

# THE WEEKLY BRITISH COLONIST

## And Victoria Chronicle.

VOL. 9.

VICTORIA, VANCOUVER ISLAND, TUESDAY, NOVEMBER 12, 1867

NO. 1

WEEKLY BRITISH COLONIST  
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Streets, opposite Bank of British Columbia.

AGENTS:

S. D. L. H. .... Nanaimo, V. I.  
Hodder & Hart ..... Comox, do  
Sam'l Harris ..... Cowichan, do  
Clarkson & Co. .... New Westminster  
Barnard's Express ..... Quesselle, B. C.  
do ..... Barkerville  
do ..... Vancouver  
do ..... Richmond  
do ..... Barkerville  
do ..... Camerton  
L. P. Fisher ..... Clinton  
Hudson & McCarty ..... do  
E. Algar ..... Il. Clonon P. Lane, London  
G. Street ..... 20 Cornhill, London

The Municipal Election.

In returning Dr Trimble in the place of Mr Macdonald as Mayor, we do not believe the electors have acted wisely. The present incumbent has performed his duties faithfully and intelligently, and his friends naturally looked for a renewal of the confidence reposed in him by his fellow-citizens. The electors, however, have decided otherwise. They have chosen a more popular but less efficient gentleman to represent them in the civic chair, and in that choice the minority have only to acquiesce with good grace. The main objection to the return of Mr Macdonald, was in consequence of an impression having gone abroad that he was a Government man. This impression was altogether an erroneous one, but the people had imbibed the idea that in electing Dr Trimble they were setting the seal of condemnation on the acts of the Government, and voted accordingly. No one regrets—for the sake of the city—the result more than ourselves. We do not believe that in accepting the position Dr Trimble has done either himself or the city justice. Personally, we have no objection to the doctor; but when we come down to the practical working man, we prefer Mr Macdonald a thousand times. But the battle having been fought, the minority can only smother its regrets and tender the Mayor elect as cordial a support in the future as it has extended to Mr Macdonald in the past. So far as we are concerned, our earnest wish is that Dr Trimble may disappoint the expectations we have formed of his official career.

Mr Alston and the Absentee Attorney General.

We give place to another letter from Mr Alston, in which that gentleman claims to have "effectually disposed of the charge that through the negligence of the Attorney General three murderers and a swindler have been turned loose on the country." Our correspondent also corrects us in one particular: the Nanaimo miner was tried for robbery, not murder. In the first place, we have to say to Mr Alston that we did not charge that "three murderers and one swindler" escaped justice. The four cases were cited by Mr Alston himself, who, in attempting to prove that three criminals (the number we charged) had not been turned loose on the country, actually showed that there had been a failure of justice in four distinct cases. We accept the correction with regard to the Nanaimo prisoner. We do so quite cheerfully from the fact that Mr Alston, in his eagerness to defend his chief, has made the case even blacker against him than it was at first. Not another word is required from us—Mr Alston, in attempting the defence of his chief, having established the charge against him and a little more besides.

ARRIVAL OF THE AVAL.—The bark Aval, Capt. Burr, 11 days from San Francisco, arrived yesterday morning. The Captain reports severe gales during the passage. The bark is consigned to Millard & Beady, and has on board 300 tons of general merchandise for Victoria.

Monday Nov. 11  
Mechanics' Institute.

