compasses, arising from the quantity of iron introduced during the alterations; I now doubt that. After the reading of the evidence given at the time of the enquiry, instituted by the Government last year, Mr McGrath, a sailing master from the Royal Navy, demonstrated from a chart of San Francisco harbor, to His Lordship, certain points connected with the disaster. By the Solicitor General—In comparing the port steering compass with the cabin compass I found a point and a half difference after she struck; there was half a point difference between port and starboard before striking; after I found a point and a half difference, I had no reason to think that the steering compass were incorrect; we steered by the port compass; I could not tell which compass to believe; I expressed to persons standing by the mistake is, there is a point and a half difference in the compasses; had I found the difference half an hour earlier I don't know what I could have done; I never before had any fault to find with her compasses; it did not occur to me to shift my compasses to the old place in order to see if the alteration was the cause of the accident by causing the deviation in the compasses. At this stage His Lordship announced that the sailing master showed from the chart that a point and a half would just take the vessel off Point Reyes. To the Court—By taking a solar or lunar observation as well as by swinging the ship, the correctness of the compasses could be ascertained; there are other modes, for instance, comparing a number of compasses. To Mr Wood—I think I am familiar with the manner of swinging a ship; I never saw it done; I don't know how long it would take such a ship as the Labouchere; kedgeing is one way of swinging a ship; atmospheric causes have an effect on compasses; I remember snow alone varied my compasses and led me on a rock in Puget Sound; I am positive that a fog makes a compass more sluggish than it would otherwise be; I never heard that it would have an effect on the bearing; I believe that currents have an effect of bringing ships ashore; I never studied the currents; I saw nothing to remark about the lookout; Mr Smith was a vigilant man; I am sure that there from about 8 p.m.; I can't recollect a minute when Smith was away; I think it is safe thing to trust the vessel to the Indian Jack; he was trustworthy, had presence of mind and courage; it did not occur to me to go the opposite way back to San Francisco, and so save the ship, because I doubted the compasses; it did not occur to me my deep sea lead, because we were going full speed; to go slow would fill the ship with water; my pumps sucked afterwards; I had reason to believe I was in forty fathoms of water, and for that reason it did not occur to me to use my lead; until the pumps sucked I did not consider myself in danger; I did think there was danger all along; I recollect having attention called to a light at sea; I swear Mr Chambers said there was a light, addressing some one else; I saw a light about four o'clock; at the time I saw the ship I had doubts as to where I was; I did not go on board, because I was the land, and was going towards it; no one said it was advisable to communicate with the ship; I thought I recognized Point Reyes, and made for it, because the ship was making water fast; I did not avoid a ship because I would have had to pay half pilotage; I knew the difference between a sailing ship and a pilot boat; if I did say anything, it would have been, I don't want a pilot, because I would have to pay pilotage; the goods of Mrs Pidwell came ashore in a boat; I helped to take a box on shore which I supposed was Mrs Pidwell's; I put them on Point Reyes, which was the last I saw of

them; I might have been able to carry the box to the top of the Point; I did not stay there long enough to know what became of the goods, except by hearsay; I never sent anyone to fetch them; Mrs Pidwell was on top of the hill; only that which came into my own possession; I have not heard of anything being recorded; on my solemn oath I can't say the cause of the accident. To Mr Ring—I never swung my ship; it was never pointed out as a duty; I know of no maritime rule making it imperative to swing a ship; swinging is one means of adjusting compasses; witness stated several methods which are used for detecting errors in the compasses; I used the means best, as I thought, to adjust my compasses; the mere sounding by the deep sea lead would not be the means of ascertaining my position or of finding my way back to San Francisco; up to the present moment I can't say in which compass was the error; assuming there was a pilot boat there it would take some time to take me; at the time my ship was making water very fast. In connection with evidence as to the adjusting of the compasses, His Lordship referred to the 301st section of the Merchant's Shipping Act, and asked witness as a master mariner did he think it his duty to ascertain if there was local attraction affecting the compasses, and if found to exist, to have it neutralized? I don't consider it my duty except if I found it I would correct it; my ship was not surveyed at my request; I mean I don't know; I never had a copy of the regulations issued by the Board of Trade. To Mr Ring—There is no British surveyor who files certificates in San Francisco; in my judgment I took steps to adjust my compasses; the magnetic condition of a ship is changed as she moves on; the book states that it is absolutely dangerous to place too much reliance upon the swinging of a ship; the most effectual way of guarding against local attraction is to raise the compasses above the deck of the vessel; I could have saved the ship had it not been for the alterations; I had alterations made for carrying passengers as in the California steamers; I had an Indian lookout and my second mate; he was on the land side and the Indian forward. James Smith, sworn, and examined by Mr Walker—I was second mate on the Labouchere; I have been 33 years at sea; the compasses of the Labouchere were sent ashore to be adjusted; I have been mostly in wooden ships; never saw any of them swung to adjust the compasses; I have sailed from the London docks and there is only the Victoria dock where ships can be swung; I was on the starboard side (from 8 p.m.) of the ship when she struck; it was thick and foggy and very dark; I could see only about 100 yards when she struck; I was keeping a sharp lookout; kept my eye on the Indian boy as well as Capt Moutat; the boy told me of the hurricane deck; the boy told me of the being the best night lookout; I knew him about 3 months; he first gave the alarm being 50 feet further forward than I; I kept my eye on the man at the helm; the course given was West nothing to the North; this was at 8 o'clock, which was continued until the accident; the helmsman was on the port side; there was a compass on that side; the pumps were in order after the accident, the engine pumps and the hand pump; the engine pumps sucked for a little time; the weather still continued thick and foggy up to close on daylight; the vessel was kept running all night; in my judgment there was no other course to follow; I was on the steamer before the alterations were made; we lessened the amount of iron about the smoke stack; there was about as much iron put in as was taken out; there was an iron chain around the wheel before the alterations; after the alterations the amount of iron there was diminished; the only extra iron was the connecting rods under the deck. Cross-examined by Mr Wood—I have been a quartermaster in an iron ship; have been in wooden steamers; came from England in the Labouchere; don't think the Labouchere was swung in London; came out before the mast; never heard any complaints of the compass; am employed by the F. B. Co. on the wharf at present; there is a regular place for swinging ships at Greenwich; an iron ship should be swung before going to sea; I don't think it necessary to swing a wooden steamship; I did not consider it necessary to do anything more than Captain Moutat did; I was not present when Captain Moutat was taking an observation of Point Bonita; but he started I never saw great confusion on board; the workmen were out of the ship about half an hour before starting; I think Captain Moutat did perfectly right; I attribute the accident entirely to the weather; the compasses may have been wrong; I am not acquainted sufficiently with the coast to know if the course steered was correct; I never gave an opinion on this case before because I was in California; there was nothing that Captain Moutat did but what I would have done. To Mr Walker—I tried to find his way back by the lead the water would have gained on the pumps; had there been no fog there would have been no difficulty in getting back and saving the cargo; I was not on board the Labouchere in England until on or two months before she left; had she been swung I think I should have known it; I think I was absent from her about three days when she was on her trial trip; I don't know how she headed while being built. Capt. Thos. Martin, examined by Mr Walker—Am master mariner; been 35 years at sea; have a Board of Trade certificate [produced same]; renewed 1851—got it in 1848; never swung vessels; to test compasses I would generally take observations; never saw a vessel swung; it is not usual in wooden ships; it is in iron ships; I have been chief officer on board the iron steamer Vesta; she was not swung before leaving London; I know of no Board of Trade regulations requiring the swinging of ships; I have carried a cargo of iron and found observations at sea sufficient to correct my compasses; generally carried but one. By Mr McGrath—There was no rule to swing iron ships in London that I know of; I believe that an optician fixes a compass sufficiently to steer by; never did more than shift the compasses; have been in the F. B. Co.'s service about 18 months ago; I would have my deep sea line ready before leaving shore; to bend sails depends on circumstances; taking an observation by the eye at Point Bonita may or may not have been a