The rooms of the Institute were crowded on Thursday evening, the occasion of the opening for the season of the debating and elocution classes. Amongst those assembled we noticed a great number of ladies. From the very satisfactory manner in which the affair passed off we regret that the entertainments are so few and far between, and that instead of annual we have not monthly demonstrations. Ample amusement and enjoyment was afforded by the quartettes, glees, trios, solos, recitations, addresses and readings rendered. The chair was taken by Mr Hutcherson, Vice-President of the debating class, who introduced the Secretary of the institution, Mr W. K. Bull, to give the opening address. Mr Bull said the educational value and advantages of the debating and elocution classes had been so often admitted and so generally assented to that he felt it unnecessary to dilate upon them; they all knew they had a tendency to give ease and fluency in the expression of sentiment, and when they reflected on how much in the present was done, the result of what had been said, it would be difficult to over-estimate the advantages of the teachings of these important classes. But it was not only in the expression of sentiment that the classes were valuable, but in the formation and character of those sentiments. For both classes encouraged a spirit of enquiry—a love of learning and the acquisition of knowledge. The debating class during the past season had been indifferently sustained, from the want of suitable subjects for debate, and from the paucity of disputants. But the interest in the elocution class had been well kept up, arising, he supposed, from its being so entertaining as well as instructive. As it was quite possible there were some present unacquainted with the operations of the elocution class, he would mention that it consisted of a party coming forward and standing upon that platform, and then giving, as a "Reading," or "Recitation," some literary production which they considered to be of great value. A preliminary critic was duly appointed, whose duty it was to watch and subsequently comment upon the way and manner in which the party acquitted himself, and who had to exercise a general surveillance over the action, expression, gesture, pronunciation and position of the said reader or reciter; and independent of this duly appointed critic, all the members of the class were allowed the same privilege of praising or condemning. It might be easily imagined any one going through this ordeal—this running as it were the gauntlet—was entitled to all the benefits receivable. But there were benefits, and many of considerable importance, to be gained from this arena; for the legitimate object of the elocution class was as it were "to hold the mirror up to nature" to show awkwardness its own image; unsmooth action, bad pronunciation and faulty expression their deformities. And though it may sometimes be anything but pleasant to see one's self reflected in this mirror, it might nevertheless be accompanied with very salutary results. Amongst the faults chargeable upon the English people had been the undue aspiration of the letter H, of which on one occasion he remembered a very ludicrous instance on the part of one who from humble origin had risen to importance, who in addressing a large assembly, said—"Don't tell me what I was, tell me what I *am*." It often occurred to him, on seeing the exhibitions of some of those who figured as public speakers amongst us, that they might materially improve themselves by a few hints from the Elocution Class. When he heard the voice being pitched to an unnatural height, and saw the arms swinging round with the velocity of the sails of a wind-mill, it seemed to him they would be none the worse but all the better for the instruction, and, moreover, that it would be an admirable school for some of our aspirants for Legislative or Municipal honors, whose early education might have been neglected. The glees, quartettes and trios were admirably given and elicited warm approbation. The songs kindly volunteered were the "Gems of the Evening"; Mr Elliott's song of the "Death of Nelson"; Mr White's "Beautiful Leaves"; and Mr Lumley Franklin's "Widow Macbride" were all greatly enjoyed. Mr Clarke gave a reading from "Martin Chuzzlewit" in which Mrs Sairey Gamp and Pringle were introduced in his usual quaint, effective and happy manner. Mr Lumley Franklin's reading of "The Boxes," and the droll and true to life manner in which he represented the perplexities of a Frenchman, as to the varied and contradictory way in which Englishmen use the word box, was irresistible and sent laughing smiles of approbation in every face. "Queen Mab," a recitation from Shakespeare, was very effectively given by Mr Fox. A striking episode in the evening's entertainment was the recitation, in character, by Mr W. K. Bull, of a "London Mother in search of her Lost Child," causing much merriment by the oddity of the representation and the manner in which it was given. At the termination of the programme, the National Anthem was sung, and the company separated apparently highly delighted at the evening's entertainment.

THE CALIFORNIA.—We are requested to state that this steamship did not sustain injury while off Columbia River Bar, and that her detention is not on account of repairs required, but because it has been found necessary to land and reship the Portland freight.

The Municipal Election.

The election on Saturday resulted in the return of Dr Trimble for Mayor over Mr Macdonald by a majority of 99; and that of Messrs Jefferies and Crump over Mr Hubbard, as Councillors for Johnson street Ward. The voting was *vice versa*. The number of votes polled for Mayor was 315. Had the contest been sharp, perhaps 100 votes more would have been recorded. The number of voters exceeds 800. The Chinese vote numbered 23. The white-foreign vote, as near as can be ascertained, was 145, leaving 142 votes deposited by British subjects. The foreign vote was, undoubtedly, illegally cast; but the seat will not, we hope, be contested on that account. The election, so far as the Chinese vote was concerned, proved a great farce. The John's were generally led up by a stalwart white elector. The polling clerk would ask, "Who do you vote for, John?" Some answered "Fimble," others "The Doc," and some merely voted for "The Doc." Some fellows would mutter a name utterly incomprehensible to the white men standing about. The supporters of each candidate bawled out the name of their favorite, and the Chinamen would manage to stammer out something that sounded like one or the other name, when down would go a "square" Trimble or Macdonald vote. One instance, Mr Chinaman could not tell the life of him who he wanted to vote for, he vainly the names of both candidates was thundered into his ear; he stood like an idiot, shaking his head and grinning horribly at the scene before him. At last the doctah hit upon an experiment. Placing himself in full view before the free and independent elector, he put the usual question, "Who do you vote for, John?" A sudden gleam of intelligence lighted up the previously opaque countenance of the intelligent Celestial, and pointing his long, skinny index finger at the burly figure before him, he spluttered out, "he, he" ["him, him,"] and down went the Celestial vote through an interpreter, but the majority preferred to do their own talking and made a "mess" of it in consequence. In Johnson street Ward, we saw very amusing scenes occurred. We have only space for one. A Chinaman was conducted to the table and asked by the polling clerk, who had evidently been taking lessons in Chinese, "Who you votes for, John?" "One dollar who you dozen," replied John, with his mouth agape and both eyes open for business; "What!" exclaimed the astonished clerk. "Washee!" bawled John, "one dollar hap, one dozen!" The roar of laughter that followed shook the building, and it was some time before order could be restored and John brought to understand the difference between exercising the right of franchise and washing foul linen, when he voted for "Clump (Crump) and Jeppy" (Jefferies). The greatest good humor was observed throughout the day by all parties. At the close of the poll the late contestants were called out, and after a few appropriate remarks, were favored with rounds of cheers. The result of the election was as follows:

FOR MAYOR.	
Trimble	207
Macdonald	108
Trimble's Majority	99

JOHNSON STREET WARD.

Crump	108
Jefferies	100
Hubbard	26

The Sitka Expedition.—The J. L. Stephens at Nanaimo.

From a Victorian just from Sitka we learn that the J. L. Stephens arrived at New Archangel on the 9th October, and the U.S. war steamer Ossipee, with the Russian and American Commissioners, on the 18th. On the afternoon of the 18th the transfer of the territory took place. There was no ceremony beyond lowering the Russian flag and hoisting the American flag over the fort. A large number of people witnessed the lowering and raising of the flags, among them a few Russian and American ladies. Salutes were fired from the Russian fort and the U.S. war steamers. At 4 o'clock in the afternoon all was over, and the new Government was in operation. A battalion of U.S. soldiers and detachments of soldiers of the Imperial army were in attendance, and saluted the respective flags by presenting arms. Gen. Lovell H. Rousseau acted on behalf of the United States, and Captain Alexis Pestchouff on behalf of the Russian Government. The territory was named Alaska. The weather had been mild and almost constant rains fell—skies heavy and dull—the sun appearing occasionally. Deep snows had fallen in the mountains north of Sitka; but only one light snow-shower in the city. On the 26th ult., the Ossipee started for Victoria, and when about 50 miles off Sitka, on the

night of the 27th, a gale of terrible violence struck her, carrying away all her boats, extinguishing all the fires but four, and otherwise disabling her. Having lost her chronometers, and being in a bad condition generally, she put back to New Archangel, and was repaired. The Stephens sailed on the 30 inst., arriving at Nanaimo on Saturday, where she is now coaling. General Jeff. C. Davis is in command of the new territory, and has thus far given general satisfaction. General Rousseau was to sail on the Ossipee about the 5th. All the people of this city, Mr McCrea and Mr. are on board the

THEATRE ROYAL.—A GLAZIER ATTRACTION.—Mr. ... has arranged for the appearance to-morrow evening of two young ladies of this city, who have been under his tuition for a short time, both of whom give good promise of long and successful careers in the profession they have chosen. The names of the debutantes are Miss Lizzie Yeomans and Miss Sarah J. Von Altman. The latter of the "Eton Boy" will be produced, Miss Yeomans taking the role of Fanny Curry, in which she will assume the character of the Eton Boy. Miss Von Altman will appear as Sally in the same piece. The performances will commence with the beautiful two-act drama of "The Porter's Knot," in which Miss Yeomans will take the part of Alice Burr. The novel and interesting circumstances of the first appearance of these two young ladies insures Mr. March a bumper house.

THE RACES will come off to-morrow. For the Naval Race we learn that eight horses have been entered. The Match Race, between Volreese, Boston Colt, Greyhound and Priorese will take place first, to be followed by the Navy Race; the Prince of Wales' Race will end the sport. The hour is not stated in the advertisement, but we presume it will be 1 o'clock. We hope that punctuality will be observed. Horses for the public have been kept suffering for hours in the cold because some intending participant has appeared late on the ground. The time for each race should be set and the horses present should be started and those not there should be ruled out.