terry on the 15th, when the private physicians of Escobedo were sent to him. Private correspondence from San Luis says Max was expected here. By way of Havana, May 27th, we learn that O'Hara was shot by Marquez for treachery and collusion with the rebels. A protest has been made by prominent citizens of Chihuahua against any interference by the United States as to the disposal of Maximilian. Central America. A letter dated on board the steamer Oceola, at Aspinwall, May 12, says that seamen taken off the Ryo state that the Ryo ran down the bay and ran out guns to bombard Santa Martha unless the Colombia officers imprisoned there were given up. The demand was acceded to, and the steamer left with the officers and the Colombia flag flying for Carthagen. Eastern States. WASHINGTON, June 7.—The judiciary committee did not take all the evidence offered as to the complicity of the President in the assassination, on the ground that the resolution did not authorize investigation into that charge; but Butler and Ashley assert that they will bring the question of impeachment to a square vote in the House, and that the majority and minority of the House will be presented. Canada. MONTREAL, June 4.—Parties from the Eastern border report that bands of Fenians are prowling about preparing for demonstrations before the middle of the month. The authorities are fully informed of what is going on. Communication is said to have taken place between the Governments of Canada and Washington, with a view to concerted action in case anything occurs. California. SAN FRANCISCO, June 10.—Arrived—Brig Orient, 11 days from Port Orford. Sailed—June 9, bark Carlotta, Puget Sound; June 10, ship David Woodley, Puget Sound. South America. NEW YORK, June 2.—A special cable despatch to the Herald from London furnishes Rio Janeiro news of May 9th. Pomedo declines the mediation proffered by the United States in the difficulty with Paraguay because the Allies are preparing to attack Paraguay as soon as the contingent under Baron de Heurl could join the forces which the former had sent to the upper Parana. There had been no further fighting. Cholera is raging in the camps. It is rumored that General Urquiza, with 10,000 men, had raised the standard of revolt and pronounced against the triple alliance. A revolt in the Argentine Provinces is reported. New York, April 7.—Nicaragua papers say that the mission of ex-President Martineau to England is to obtain the incorporation of the Mosquera Company. Nicaragua will soon demand payment for the bombardment of Greytown, and a call for indemnity for Walker's ravages is likely to follow. The Plains. CHICAGO, June 8.—An Omaha special says Sherman has withdrawn his forces to the south side of Platte river, between Forts Sedgwick and McPherson. The stages have been withdrawn from that portion. Sherman will probably abandon the expedition into the heart of the Indian country and concentrate his troops to protect the stages and railroad, deeming that more important. Attempted Assassination of the Czar of Russia. NEW YORK, June 8.—The Herald's special cable has a long account of the attempted assassination of the Czar of Russia. The assassin fired two shots; a second barrel exploded, wounding his hand. The first ball penetrated the head of the horse ridden by the Imperial groom. The assassin says he came from Belgium with the intention of killing the Czar, and declares he has no accomplice. The Americans in Paris will present an address to the Czar through General Dix. The address is congratulatory of Napoleon, and is extensively signed. Several towns in France held the services of the Russian Church to-day. The Czar, Grand Duchess, and the sons of the Czar attended service in Paris, and offered thanksgiving for the escape of the Czar from assassination. Coronation of the Emperor of Austria. PARIS, June 7.—All the Powers having diplomatic relations with Austria, except America, will be represented at the coronation of the Emperor Francis Joseph to-morrow. An amnesty will be proclaimed to all Austrian subjects charged with political offences. Washington Territory Election. PORTLAND, June 11.—The Oregonian says that Walla Walla County gives '25 majority for Clark; Stevens County 55 for Clark. If Pacific City gives 100 for Flanders he has 114 majority. Wakiakum County yet to hear from. California. Sailed, June 11.—British ship Nation's Hope, Nanaimo. Eastern States. BOSTON, June 9.—The Traveller's special dispatch says that typhoid fever is alarmingly prevalent in Washington. Hundreds of cases are reported. NEW YORK, June 9.—The Herald's special Washington dispatch says it is expected that telegraphic communication with Florida, Georgia, and the whole South will be established by June 15th. WASHINGTON, June 10.—The trial of Surrat was commenced. He appeared very pale and careworn. European. CHICAGO, June 9.—The steamship Bremen brings European news to May 30th. Maximilian had a severe attack of dysen-

terry on the 15th, when the private physicians of Escobedo were sent to him. Private correspondence from San Luis says Max was expected here. By way of Havana, May 27th, we learn that O'Hara was shot by Marquez for treachery and collusion with the rebels. A protest has been made by prominent citizens of Chihuahua against any interference by the United States as to the disposal of Maximilian. Central America. A letter dated on board the steamer Oceola, at Aspinwall, May 12, says that seamen taken off the Ryo state that the Ryo ran down the bay and ran out guns to bombard Santa Martha unless the Colombia officers imprisoned there were given up. The demand was acceded to, and the steamer left with the officers and the Colombia flag flying for Carthagen. Eastern States. WASHINGTON, June 7.—The judiciary committee did not take all the evidence offered as to the complicity of the President in the assassination, on the ground that the resolution did not authorize investigation into that charge; but Butler and Ashley assert that they will bring the question of impeachment to a square vote in the House, and that the majority and minority of the House will be presented. Canada. MONTREAL, June 4.—Parties from the Eastern border report that bands of Fenians are prowling about preparing for demonstrations before the middle of the month. The authorities are fully informed of what is going on. Communication is said to have taken place between the Governments of Canada and Washington, with a view to concerted action in case anything occurs. California. SAN FRANCISCO, June 10.—Arrived—Brig Orient, 11 days from Port Orford. Sailed—June 9, bark Carlotta, Puget Sound; June 10, ship David Woodley, Puget Sound. South America. NEW YORK, June 2.—A special cable despatch to the Herald from London furnishes Rio Janeiro news of May 9th. Pomedo declines the mediation proffered by the United States in the difficulty with Paraguay because the Allies are preparing to attack Paraguay as soon as the contingent under Baron de Heurl could join the forces which the former had sent to the upper Parana. There had been no further fighting. Cholera is raging in the camps. It is rumored that General Urquiza, with 10,000 men, had raised the standard of revolt and pronounced against the triple alliance. A revolt in the Argentine Provinces is reported. New York, April 7.—Nicaragua papers say that the mission of ex-President Martineau to England is to obtain the incorporation of the Mosquera Company. Nicaragua will soon demand payment for the bombardment of Greytown, and a call for indemnity for Walker's ravages is likely to follow. The Plains. CHICAGO, June 8.—An Omaha special says Sherman has withdrawn his forces to the south side of Platte river, between Forts Sedgwick and McPherson. The stages have been withdrawn from that portion. Sherman will probably abandon the expedition into the heart of the Indian country and concentrate his troops to protect the stages and railroad, deeming that more important. Attempted Assassination of the Czar of Russia. NEW YORK, June 8.—The Herald's special cable has a long account of the attempted assassination of the Czar of Russia. The assassin fired two shots; a second barrel exploded, wounding his hand. The first ball penetrated the head of the horse ridden by the Imperial groom. The assassin says he came from Belgium with the intention of killing the Czar, and declares he has no accomplice. The Americans in Paris will present an address to the Czar through General Dix. The address is congratulatory of Napoleon, and is extensively signed. Several towns in France held the services of the Russian Church to-day. The Czar, Grand Duchess, and the sons of the Czar attended service in Paris, and offered thanksgiving for the escape of the Czar from assassination. Coronation of the Emperor of Austria. PARIS, June 7.—All the Powers having diplomatic relations with Austria, except America, will be represented at the coronation of the Emperor Francis Joseph to-morrow. An amnesty will be proclaimed to all Austrian subjects charged with political offences. Washington Territory Election. PORTLAND, June 11.—The Oregonian says that Walla Walla County gives '25 majority for Clark; Stevens County 55 for Clark. If Pacific City gives 100 for Flanders he has 114 majority. Wakiakum County yet to hear from. California. Sailed, June 11.—British ship Nation's Hope, Nanaimo. Eastern States. BOSTON, June 9.—The Traveller's special dispatch says that typhoid fever is alarmingly prevalent in Washington. Hundreds of cases are reported. NEW YORK, June 9.—The Herald's special Washington dispatch says it is expected that telegraphic communication with Florida, Georgia, and the whole South will be established by June 15th. WASHINGTON, June 10.—The trial of Surrat was commenced. He appeared very pale and careworn. European. CHICAGO, June 9.—The steamship Bremen brings European news to May 30th. Maximilian had a severe attack of dysen-