ENTERPRISE.—Dr Adonis, special correspondent of the New York Herald to Sitka, reached town yesterday by canoe from Nanaimo, in advance of the J. L. Stephens, having been at sea all Saturday night until 10 o'clock yesterday, in the midst of a severe gale. The doctor was bent on giving the enterprising journal with which he is connected the news of the transfer of the Russian Territory in time for its issue of this morning; but, unfortunately, the wires were down, and nothing could be done. We are sorry to know that the enterprise and energy of our cotemporary should have proved futile.

FROM FRASER RIVER.—The steamer Enterprise came down from the river on Saturday afternoon with about fifty passengers, the mails and a Cariboo ex. She brought down considerable treasure; fifty-five thousand dollars for the banks in charge of Mr Ormandy, as follows: Bank of British Columbia, \$30,000, Bank of British North America, \$25,000.

PAPER HUNT.—There will be a paper hunt on Saturday next, starting from Beacon Hill at 2 p. m., got up under the auspices of Victorians and open to all-comers. There will, we hope, be a large crowd in attendance.

FOR NANAIMO.—The Sir James Douglas will proceed to Nanaimo at an early hour this morning to bring down the passengers of the J. L. Stephens, from Sitka, now lying at that port coaling.

SLUNGSHOTTED.—Edward Reed, a banjoist, was on Saturday sent for trial to the higher Court by Mr Pemberton, on a charge of slungshooting the first clerk to the chief cook of a sailor's restaurant on Johnson street.

THEATRE ROYAL.—The theatre was fairly attended on Saturday evening, and the pecuniary result will prove highly acceptable to the Hospital. The acting was good.

FOR SAN FRANCISCO VIA PORTLAND.—The steamship California will sail for San Francisco via Portland to-morrow, at 11 o'clock a. m.

FRENCH CREEK.—News from Big Bend states that on French Creek diggings have been discovered that pay as high as \$150 to a rocker per day.

THE N. W. Examiner say that despatches relative to the seat of Government arrived by the last mail.

LINE DOWN.—The lines continued down all day yesterday.

From Cariboo.

MINING INTELLIGENCE.

We take the following from files of the Sentinel of 28th and 31st Oct:—

WILLIAM CREEK.

The want of an adequate supply of water still paralyzes mining operations. The Bed Rock Flame co. had cleared up about three-fourths of their claims, yielding something like \$5000. The same water was much against their operations. The California co. washed for the week 72 oz. the result of four men's work. Morning Star 25 oz. in three days. Aurora 60 oz for the week. Davis co. 242 oz. for the week.

STOUT GULCH.

The Altaras co. took out for the week 59 oz. Jenkins co. 30 oz. Mueho Oro co. 19 oz. for three days' work.

CONKLIN GULCH.

Just-Struck-it co. making \$3 a day to the bank. Reid co. 18 oz. for one day's work.

MOSQUITO GULCH.

Water scarce. The Minnehaha co. took out 100 oz. for the week. Rising Sun co. 18 oz. for 4 men's work.

RED GULCH.

Discovery co. 30 oz. for the week. Catch-it-if-you-can co. 23 oz. for the week, and 25 oz. on the following Monday.

LOWHEE CREEK.

Calaveras company 120 oz. for the week.

GROUSE CREEK.

Times dull. Heron co. taking out good pay. Ne'er do weed co. averaging 26 oz a week.

WHITE-SAW GULCH.

A company bottomed a shaft on 28th obtaining 3 ounces. A company, under James Orr, have located claims on a creek 8 miles below this gulch, where they intend prospecting during the winter.

MISCELLANEOUS NEWS.

The report of the Auditor General, based on all sources was \$36,768 40 for the first three quarters of the present year, against \$27,004 99 for 1866, and \$27,041 18 for 1865, during the corresponding periods, thus exhibiting an increase of \$9,764 41 in favor of this year.

Dr. Bell's report shows that he has treated 43 cases within the Hospital, from January 1st to October 24th of the present year.

A Chinaman employed in a Barkerville restaurant made an attack upon Mike Lynn, the steward, with an axe. Lynn, in defending himself with a hatchet, cut "John" considerably.