The Princess Mary was delivered of a daughter on May 26th. The Daily News says the Reform Bill is making rapid progress in spite of its faults. The main object of the Reformers has been attained. At Berlin, May 25th, a royal decree was issued granting full pardon to persons in the military service who emigrated without permission from lately incorporated provinces. Cendia intelligence through Greek sources, states that two fresh engagements occurred on May 15th and 16th, resulting in favor of the Greeks. CHICAGO, June 10.—The Cable has transmitted a long account of the coronation of the Emperor and Empress of Austria as King and Queen of Hungary at Pesth, on June 8th. The coronation took place at Ofen, across the Danube, with mediocrity of splendor, and the concluding rites at Pesth—8000 Hungarian and Austrian Nobles, a hundred Diplomats and a number of strangers witnessed the ceremonies. The Greek Bishops performed the ceremony. The Emperor when anointed wore the ancient robes, shoes, crown and mantle of Stephen, the first Christian King of Hungary. The Empress was anointed under the right arm pit; the Emperor took the oath in which he promised to reconquer the ancient rights of Hungary. The despatch says nothing like this has been witnessed for centuries and will probably never be repeated. The ceremony closed by the King riding upon a mound of earth brought from different departments of Hungary, waving his sword to the four points of the compass and solemnly swearing he would defend the Kingdom against the world. This was followed by a grand banquet and illumination at night, the Piers acting as servants at table. The Hungarian Diet voted a hundred thousand ducats as a present to the King and Queen. Ten archdukes were present. A general amnesty for political offences was proclaimed amid excitement and enthusiasm indescribable. The nobility of Warsaw met on Sunday and resolved to send a deputation to Paris expressing their horror at the recent attempt to kill the Czar. THE PEOPLE'S FRIEND. PERRY DAVIS' VEGETABLE PAIN KILLER. The Greatest Family Medicine of the age. Taken internally, it cures sudden colds, coughs, etc., weak stomach, general debility, nursery sore mouth, canker, liver complaint, dyspepsia or indigestion, cramp and pain in the stomach, bowel complaint, painter's colic, Asiatic cholera, diarrhoea and dysentery. APPLIED EXTERNALLY, cures felons, boils, and old sores, severe burns and scalds, contusions, bruises and sprains, swollen joints, ringworms, and tetter, broken swellings, frosted feet and chilblains, toothache, pain in the face, neuralgia and rheumatism. IT IS A SURE REMEDY FOR A RHEUMATISM AND FEVER. Fever and Ague.—Astonishing Cures.—Dr. Robert Simms, formerly of the Medical College, Philadelphia, and now one of the most popular physicians in Minnesota, writes to a friend in New York, that Bristol's Sugar-coated Pills are working wonders in that region, in cases of Fever and Ague, and Bilious Remittent. The following extract from his remarks is published by permission of the gentleman to whom the letter was addressed: "I am not, as you know, much in favor of advertised pills. Most of them are worthless, some dangerous. But Bristol's Sugar-coated Pills are an exception. No better family cathartic could be desired. There is nothing in the pharmacopoeia, as far as I am aware, that is equal to them. Nor is this all; the antibilious properties of the pills render them a positively invaluable medicine for the bilious remittent and intermittent fevers so common in this region. I have found them exceedingly efficacious in ague and fever. They act as well as a purgative, and may be given with great benefit, in cases where drastic purgatives would be dangerous." They are put up in glass vials, and will keep in any climate. In all cases arising from aggravated or impure blood, Bristol's Sugar-coated Pills should be used in connection with the Pills. Sold by druggists every where. A Perfume and a Cosmetic.—The surpassing aromatic qualities of Murray and Leumann's Florida Water has caused its qualities, as a cosmetic, to be partially overlooked. It is not only the most refreshing and delightful of perfumes, but as a superior application for the removal of blemishes on the skin, it is unsurpassed. In tropical climates, where the excessive heat causes annoying eruptions, and every unbecoming freckles, tan and sunburn in its train, this soothing toilet water is found exceedingly useful for cosmetic purposes. Its delicious fragrance is also a complete antidote to nervous headache and faintness. For chafers are requested to see that the words "ESSENCE OF WATER, MURRAY AND LEUMANN, No. 69 Water Street, New York," are stamped in the glass on each bottle. Beware of this name is genuine. The Responsible Organ.—The stomach is responsible for more evils than were contained in Pandora's Box. Atonic dyspepsia or simple indigestion, is the first indication of more than half the diseases enumerated in medical books. Meet it at once with Bristol's Sarasaparilla, the most genial tonic and corrector, which the botanical kingdom has yet yielded to chemical science. Invigorate the stomach and gently stimulate its gastric action with this famous restorative. Remember that the digestive apparatus is the primary source of vitality from which the whole body draws its supplies, and that Bristol's Sarasaparilla is specifically for the disorders that affect it. In all diseases affecting the liver, stomach or bowels, Bristol's Sarasaparilla Pills should be used at same time with the Sarasaparilla. HOLLOWAY'S PILLS AND CURETTE.—Unparalleled Efficacy.—The wonderful cures effected by these unequalled remedies all parts of the world have witnessed them their present favor. Both pills and curette are composed of ingredients which purify at the same time that they strengthen. No one can deny that health depends upon pure blood and the natural action of the animal organs. Both objects are effected without risk or danger by Holloway's medicaments, which are as innocuous as they are potent. Internal disorders and external blemishes succumb to their power. The remedies, so applicable for the relief of the commonest complaints are no less adequate to deal with the most formidable and dangerous diseases which afflict mankind. The Best Remedy for Purifying the Blood—Strengthening the Nerves, Restoring the Lost Appetite. FERRIS' HAMBURG TEA. It is the best preservative against almost any sickness—used timely. Composed of herbs only, it can be given safely to infants. Full directions in English, French, Spanish, and German, with every package. TRY IT! For sale at all the wholesale and retail drug stores and groceries. EMIL FERRIS, Wholesale Druggist, Sole Agent, 410 Clay St., San Francisco, Cal.

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SPECIAL, TO THE DAILY BRITISH COLONIST

The War on the Plains.

SALT LAKE, June 9.—John Sharp's team of about thirty wagons were attacked by Indians last night at Washakie, 100 miles east of here; one man was killed and several head of stock run off; they also run off 4 head of stage stock. Ben Holladay and party proceeded East from Weber this morning. SALT LAKE, June 9.—At 3 p.m. on Thursday the 6th, Plum Creek Station, 160 miles east of Julesburg, was attacked by 200 Indians. The operator fought them 3 hours, when the Indians were driven off. They returned on Friday morning and it is reported that the operator and another man were killed and scalped. The Indians drove off a lot of stock at that point. Three companies of volunteers will probably leave Denver tomorrow for the head of the Republican on an Indian hunt. Central City has raised \$5000 to be paid for Indian scalps at the rate of \$20 a scalp with ears attached. SALT LAKE, June 9.—The lines is working as far as Julesburg; both have been down for five days one hundred miles east of that place from Indians, storms, &c. Indian troubles thicken between here and Denver. Ben Holladay returned here to-day to go via San Francisco. We have received the following from Julesburg: Gen Sherman recommends the wires to be moved to the north side of the Platte on the railroad and that the stage lines transfer their passengers at Julesburg or the end of the track as it will save him guarding both sides of the Platte when one is sufficient for all. The Stage Company have commenced by bringing their boats and stock up the end of the track about 30 miles from here, where they commence transferring to-day or tomorrow. Gen Stevens and Gen Gibbons are moving with a force up Pole Creek, and Gen Auger with another force is moving to the South Fork. There are a great number of small bands stealing horses and scalping all through the country, but no large bands or villages that troops can strike. General Custer is moving north and driving them from the vicinity of the Republican. It is expected the Indians will divide and pass around his flanks to the rear and strike the Smoky Hill route. One telegraph operator was killed east of Julesburg, and several others driven back. Mexico. GALVESTON, May 3.—Quartermaster letters say Maximilian has probably escaped into the United States. NEW YORK, June 4.—Letters received at Galveston from Queretaro say that Maximilian, Mejia, Casullo, Campos, and their entire army, with artillery and ammunition, had surrendered to Escobedo. Miramon was captured in the streets. Mendez is alone missed. Over 200 subalterns, it is reported, were shot May 6th. Maximilian had a severe attack of dysen-

ant evidence in Captain Stamp's statement to show that Captain Mount had not been guilty of negligence, and was proceeding to read from the evidence, when

His Lordship said—Mr Ring, I must ask you to desist from this course and sit down. I cannot have the mind of the jury distracted by these observations, or the time frittered away by any such remarks. I will lay the evidence of Captain Stamp before the jury. You will retire, gentlemen of the jury, and consider upon your verdict.