A miners' meeting was held at Barkerville on the 26th, for the purpose of taking steps to protect themselves against the consequences of the "four monopoly." Capt. Robinson was elected to the Chair, and Mr. A. Allan appointed Secretary. The Chairman stated that there was every probability of flour being raised to 50 cents per lb. He suggested that funds should be raised by subscription, placed in the Bank, and a supply of flour ordered from below. These views being entertained by the meeting a subscription list was at once opened and a petition to the Governor was drawn up and adopted, praying His Excellency, in consideration of all the circumstances, to remit temporarily the Customs Duties and Road Tolls upon the flour about to be imported to meet the emergency. The stock of colonial flour in the Cariboo market is estimated at 6000 lb. It was selling at 26 to 28 cts.

The Absentee Attorney General Again.

VICTORIA, Nov. 9, 1867.  
EDITOR BRITISH COLONIST.—I beg to thank you for your promptness in inserting my letter. In your article, however, of this morning, you say 'the third case however quite establishes our position. Here was an Indian, who weeks ago killed another, at Nanaimo, awaiting his trial.' I am sorry that you should have been so grievously misinformed as to the facts. The prisoner from Nanaimo was accused of robbery, not killing.

With respect to the missing cheque, it turned out in the evidence that it was forged, and never presented for payment; and, therefore, could not be produced in Court. Before the trial, I inquired for the cheque, and was told that it was in Court. You will be inclined, I think, to admit that I have effectually disposed of the charge, that through the negligence of the Attorney General three murderers and a swindler have been turned loose on the community.

I am content there to leave the matter, and I am sure that the Attorney General is well able to take care of himself.

E. GRAHAM ALSTON.

Card from "Monsieur" Chadwick.

EDITOR COLONIST.—Will you allow me through (I must not say "valuable" journal or I shall again excite the ire of the editor of the Sunday Varieties (yelp Morning News) to say that I discontinued taking his paper weeks ago. If I had not been so "small" a bit a week might have saved me being black-mailed, at any rate for the present.

"MONSIEUR" CHADWICK.

MEDAL.  
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The Assay Office.

We have succeeded in wading through a two column and a half article in the *British Columbian*—subject, the Assay Office—and after a careful perusal we are constrained to say that if that institution can survive the very potent reasons the *Columbian* has furnished for its abrogation, it will be "a thing of beauty and a joy forever" to the denizens of New Westminster. Casting aside the first column and a half of verbiage, we extract the essence of the article for the benefit of our readers. Having recited the wonderful blessings that the maintenance of the office on the "spot" where it now rests will confer upon the entire Colony, the expectant Queen's Printer triumphantly produces the following overwhelming circumstance to prove that the office is a real benefit to the revenue and a blessing generally to the Colony:

"It is well known that during the continuance of the gold export tax, the Bank of British Columbia, having an assay office at William creek, assayed its own gold. These bars, in order to obtain the Government stamp to entitle them to the reduced rate of export tax, were all re-melted at the Government assay office here. A careful record was kept, and having been allowed a perusal of this record, we find a discrepancy in the case of almost every bar re-assayed under this arrangement, the difference occasionally running as high as seventy-eight dollars on a single bar of the value of four thousand dollars!"