Mr Ring protested that he was endeavoring to assist justice rather than distract it. His Lordship—Mr Ring, you are so seldom guilty of irregularities that I hope you will desist now. The jury will now retire and find upon the main issue, leaving the technical points to be settled afterwards. All Mr Ring's points shall be put before the jury. The delivery of the charge occupied 2 1/2 hours.

The jury were then conducted to their room. At 4 o'clock the jurors sent word into Court that they stood 5 to 3, and requested that a majority verdict be taken. Counsel declined to accede to the request, and at the expiration of three hours after their retirement, when a 6-8th verdict can legally be received, they returned into Court and announced that there was no possibility of a change taking place in their sentiment.

The Chief Justice then forcibly charged the jury that if they found the vessel was lost by a want of any amount of human skill, precaution and forethought, their verdict must be returned for the plaintiff; if they thought that all due precaution, skill and forethought had been exercised, they must find for the defendants.

The jury again retired, and the Court adjourned until 7 o'clock in the evening. At 7 o'clock the Court again assembled, and the jury having again been brought into Court, announced that they still failed to come to a verdict. The foreman said he was sure that they would not be able to arrive to a decision. The Chief Justice then went categorically through the various issues as follows:

1st. Were the defendants common carriers? Answer—Yes.

2nd. Did the plaintiffs deliver the goods to the defendants and contract for their safe deliverance at Victoria?

Answer—Some of the jury are of the opinion that the goods were not delivered.

The Court—If the plaintiff went on board with her luggage as a passenger, and was received in an ordinary way, that was delivery.

Answer—Some of the jury are not satisfied that the luggage went on board?

The Court—I shall read over the evidence. This is the first time I ever heard there was any doubt on the subject. [The evidence was then read over to the jury.] If the luggage went on board the ship, it was a delivery.

Mr Wood—Captain Mount said he sent Mrs Piddell's trunk ashore.

Mr Ring—You have heard Mr Wood in aid of that point, will you have the goodness to hear me?

Chief Justice—No.

Mr Ring—No, my lord?

The Chief Justice—I say, No!

Mr Ring—I hear that.

The Chief Justice—Then have the goodness to act upon it.

The jury, after a short consultation, admitted that the luggage was taken on board, but was not received by the Company's agent; it was under the care of the plaintiff's wife.

2nd. Did the defendants promise to convey the plaintiff to Victoria?

The Jury—Yes; but that she received the passage money back again.

The Chief Justice again declined to hear Mr Ring, saying he did not require his assistance.

4th. Did the defendants safely and securely convey plaintiff's wife to Victoria?

Mr Ring again demanded a hearing, but the Chief Justice requested him to sit down.

Answer—No.

5. Did the defendants carry the luggage?

The Foreman—Some of the jury do not believe the luggage was ever in the charge of the Company, that they had nothing to deliver except Mrs Piddell.

The question is—Was the luggage that was taken on board delivered at Victoria?

The Foreman—Some of the jury are of opinion that the Company did not receive it, and consequently could not deliver it.

After some further remarks from the Chief Justice, the jury found that with the exception of the one package mentioned in the evidence, the luggage was not delivered at Victoria.

The 5th issue, that the defendants never were indebted, was ordered to be found for defendants.

The 6th issue, that the defendants are not guilty on the count for negligence:

The Foreman—That is the point on which the jury cannot agree—it is impossible.

The Chief Justice proposed to read over the evidence again to the jury, but after a short deliberation the foreman announced that no result could be arrived at, and the reading was waived.

On the 6th issue, the jury therefore disagreed.

7th—That the plaintiff's wife and goods were received on the condition that no liability should attach to the defendants in case of loss.

The Chief Justice—There is no evidence of any agreement of that kind. The only thing before us is the ticket. The ticket says nothing of the kind.

A Juror—A majority of the jury say the Company were not liable.

The Chief Justice—That is not the issue. There was no agreement of the kind.

After a consultation, the foreman announced that some of the jury were in favor of giving that issue to the defendants.

The Chief Justice—You have only the face of this ticket to guide you. The question is, are you, or no, there any written evidence of such a contract?

The jury found that there was no written evidence of such a contract.

The Chief Justice—Is there any parol evidence of such a contract?

The jury found that there was not.

The next issue, did they receive the plaintiff's wife upon the terms that they should not be accountable for the baggage?

A Juror—I can't find in any other way but the Company are not liable. I can't find on that issue.

The Chief Justice—I am bound to get an answer on the issues, and you are sworn to answer on them.

The jury then found for the plaintiffs on this issue.

The jury found that the plaintiff's wife received the \$30 in full satisfaction for all claims against the Company.

The Chief Justice said there was no evidence of the plaintiff's wife having received the \$30 in full satisfaction of all claims against the Company.

The Foreman—Five to three of the jury are agreed that the \$30 was received in satisfaction of all claims against the ship.

The Chief Justice explained that the \$30 could not have been received in satisfaction of all claims, but the jury failed to agree.

The last issue—Are you of opinion that the Labouchere was lost by the perils of the sea, against which no human caution or forethought could guard?

The jury announced they could not agree on this issue.

The Chief Justice—These results are greatly to be deplored. They bring opprobrium on our institutions. The injury they are calculated to do to innocent parties is very great. The expense of coming into Court with such a case is terrible, and they surely should be a decision. It is a great pity that the Colony should suffer in this way. The Chief Justice continued to speak for some minutes in the same strain and again requested the jury to retire and deliberate.

Mr Nathan, one of the jurors, said he came into the box to find an honest verdict, and if his judgment was in error, he could not help it. He could only see the case in the light in which it was set before them.

Mr Stahl-schmidt, another juror, said he was in doubt what the issue had to do with the case.

The Chief Justice replied that the Court would give the verdict the proper direction. The jury should trust to him to shape it according to law.

The jury again retired, returning after a short absence with the announcement that they stood six to two "that no ordinary skill or foresight would have prevented the disaster," and five to three "that nothing could have prevented the disaster."

The Chief Justice declined to receive the verdict and sent the jury back to their room. But no change having been arrived at they were called in at 10 1/2 o'clock and dismissed, after a brief address from His Lordship, in which he said he regretted that the case had not been disposed of, and that issues which they should have found upon would have to be decided by others.

LIKIER vs. BERANCOUR.

The parties to this suit are settlers on Salt Spring Island. The plaintiff claimed that he pre-empted a tract of land on the island, and that defendant "jumped" the same.

The present suit was to cause the defendant to be ejected from the land which it was alleged he unjustly held. For the plaintiff, the Solicitor General instructed by Mr Bishop, for the defendant, Registrar-General Alton, instructed by Messrs Drake & Jackson.

After hearing evidence on both sides, a verdict for plaintiff was returned subject to the decision of the Chief Justice.

Cariboo.

[From the Cariboo Sentinel, June 3rd.]

WILLIAMS CREEK.

A deep gloom settled on the countenances of miners, traders, and the inhabitants generally, in and around Barkerville, on Friday afternoon, by the report that the Bed Rock Drain had caved in the rear of the town.

Many rushed to the scene, which certainly presented anything but a pleasing aspect. The creek, which had swollen to the dimensions of a small river, in consequence of the heavy rain that fell during the previous night and that day, had burst through the flume in which it was conducted, over-very bad ground in the Welsh claim, and the result was an extensive cave along the line of the flume, into which the water and tailings rushed with great velocity, filling up shafts and tunnels in a short time, and completely flooding out all the companies on the creek that depended on the drain.

No one but felt that irreparable damage had been done to the drain, and that mining on the lower portion of the creek had ceased for the season, but thanks to good luck, the dreadful calamity was averted.

The tailings and sediment having very soon filled up the openings caused by the cave, and the rain abating towards night, the water was turned back to its old channel, where it now runs.

The Baldhead and other companies near town resumed work yesterday, which clearly proves that the drain still remains intact, and although a few claims lower down the creek are flooded, it is to be hoped that the damage done to them is not so great, but that a few days' labor will put them into working order again.

In consequence of the freshet, there is little to record in the way of mining news on the creek below this town. About Richardson, the companies who are ground sluicing have had some detention also, by reason of their flume breaking down; they were all busy on Saturday repairing it, and would be ready to start again to-day.

The Bradley-Nicholson and Taylor co's still continue ground sluicing, and will not wash up for some time.

De dwoud co, are running an incline Johnny Lind and Henrietta co's, are both sinking new shafts. Forward co, have commenced washing out of their

new tunnel. McLaren co, have been hydraulicizing for the past few days, and are making good progress.

The Bed Rock Flume co, are taking advantage of the high stage of the water to run off large quantities of tailings. They expect to get up to their lower line in the course of a fortnight or three weeks. Tontine co have commenced ground sluicing. San Francisco co, have been taking out good pay last week, and are now putting up an hydraulic. Hilton and party are sinking a shaft on the side of the hill below the Black Jack tunnel, in the hope of striking the old Diller lead.

Burns co, are hydraulicizing and ground sluicing. Chipps co, have started to drift.

WALKERS GULCH.

There are two companies busy ground sluicing in the rear of the Court House. One of them has been making an ounce a day to the hand, since they commenced to work. On Saturday last, as soon as this got rumored around, the ground was staked off both above and below them. Three other companies are at work some distance up the gulch, none of whom have yet washed up.

CONKLINS GULCH.

Ancient Briton co, are still engaged running their tunnel, the bed rock being deeper than they at first supposed. Small Hope co, who are just starting to run a tunnel below the last named company, found a piece of gold last week which weighed \$25.

GROUSE CREEK.

Although much has been done of late in the way of prospecting on this creek, at various points, still nothing new has yet turned up to reward the efforts of the energetic companies who have been hunting for the lost lead; but instead of repeated disappointment lessening their exertions, it seems only to afford fresh incentives for further endeavors. It is very evident that when the creek widens to such an extent as it does immediately below the Heron co, lines, a great deal of time and labor must undoubtedly be lost in discovering the exact position of the channel, but we are certain that if there is any continuation to the Heron lead, it will soon be discovered by one or other of the different companies who are now sinking shafts and running tunnels, on both sides the creek. Towards the head of the creek, a good deal of work is going on in the shape of tunneling and sinking of shafts. Water is very plentiful on the creek just now.

Fountain Head co, who got encouraging prospects out of their shaft last fall, are busy running a bed rock tunnel, to drain their ground. Rankin co, are now in 160 feet, and have lost the bed rock. They occasionally get some heavy gold in the gravel, but the large boulders that are constantly met with impede work so much that the diggings do not yield more than small wages. Cascade co, it was reported two weeks ago that this company had struck a channel 300 feet into the hill, but it turns out after a survey, that the crevice, not channel, is only about 60 feet from the creek, and as it appears to be angling into the hill, the company have decided on running a drift from the creek, to work it. They cleared up a lot of one set of timbers, 1 oz. and \$9 of very pretty gold. Sovereign co, are making over wages. Morrill co, are taking out over wages. Black Hawk co, washed up on Friday, 115 oz, and 100 oz, yesterday, making 215 oz for the week. Blind Channel co, have botomed their shaft on one side. It is believed this company is on the "lost lead."

KEITHLEYS CREEK.

Mr Wright, who has been prospecting on this creek lately, informed us that he has discovered excellent prospects on a bench situated about a mile below the mouth of Snowshoe Creek.

Several miners left for the same locality during the past week.

LIGHTNING CREEK.

The miners on this creek have not yet begun to take out much money, but all are sanguine of doing so soon. The only claim we hear of taking out pay is the Blyth company, which has been yielding about two ozs a day to the hand.

Municipal Council.

The Council met yesterday afternoon. The Mayor and Councillors Gowen, Lewis, Gibbs and Hubbard present.

Mr C. Clarke was appointed Returning Officer for the Yates street ward at the forthcoming election of a Councillor to fill the room of Mr Layzell, resigned, and provided a poll be decanted that candidates pay expenses connected with the return.

THE CITY MARKET.

The Council then resolved itself into Committee of the whole Mr Gowen in the chair, on the question of a City Market. Mr J. P. Davies, the owner of the proposed premises on Fort street was in attendance.

Progress was reported and the Committee asked leave to sit again; the Council then adjourned until Tuesday evening.

By Electric Telegraph

SPECIAL TO THE DAILY BRITISH COLONIST

European.

CHICAGO, June 9.—The steamship Bremen brings European news to May 30th.

Candia intelligence through G. states that two fresh engagements occurred on May 15th and 16th, resulting in favor of the Cretans. The Turks under Omar Pacha had devastated the country, burning 55 villages, without obtaining decided advantages over the insurgents.

A fresh insurrection had broken out in Bosnia. Sixty thousand troops have been sent to quell the revolt.

A report from Jaffa reports a new persecution of the Jews. Large numbers have been sent away. Joseph Corvas had addressed a representation to the Emperor of Russia praying for the protection of his brethren against the arbitrary measures inaugurated in the Danubian principalities.

The Prussian Government has opened confidential negotiations with Denmark relative to the Schleswig question. Neither Schleswig nor Denmark will be required to assume the debt. Prussia will also guarantee the protection of Germany to the inhabitants of the district which is about to be returned to Denmark. It contains 30,000 inhabitants.

NEW YORK, June 10.—The trotting match between Commodore Vanderbilt and Gen McClellan for \$2000 a side, at Fashion Course, was won by McClellan, who won the first, second and fourth heats. Best time—2:30 1/2.

MEXICO.

NEW ORLEANS, June 10.—Mexican advices dated May 22, says Miramon is dangerously ill from a wound, and is expected to die.

When Maximilian gave up his sword he said: "I surrender my sword, owing to infamous treason, without which, to-morrow's sun would have seen you in my hands."

Escobedo ordered a court-martial to convene on May 29th, for the trial of the Emperor.

Maximilian sent, through Gen. Diaz, a telegram pressing the Court to appeal to the Council, at Matamoros, to obtain permission for marine rival (!) and others to defend him. Three hundred and forty-seven officers were captured.

Maximilian issued a proclamation as follows: "I came to Mexico, called and protected by Napoleon, who, to the ridicule of France, abandoned me, cowardly and infamously, upon the demand of the United States. When the news of my death reaches Europe, all monarchs, of every age and country, will demand of the Napoleonid dynasty an account of my blood and the German and French blood shed in Mexico; then Napoleon will be covered with shame from head to foot." He concluded with an appeal to the Mexicans to act with prudence. (Here the line broke a path of Yreka).

By way of New York we have Queretaro dates to May 26th. No disposition had been made of Maximilian. Mendez was shot on Sunday because he did not surrender within 24 hours. He met his fate bravely. Col Campos, commander of Maximilian's body guard was also shot for having attempted to escape with 4000 men after the surrender.

Canada.

The billiard match between Dion and McDevitt for the championship of America took place at Montreal last night and was won by Dion who made 1500 points to McDevitt's 815.

Eastern States.

NEW YORK, June 11.—The cholera is reported to have disappeared in nearly all parts of the world.

NEW YORK, June 11.—The Herald's St. Petersburg letter of May 23d says the negotiations for the purchase of the property of the Russian American Fur Company stand still and they are not likely to be concluded soon. I learn that the territory is to be delivered to the United States on the 15th of September at Sitka. The commissioners are yet to be appointed. Bodiceo left this morning with eight copies of the treaty of Luxembourg and also the American treaty. He is expected to reach Washington on the 22d of June.

Europe.

The marriage of the King of Greece with the Grand Duchess Olga, daughter of Constantine, will take place on the 28th of May.

The Emperor of China will leave Peking in the middle of July. He will embark on a steamer at Suez and land at Marseilles the second week in August.

The King of Sweden will soon arrive.

LONDON, June 10.—There is great rejoicing in Russia over the escape of the Czar from assassination. The Poles everywhere disown connection or sympathy with the crime.

DUBLIN, June 10.—Two prominent Fenians have been arrested in Dunganon and identified as Cois Nagle and Warren, formerly officers in the Irish Brigade of the Army of the Potomac.

FLORENCE, June 10.—The Italian Parliament refused to ratify the convention concluded by Ferrara, Finance Minister, with French capitalists for

a loan on the church property of Italy.

LONDON, June 10.—The expedition to search for Dr Livingstone has sailed.

WASHINGTON, June 11.—Minister Adams informs the State Department that he had interposed in behalf of the Fenian prisoners in Ireland in the case of McCafferty. A writ of error was issued at the instance and at the expense of the United States.

LONDON, June 11.—All the Fenian prisoners convicted of treason have been transferred to England in chains [chains?] The case of the U. S. vs. McRea was decided in favor of the latter.