Considering the source whence this story comes we are inclined to doubt its truth *in toto*; but assuming, for argument's sake, that the circumstance to which our cotemporary refers did occur once, through mistake, the implied charge that it was a general practice and was done for the purpose of defrauding the revenue, bears a lie on its face; because the undervaluing of the bar would render lawful its confiscation on a charge that the holder was endeavoring to evade the payment of the Gold Export Tax. The value of the bar (the Printer says) was \$4000—and it was undervalued *seventy-eight dollars*—a sum equal to four and a half ounces. The Gold Export Tax was 1s. or 2s. cents per oz., and the amount that the undervalued assayer or miner, endeavoring to evade the tax, saved on his \$4000 bar, attempted to evade the payment of was one dollar and twelve and a half cents! At this rate, triumphantly shouts our cotemporary, "the office would soon save the Colony a much larger sum than the \$2500 required to defray its working expenses." Were the Gold Export Law (a bright idea of the Queen's Printer and the Governor) still in existence, the exultation of the Queen's Printer would appear absurd enough; but as the tax has long since traveled the road to oblivion that the Assay Office will shortly have to follow, the citation of the "fact" makes the *Columbian* man seem like a fool. But, speaking of errors, reminds us, also, of a little reminiscence connected with this very same Government Assay Office. In 1862-3 gold from Cottonwood creek, Cariboo, was considered the finest in the Colony, as high as \$19 per ounce being paid for it. In appearance Cottonwood gold resembled Salmon River dust from Idaho, which, however, was scarcely worth \$12 per ounce; and the Idahoans, discerning the similarity in appearance of the gold of their own river and that of Cottonwood, actually sent a quantity across the line to the Government Assay Office at New Westminster, where it was sold as Cottonwood dust, at \$19 an ounce, to the assayer there! How large a sum the Government lost by that speculation was never divulged, but an order was at once issued by the then Governor forbidding the purchase of any more dust at the office. The Queen's Printer having been allowed a peep into the "record," is, perhaps, able to inform us the exact sum lost by that transaction, and whether any profitable speculations of a like character have been indulged in recently. In another part of the same article the Queen's Printer charges that the "greedy little town of Victoria" wants to steal the office from its "rightful owner," New Westminster. This is another statement quite as absurd as that concerning the bar. Victoria does not recognise the necessity that exists for an Assay Office; and, moreover, Victoria does not ask for it. Victoria believes that the proper place for it is at Cariboo, where it may, by the observance of strict economy, pay expenses. Failing its removal thither, then Victoria thinks it ought not to remain at New Westminster, where it is a tax of \$3000 per annum upon the public revenue. But what says the Queen's Printer to the proposition of sending it to Cariboo: "It would be located at a place in the most remote, expensive and inaccessible part of the Colony, and involve an expenditure which would not only be wholly unprofitable, but altogether beyond the means of the Colony." Reduced to plain English, the proposition laid down by our cotemporary means that its establishment at the point of pro-

duction of the gold dust would be "remote" from that gold dust; that it would be "expensive" inasmuch as the assayers would require \$40 additional per month to defray the expense of their board on the creek; and "inaccessible" to the Government officials at Westminster, who now pass the time they should devote to the public service in tinkering about the office with specimens of talcose rock which they imagine to be gold-bearing quartz, or pieces of iron ore, that their heated imaginations convert into 40 per cent of copper. If for no other reason it would be a good thing for the Colony were the office located at a spot where it would be "inaccessible" to that class of public servants. The ridiculous and false cry of the enormous expense attendant upon the removal of the plant to William creek is completely exploded by the fact that the plant of the Assay Office of the Bank of British Columbia was transported by its original owner, Mr. Molitor, from Victoria to the diggings at a cost of less than \$1500, or one half the sum that is annually sunk in continuing the institution at New Westminster. In the face of this fact we learn that last year the Government announced that the plant could not be removed to the mines for a less sum than \$15,000. That estimate no doubt included the freight on the building at New Westminster, which Government doubtless imagines to form part of the plant. At Cariboo, the point of production, or at Victoria, the point of supply, the office might yield a revenue; but it is ridiculous and absurd to suppose that the little hole in Frasermouth, known as New Westminster, which possesses neither comforts nor conveniences for the accommodation of sojourning miners who would have to remain over one steamer while their dust was being assayed there, should be allowed to gulp down \$3000 per annum of the public money in the maintenance of the Assay Office within its limits, because the money lost to the rest of the Colony goes to enrich the traders of that particular spot. This is just what the proposition amounts to. The whole Colony is expected to pay tribute to New Westminster. We ask, is it just—is it proper that this iniquity should continue?—that perhaps the very place in the Colony where an Assay Office can pay its own expenses and furnish employment to its operatives is to be denounced as "remote, inaccessible and expensive" when the very report that Government sent down to the Council last year exposed the fact that it has proved a losing concern where it stands? The attitude alone assumed, it is discerned, and well knowing the slippery ground upon which it stands, petitions have been circulated for signature by those who have never given the matter a moment's thought, and, most likely, were previously unaware that such an institution as a Government Assay Office had even an existence. These petitions it is intended to lay before the Council as an endorsement of the Governmental policy in maintaining the office. We have no means of learning how many signatures were obtained in the interior; but the copy of the memorial that was submitted to the citizens of Victoria was returned by yesterday's boat without a single name attached. The proof, however, of the unpopularity of the institution is found in fact that it is not patronized by the public, who carry the dust past the Assay Office doors and deposit it for assay at Victoria.

Mechanics' Institute.