Despatches from Constantinople say the Porte issued a decree making Egypt a separate sovereignty.

PARIS, June 11.—The Czar has left for Germany. The Emperor gained popularity by distributing vast sums of money among the poor, and richly endowed various benevolent institutions.

California.

SACRAMENTO, June 14.—The Union State Convention nominated Geo C. Gorham for Governor. Wm Higby was nominated for reelection to Congress in the second district.

San Francisco Shipping.

SAN FRANCISCO, June 14.—Arrived, 11th—U. S. revenue cutter Lincoln, 5 1/2 days from Port Townsend via Victoria, 3 1/2 days; bark Architect, 9 days from Port Discovery. June 12th—Bark W.H. Galloway, 7 days from Port Madison.

Sailed 12—Bark Gen Cobb. Arrived 12—Stmr Active, 3 days 22 hours from Victoria; brig Admiral, 7 days from Utsalady.

Sailed June 13—Bark H.L. Rutgers, Port Ludlow; bark Chris Mitchell, Port Madison; bark Lizzie Boggs, Port Discovery.

Municipal Council.

The Council met last evening, at 8 o'clock. The Mayor and Councillors Gowen, Lewis, Gibbs and Hubbard were present.

A communication from Councillor Layzell, dated at San Francisco, was read, tendering his resignation, fearing a delayed absence from duties, and thanking the voters of Yates street ward for the confidence reposed in him.

From F. Weissenburger several documents were received in regard to the overpayment of taxes; the matter was referred to the Committee on Returns.

A communication was read from J. P. Davies, with reference to the proposed City Market, assenting to some and dissenting to other sections of a proposition made by the Council. Received and filed, and Mr Davies' presence was requested in Committee.

Communication from Drake & Jackson, on behalf of the Agent of Joseph Bros., relating to the Johnson street water course, was read and referred to the Sanitary Committee.

From the COLONIST AND CHRONICLE was received an account against the Corporation amounting to \$115, which was referred to the Finance Committee to act upon.

An account of \$100 for a safe purchased from J. Sehl was ordered paid.

Bill of C. E. Bunting for \$11 for repairing furniture of Council was referred to Finance Committee.

A Strong presented a claim for \$150 for cleansing the streets and gutters of the city, signed by the Sanitary Committee, which was referred to the Finance Committee with power to act.

A petition was received from property holders on Pandora street, asking for the grading and macadamizing of a portion of same. One hundred and forty dollars were subscribed by certain residents thereon towards the completion of the work. Received and laid on the table.

The reports of committees were received, and in regard to City Crown Lands a committee was appointed to wait on his Excellency the Governor in connection with the same.

A motion to pay over to the Fire Department the taxes of the Fire Insurance Companies was agreed to.

The Council adjourned until 2 p.m. on Friday next.

Nova Scotia.

Considerable curiosity was excited on Friday morning as to the purport of a couple of shots which were fired from one of the war ships after the R.M.S. Africa, which had just previously left her wharf homeward bound. It appears that while at the dock

orders had been received to detain the steamer until the Naval authorities sent some despatches on board. After waiting for some time, and the documents not coming to hand, the steamer started. When in the offing she was signalled from the flagship to "lay to," but no notice being apparently taken, a couple of shots was fired in her wake, which promptly caused a "bringing to." A boat was manned, the despatches sent on board, and the steamer proceeded on her way.—Halifax paper.

The following, it is rumored are the Senators for the Dominion of Canada from this Province. The names were forwarded, it is said, to England, by the steamer last night, in order that they may be incorporated in Her Majesty's Proclamation shortly to be issued: Halifax—Jonathan McCully, Wm. Miller, Benjamin Wier, John H. Anderson, John W. Ritchie, Edward Kenney Golcher, Samuel Creelman, Camberland—R. B. Dickey, Pictou—Downie Fraser. Cape Breton—T. D. Archibald, Shelburne—John Lock. Kings—Caleb Bill.

TAKE AYER'S PILLS for all the purposes of a purgative, for Constipation, Indigestion, Headache and Liver Complaint. By universal accord, they are the best of all purgatives for family use.

The Weekly British Colonist AND CHRONICLE.

Tuesday, June 18, 1867.

The Hudson Bay Company's Rights at Red River.

The Confederation of the Eastern Provinces will hasten the settlement of the "vexed question" of the Hudson Bay Company's claims at Red River and Saskatchewan. For several years the Company have announced a willingness to dispose of their chartered rights, subject to the approval and guarantee of the Imperial Government, for the sum of £3,000,000. All who have visited the locality proposed to be thus disposed of bear testimony to the wonderful fertility of the soil, its great mineral resources, and the facilities it offers for the support of a population of many millions. One of the prime objects had in view by the Home Government in Confederating the transmontane Provinces was to bring this Red River question fairly and squarely before the Canadians, and to show them that if they would ever become anything else than a mere appendage of the Crown of Great Britain, or enjoy an independent existence except at the sufferance of the United States, they must take steps to secure the splendid territory lying directly in the path of the "Westward ho!" immigrant. We believe that the Canadian statesmen—most of whom are great, good and patriotic men—are guided by a desire to benefit posterity quite as much as they seek to benefit the present generation. They are engaged in setting the cornerstone of what is designed to be a great Empire with all the care that the architect bestows in laying the foundations of a noble edifice designed to withstand the wear and tear of ages. They have conducted the great scheme of uniting the Eastern Provinces to a successful issue, and they now have their attention absorbed by the Red River question. All are agreed that the purchase ought to be made; but there is a difference of opinion as to how large a portion of the territory shall be purchased at the present time. Sir R. B. Lytton, in 1859, urged the impracticability of "leaving an intervening proprietary jurisdiction" to divide the Confederation; and Mr. Cardwell, in a despatch on the 17th of June, 1865, says: "On the fourth point, the subject of the North-Western Territory, the Canadian Ministers desired that territory should be made over to Canada, and undertaken to negotiate with the Hudson's Bay Company for the termination of their rights, on condition that the indemnity (if any) should be paid by a loan to be raised by Canada under the Imperial guarantee. With the sanction of the Cabinet, we assented to this proposal, undertaking that, if the negotiation should be successful, we, on the part of the Crown, being satisfied that the amount of the indemnity was reasonable and the security sufficient, would apply to the Imperial Parliament to sanction the arrangement and to guarantee the amount." Now, one party of Canadians propose to buy all the fertile land lying on a line with and South of the proposed highway to the Pacific, leaving the country north of the highway to the Company as a far preserve and to form the subject for future negotiations. Another, and by far the most numerous party, propose to buy the whole territory and throw it open to immediate settlement. The latter argue that to buy part of the land would be to smother for a few years, not extinguish entirely, the Company's rights to the territory. They contend that the Company, profiting by the advanced value of their land from an influx of immigrants, would soon decline to sell the remainder of their territory for less than they now ask for the whole, and that a partial purchase now would entail expense and difficulty upon succeeding generations. This is a very sensible way in which to view the proposed purchase. If any transfer be effected, it should be of the whole territory. With an Imperial guarantee, the Dominion of Canada can carry its gold to Fenwick street and buy up every interest that the Hudson Bay Company possesses east of the Rocky Mountains. And the sooner the documents are drawn up and signed the better will it be for British Columbia. The delay in the settlement of this question is the only barrier that now exists to our speedy incorporation with the Confederacy. Our people have consequently the strongest possible reason for wishing to see a transfer made, and the fertile valleys of the Red River and Saskatchewan filled with thrifty settlers.

Wednesday, June 12th FROM THE NORTH WEST COAST.—The schooner Langley, Malowanski master, returned yesterday morning from a trading trip with the Indians on the North West Coast of the Colony, bringing down furs and oils. Capt. Malowanski reports that he proceeded to a point near Sitka, and in the vicinity of the place where he was dangerously injured by the natives on a former trip. The Indians on this occasion behaved very peaceably, and from them he first learned of the cession to the United States of Russian America. The steamer Fideliter was met above Bella Bella, about a week since, and the Outer, at Fort Rupert, five days ago. A few miners from this place were met on their way to the Stekin River mines. A telegraph boat, under Mr Burrage, was heard of on her way up. Met the gunboat Sparrowhawk on Saturday last, leaving Nanaimo, bound North, with His Excellency Governor Seymour on board. The Government surveying steamer Alexandra was lying at anchor about 100 miles above Bella Bella.

ROUPELL THE FORGER.—According to the Western Morning News, the health of Wm. Roupell, formerly member of Parliament for Lambeth, has completely broken down. When he first went to Portland he worked in the quarries with the other convicts, and his health seemed to improve. After a while he applied to be engaged in-doors, and was set to work at book-binding. This, however, does not appear to have suited his constitution, for his health gradually declined, and at length he was obliged to enter the hospital, where he remains but a wreck of the man he once was.

FALSE PRETENCES.—James Irvine again appeared before the police magistrate yesterday to answer a charge of obtaining goods under false pretences. A witness proved that Irvine lived by such practices as that with which he is charged, and instanced a case wherein he came to witness' house and endeavored to defraud him by presenting a bogus order. Accused was remanded for three days.

HEAVY SENTENCE RECORDED.—O. R. Waters, the dealer in Indian fire water, failed to come up for sentence yesterday. It was stated he had left the colony. The Magistrate ordered a fine of \$250 with the alternative of six months' imprisonment to be entered against him, and should he ever return to his haunts of vice and wickedness the sentence will be enforced against him.

FOR HONOLULU, S. I.—The fine schooner Alberni will sail from Janion, Green & Rhodes' wharf to-day for Honolulu. She has no passengers but is filled with freight, consisting of dry goods, clothing, shingles, lumber and pickled salmon. The Alberni, we believe, will continue in this trade.

FLUE BURST.—The steamboat Enterprise, on the Up; or Fraser, burst a boiler-flue on the 9th inst., and will require two or three days in which to repair. No other damage was done; so says a telegram from Soda Creek, received by us last evening.

REGATTA HATS.—Mr Adams, of Government street, has received, per Princess Royal, a splendid assortment of men's and boys' boating and regatta hats.

THE SHIP VORTIERN.—This vessel will be sold the day following the arrival of the next mail steamer from San Francisco, which is expected here about the 28th inst.

Summary Court.

MONDAY, June 10. Anthony v. Copperman.—This was a suit to recover \$50, the value of a watch left in pawn with defendant and which, it is alleged, was stolen. The case was postponed until next sitting of the Court, when it will be decided by a jury, his lordship remarking that there was evident perjury on one side or the other, and that the losing party in the suit would be indicted for perjury.

Several small cases were disposed of and the Court adjourned.

A THROW FOR LIFE.—A singular duel has just taken place at Berlin between a journeyman silversmith and another artisan. The arms selected were a bottle of sulphuric acid. The arrangement was that whichever of the two adversaries threw the lowest with dice should swallow the contents of the fatal phial. Chance favored the silversmith, who immediately poured out a glass of the liquor and handed it to his adversary, who unhesitatingly drank of the liquid; but, to the astonishment of his antagonist, instead of falling senseless, smacked his lips and asked for another glass. The second had acted, on the sensible idea of substituting arrack for the corrosive fluid. It is hardly necessary to say that the affair terminated in a reconciliation.

DROWNED.—On Monday information reached here that a man named Brown, an employe of the Hudson Bay Company, had been drowned while crossing the slough on his way from the farm to the fort at Langley. An Indian saw him in the water but could render no assistance. The spot where he sank has been marked. His body had not been found.—Examiner.

APPOINTMENT.—Mr Jennings, says the Cariboo Sentinel, has been appointed Chinese License Collector for Cariboo.

The number of asses in Ireland has been ascertained to be about 140,000. This figure is exclusive of the Feolans.—Punch.

The Necessity for a Change.

Governor Seymour is one of the strangest anomalies of a ruler we have ever known. He professes to entertain the greatest sympathy with and respect for our suffering people; yet he seems to consider anything appertaining to public business in the light of a "bore" that is to be got rid of in as speedy and summary a manner as possible. The least, he thinks, he has to do with business, the better for his comfort, and he really seems to be utterly unfitted for the duties he has undertaken, both by inclination and habit. One would suppose, from the careless, indifferent manner in which he treats the public and their affairs that he is some great nabob whose estate these colonies are, and that he considers it his duty to visit them occasionally, after the manner of an Irish absentee landlord for the purpose of seeing that the property is kept in order and the tenantry in misery. The idea of suggesting a plan for the alleviation of our distress appears never to have exercised his august brain, or if it has, it has been swept over to some sublunary work into shape and has fallen asleep in the depths of an obtuse intellect. Nero is said to have fiddled while Rome was burning. Governor Seymour does worse. It would be some comfort if he only staid here and fiddled; but at the very time when he ought to be of some use to the country—at a time when were a wise, patriotic and earnest man at the head of the Government, he would set about devising some scheme to cease the sunshine of prosperity to once more fall upon us, His Excellency starts off North for a pleasure excursion to Metlakatlah. He thinks the interests of the same Indians of Mr Duncan have stronger claims upon his attention than his civilized fellow countrymen who have been confided to his paternal care by an unappreciative Imperial Government. His Excellency does not even "paddle his own canoe" to reach his Indian preserves; he takes care to leave his steam coffin to cover its bottom with barnacles—the colony paying at least \$5 for each barnacle—and orders one of Her Majesty's vessels to carry him North. "Perhaps," our informant says, "His Excellency will go on to Sitka." We hope he will. If he would stay there and petition to be made Governor, or run for Congress, or go into the fur business, or do any mortal thing rather than come back and pretend—for it is only a pretence—to govern British Columbians, the very children would clap their hands for joy. During Governor Seymour's term of office, we challenge his admirers (if he have any) to place their finger on a single wise or beneficial measure that his superior wisdom has called into being. What little good has been effected the people themselves or their representatives have done. The Administration has been proved an unmitigated failure—a perfect fiasco. If it had only followed in the footsteps of the previous Government it would have done well; but the most it has condescended to do is to wear out the roads that the wisdom and energy of his predecessor made, and clap an export duty on gold dust! There is neither reason nor policy in anything Mr Seymour does. In fact, he does not seem to have any policy. He appears to regard the whole thing as a sort of pleasure trip, in which he is expected to pass five or six years as he best can, with as little trouble to himself as possible—hunting a little, writing a little junketing a little, and governing a great deal less than either. British Columbia is to him a sort of gentleman's estate, over which he has free licence to roam at his leisure without bestowing a thought as to whence the money that is to keep up all the extravagance and style is to come, and where he is expected to enjoy himself to the full bent of his inclination. The more we consider the strange manner in which we are governed—or, more correctly, not governed at all—the more we are convinced that Governor Seymour looks on all public business as a severe tax on his patience, if not on his mental powers. Instead of remaining in Victoria, or in the out-of-the-way place he has selected as a country residence, and endeavoring to ameliorate our condition, he quietly steps out of the way to avoid hearing complaints of a condition of things that has naturally resulted from the wicked way in which public affairs have been mismanaged. The long and short of the matter is that the Colony is left to take care of itself. It might sink tomorrow in mid-ocean and not a regret would be expressed at its fate by its stoical head provided he and his friends escaped from the wreck with dry feet. The manner in which we are treated is simply monstrous. Our public officers have been unpaid for upwards of five months, and the Treasury is emptied on every steamer day of our gold, which is sent to redeem main-

land bonds and pay the interest thereon in London, while not a single public improvement, beyond the Leech River ditch—and that has been sneered at as a work of secondary importance—is under progress. Of course, we know that the bonds and the interest on the loan must be paid; but why is not the Governor here to suggest a remedy for our ills. Where was Governor Douglas in 1859 and 1860, when dark days visited us? Did he go out of the way to avoid a knowledge of the true state of our affairs? On the contrary, he remained at his post, encouraging, directing and advising, and the result was a season of prosperity unexampled in the history of the Colony. Something must be done speedily to awaken the Governor to a sense of his duty, and a memorial to the Home Government, stating our grievances and asking for immediate Confederation, or the appointment of a Governor who will not only feel for us but with us, at a salary within the ability of the Colony to pay, would be the wisest course that could be pursued under existing circumstances.

THURSDAY, June 13th. DOGS IN COURT.—Yesterday some unthinking spectator brought a barking dog into the Supreme Court, and the fellow—the dog, not the man—ran around wagging his tail, prancing and snuffing, to the great discomfort of the whole court and the stoppage of the proceedings for several minutes. The Chief Justice ordered the usher to ascertain the owner of the animal and bring him before the Court; but each person applied to protested his entire innocence of standing in the relation of master to the beast, and one gentleman, at whose heels we have often noticed the animal, protested strenuously that he had never so much as heard of him before. The usher finally conducted the dog to the stoop, where, it is to be hoped, the punishment administered was not quite so bootless as the search for the owner. Dogs are very good—in their place; but it is clear that their place is not in the Supreme Court room.