The annual meeting of the subscribers of the above Institute was held last evening to receive the report of the proceedings of the last year, and for the election of officers, who are as follows: President, Dr. Ash; Vice President, Mr. Fell; Treasurer, Mr. Fardon; Secretary, Mr. W. K. Bull; Members of Committee of Management, Messrs. Alston, Teague, Stuart, Ross, Fox, Wallace, Wilson, Redfern, Norris. The financial statement was deemed very satisfactory, and notwithstanding the depression of the times, the receipts showed an increase of over one hundred dollars as compared with last year. About forty persons were present, and after the business was concluded the members sat down to refreshments provided for the occasion, and songs, toasts and speeches followed in due order.

The evening of the Prince of Wales' birthday has been set apart by Manager Marsh for a benefit to the Royal Hospital, which is languishing for want of support. The Amateur Dramatic Corps of the Zealous and the Zealous Band will appear. The performances will be under the patronage of Admiral Hastings and Capt. Dawkins, gentlemen who, since their first arrival on this station, have lent their names and influence to every good and worthy cause that has appealed to them for assistance.

CATALOGUE SALE OF FURNITURE.—J. P. Davies & Co will sell at the residence of Mr. S. H. Lichtenstein, Pandora street, at eleven o'clock, this day, all the fine household furniture, a splendid fine-toned piano, silver ware, crockery ware and family jewelry contained therein. Terms cash. The sale should attract a large number of buyers, it being the last extensive sale of furniture for the season.

THE LEGAL MIDDLE IN A NEW PHASE. On Monday, Mr. Registrar General Alston appeared at the Court of Assizes and announced that he had been commissioned to act as Crown Prosecutor in the absence of Mr. Crease, who is at New Westminster. Mr. Alston was allowed to proceed for the day; but yesterday morning, upon the opening of the Court, His Lordship stated that Section VI. of the Land Registration Act of the Colony of Vancouver Island had been brought to his notice, in which he found the following clause: "It shall not be lawful for any Registrar appointed under this Act to practice as a Barrister or Solicitor before any Court in the Colony during his continuance in office as Registrar." The Chief Justice remarked that he feared Mr. Alston had no status before the Court. Mr. Alston replied that he held the Governor's permission to practice as a Barrister; that Mr. Crease had given him authority to act as Crown Prosecutor at this Assizes, and that he (Mr. Alston) held there was now no Colony of Vancouver Island. The permission and authority were handed up to the Bench and examined by the Chief Justice, who said, "The Registration Act appears to be imperative. The Act secures to Vancouver Island all the lands of the Colony of Vancouver Island until they are repealed by proper authority. The Land Registration Act has not been repealed. You, Mr. Alston, are Registrar under that Act, and you discharge the duties of the office under that Act. I see no help for you. Does anyone appear for the Crown?" There being no answer, a messenger was despatched for Mr. McCreight and Mr. Wood. Mr. King said it was understood on the part of the Bar that Mr. Alston, in consideration of the abandonment of a certain portion of the emoluments of his office, should be allowed to practice in his profession. Mr. Alston asked to appear as Crown Prosecutor, whether His Lordship would after his determination? The Chief Justice—"I offer no opinion prophetically. I am not here to advise anyone. I can only deal with matters as they are." Mr. Alston then retired. Upon the arrival of Mr. McCreight and Mr. Wood, the first-named gentleman objected to appear for the Government unless instructed by them. Mr. Wood, at first declined to act for the Crown, as he was un-instructed, but yielding to the persuasion of the Chief Justice finally consented to appear.

FROM KOOTENAY.—The Walla Walla Statesman of the 25th has the following:—"Mr. Whitman, just down from Kootenay, reports business in that camp as lively; miners doing well, and prospects generally favorable. In relation to the Humphrey mystery, he states that the missing man left Kootenay in company with Helron and McKay, and at that time had about \$4,000 in money, and eight or nine horses. Helron was killed, and McKay had not to exceed \$500. The two Chinamen who started with them had returned to Kootenay. The common impression is that Humphrey was murdered for his money, and the fact that he was seen by some of the miners, and an opportunity to report money, however, points to him as the probable murderer. Both Helron and McKay had disappeared from Walla Walla, but where they have gone to, we have no means of knowing. The woman Mary Wells, with whom Helron stated Humphrey had gone off, is now at Walla Walla, and reports entire ignorance as to the whereabouts of the missing man. All the circumstances favor the conclusion that Humphrey was murdered, and that the men arrested at Walla Walla were the guilty parties. Time alone can unfold the mystery."