NANAIMO.—A gentleman named McIlveen, while visiting Douglas Pit, on Thursday, sustained a fracture of the left shoulder and severe internal injuries, by attempting to get out of the cage after it was in motion. The gentleman had entered the cage and given the signal to ascend, but after it had started he endeavored to get out, when he was caught by the roof of the level and thrown violently back. A man named Fredrickson, in the employ of Captain Franklin, has been missed for a week. He is advanced in years, and is supposed to have wandered into the bush, lost his way, and perished. A party under Samuel Ollife are about to prospect the South Fork of Nanaimo river for precious metals.

REPORTED DISCOVERY OF GOLD BY INDIANS.—The Indians are becoming useful as prospectors. One arrived in town a short time ago reported discovering a vein of pure alabaster; another brings in specimens of copper ore, and on Monday two others came to town with information of the discovery of gold on Kapalia river or creek. This creek empties into Howe's Sound. They had two specimens which they say were got out of quartz, and that there is 'bi-you' of the same sort. One of the pieces is a bright leafy specimen, and the other is in quartz. It is like gold found on Vancouver Island.—Examiner.

RESERVED.—The Commissioner of Lands and Works gives notice in the Government Gazette that a tract of land of rectangular shape, containing 20,000 acres, situated on the east side of Queen Charlotte Island, south of Skidegate Bay, at a point known as Skedan Bay, is reserved for the space of six months from Jan 3rd.

We are getting more than our share of wind this season. We have never known a summer in the last nine when the winds have been so high or frequent. The mountains have opened another door to let the air blow through, and old Boreas, by the manner in which he howls every afternoon, seems to have a cold in his head.

IMPORTS.—The imports at the ports of New Westminster and Victoria, for the quarter ending 25th March, are published in the Government Gazette. The total value is \$41,459 57 at New Westminster and \$185,837 99 at Victoria.

EARLY TRIP.—The steamer Enterprise returned from New Westminster at 9 1/2 o'clock yesterday morning. Mr J. W. McKay, of Yale, was aboard. The news is unimportant. Nothing later from above.

BANKRUPTCY COURT.—Thomas Harris was yesterday discharged from his debts and liabilities. The court stands adjourned until Wednesday next.

THE ACTIVE.—A special telegram announces the safe arrival of the Active at San Francisco at 4 o'clock yesterday afternoon.

THE DINNER at New Westminster to Mr Birch will come off on the 24th inst.

THERE was no sitting of the police court yesterday.

The sloop Mary Ellen, sold yesterday by Mr McCrea, brought \$275.

The schooner Alberni was unable to sail yesterday in consequence of the high wind.

CROQUET.—Lovers of this favorite game will find the necessary implements at VICTORIA HOUSE (corner of Fort and Douglas streets), several sets having been received per Princess Royal.

Ayer's Sarsaparilla.

A compound remedy, in which we have labored to produce the most effectual alternative that can be made. It is a concentrated extract of Para Sarsaparilla, so combined with other substances of still greater alternative power as to afford an effective antidote for the diseases Sarsaparilla is reputed to cure. It is believed that such a remedy is wanted by those who suffer from Strumous complaints, and that one which will accomplish their cure must prove of immense service to this large class of our afflicted fellow-citizens. How completely this compound will do it has been proven by experiment on many of the worst cases to be found of the following complaints:

SCROFULA AND SCROFULOUS COMPLAINTS, ERUPTIONS AND ERIPTIVE DISEASES, ULCERS, PIMPLES, BLOTCHES, TUMORS, SALT RHEUM, SCALD HEAD, STYPLIASIS AND STYPLILIC AFFECTIONS, MERCURIAL DISEASE, DROPSY, NEURALGIA OR TIC DOULOUREUX, DEBILITY, DYSPEPSIA AND INDIGESTION, ERYTHEMA, ROSE, OR ST. ANTHONY'S FIRE, and indeed the whole class of complaints arising from IMPURITY OF THE BLOOD.

This compound will be found a great promoter of health, when taken in the spring, to expel the foul humors which fester in the blood at that season of the year. By the timely expulsion of them many ranking disorders are expelled in the bud. Multitudes can, by the aid of this remedy, spare themselves from the endurance of foul eruptions and ulcerous sores, through which the system will strive to rid itself of corruption, if not assisted to do this through the natural channels of the body by an alternative medicine. Cleanse out the vitiated blood whenever you find its impurities bursting through the skin in pimples, eruptions, or sores; cleanse it when you find it is obstructed and sluggish in the veins; cleanse it whenever it is foul, and your feelings will tell you when. Even where no particular disorder is felt, people enjoy better health, and live longer, for cleansing the blood. Keep the blood healthy, and all is well; but with this purbation of life disordered, there can be no lasting health. Sooner or later something must go wrong, and the great machinery of life is disordered or overthrown.

Sarsaparilla has, and deserves much, the reputation of accomplishing these ends. But the world has been egregiously deceived by preparations of it, partly because the drug alone has not all the virtue that is claimed for it, but more because many preparations, pretending to be concentrated extracts of it, contain but little of the virtue of Sarsaparilla, or any thing else.

During late years the public have been misled by large bottles, pretending to give a quart of Extract of Sarsaparilla for one dollar. Most of these have been frauds upon the sick, for they not only contain little, if any, Sarsaparilla, but often no curative properties whatever. Hence, bitter and painful disappointment has followed the use of the various extracts of Sarsaparilla which flood the market, until the name itself is justly disreputable, and has become synonymous with imposition and cheat. Still we call this compound Sarsaparilla, and intend to supply such a remedy as shall rescue the name from the load of obloquy which rests upon it. And we think we have ground for believing it has virtues which are irresistible by the ordinary run of the diseases it is intended to cure. In order to secure their complete eradication from the system, the remedy should be judiciously taken according to directions on the bottle.

PREPARED BY DR. J. C. AYER & CO., LOWELL, MASS.

Price, 25 cents per Bottle; Six Bottles for \$1.50.

Ayer's Cherry Pectoral

has won for itself such a renown for the cure of every variety of Throat and Lung Complaint, that it is entirely unnecessary for us to recount the evidence of its virtues, wherever it has been employed. As it has long been in constant use throughout this section, we need not do more than assure the people its quality is kept up to the best it ever has been, and that it may be relied on to do for their relief all it has ever been found to do.

Ayer's Cathartic Pills.

FOR THE CURE OF Dyspepsia, Jaundice, Dropsy, Indigestion, Constipation, Headache, Rheumatism, Piles, Rheumatism, Eruptions and Skin Diseases, Liver Complaint, Dropsy, Tetters, Tumors and Salt Rheum, Worms, Gout, Neuralgia, as a Dinner Pill, and for Purifying the Blood. They are sugar-coated, so that the most sensitive can take them pleasantly, and they are the best aperient in the world for all the purposes of a family physic.

Price 25 cents per Box; Five Boxes for \$1.00.

Great numbers of Clergymen, Physicians, Statesmen, and eminent personages, have lent their names to certify the unparalleled usefulness of these remedies, but our space here will not permit the insertion of them. The Agents below named furnish gratis our AMERICAN ALMANAC in which they are given; with also full descriptions of the above complaints, and the treatment that should be followed for their cure. Do not be put off by unprincipled dealers with other preparations they make more profit on. Demand AYER'S, and take no others. The sick want the best; and there is for them, and they should have it.

All our remedies are for sale by MOORE & CO., Corner of Yates and Langley streets.

NEW "VICTORIA" DYES

UDSON'S Victoria Violet and VICTORIA ROSE MAGENTA. These Dyes are in FINE POWDER—dissolve thoroughly in warm water in the space of one minute—dye instantaneously without any other admixture; suitable for Cotton, Wool, Silk, Feathers, Fibres, Laces, &c., &c. The brilliancy of these dyes is unsurpassed, while their stability is guaranteed, and they are warranted not to spot.

Trade Mark: "A. PEACOCK." Packed in 1lb Tins, at 10s. per lb. 20s Bottles 1s. 3d. per doz. DANIEL UDSON & SON, LONDON.

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