RIFLE SHOOTING.—Sergt Norris, of the Volunteers, on Saturday last, made the highest score yet heard of in the Colony viz: 67 points in 20 rounds, third class target. At 200 yards he scored 20 points—all bullseyes. The long Enfield was used.

Two arrests have been made of persons supposed to have been implicated in the escape of Maurice Carey, and Thomas Aboon, an ex-policeman, has absconded, for fear of being taken upon the same charge.

MAJOR TILTON, Chief Engineer of the Northern Pacific Railway, has gone east to lay his report as to the best pass through the Cascades for the road before the directors of the company.

NEW YORK CITY.—The foreign vote of New York city is 80,080; the native 52,000. In 1866, over 55,000 males of 18 and over were arrested for crimes.

The New World arrived at 9 1/2 o'clock yesterday morning from Puget Sound, having landed live stock at Bellingham Bay.

Owing to the high wind the Enterprise did not start for New Westminster yesterday, but will sail at 6 o'clock this morning.

The lines were down all day yesterday.

Signs of the Times—Political Significance of Napoleon's Speeches.

(From the London Times, August 25th.) The Emperor Napoleon has lost no time in making his comment on the rumors of the last few days. He was on his way to visit the city of Lille, to be present at the fete to be held in commemoration of the two hundredth anniversary of its annexation to France, and on his journey the Mayor of Arras, through which their Majesty's passed, presented the usual loyal address. The Emperor, apparently, likes to utter his most significant sentences on unbroken occasions and to undistinguished people, as if their apparent spontaneity would be likely to give his words more point and power. Thus his speech at Arras is far more interesting than that at Lille, which only contains one expression of political importance. At Arras the Emperor spoke as follows: "You are right to have confidence in the future. It is only weak governments who seek in foreign complications to divert attention from troubles at home. But no man derives his strength from the great body of the nation but only to do his duty, and satisfy the permanent in-

terests of the country; and while holding aloft the national flag, we should not allow ourselves to be drawn away by intemperate impulses, however patriotic they may be."

At Lille the Emperor said that the first condition of prosperity for France was "to possess the consciousness of her own strength and not to allow herself to be depressed by imaginary fears, but to rely upon the wisdom and patriotism of her Government." Though these expressions have the usual vagueness of the Imperial style, they are undoubtedly peaceable in their tenor. The Emperor seems to divide and repudiate the suspicion of his subjects that he is about to turn their attention from his domestic administration and from the tragic affairs in Mexico by some great deed beyond his own frontiers. He denies that his is one of those weak Governments which seek by foreign complications to divert their subjects from troubles at home. If these words have any political meaning, they must be used as an answer to those who, whether friends or enemies, have been attributing to him the design of a German war. Since the Salzburg interview we know not which have been the most warlike in their tone, the Frenchman who would have the Emperor enforce at once the Treaty of Prague at the point of the bayonet, or the German who, when and defiant, have made up their mind that he intends a quarrel, and desire that the unfolding of the plot should be hastened rather than delayed. The Emperor's speech cannot but be directed to them. He says in effect that they misrepresent his policy and his designs, and he bids the one party moderate their ambition and the other lay aside their distrust.

When the Emperor tells those of his subjects who last year were excited to such rivalry by the successes of Prussia, that they should not allow themselves to be "drawn away by intemperate impulses, however patriotic they may be," he gives advice largely advocated in the *Colony* by the French people which has renounced the idea of foreign conquest—a section which grows every year, and may even row be a majority—has a powerful influence, and is strong enough to support a ruler who shall recognize the right of foreign nations to constitute themselves as may suit them best. But to give this party the courage to restrain more ardent political the Emperor will, indeed, give it. The Emperor will measure its influence even plainness than the just interest. His fatherly and his address, and his will, will be the support of Germany, and the support of a struggle with forty millions of people. We include the whole population of Germany among his adversaries in such a design, for we believe it to be an idle dream that a King of Bavaria or a King of Wurtemberg would be able, even if he wished it, to induce his people to aid the French invaders against the State which represents German independence. The day that foreign armies advanced on the Rhine will see all those States, and probably even the German provinces of Austria, united to bar the way. The sagacity with which the French Emperor has governed France for nearly nineteen years induces us to believe that he will not enter into so gigantic a contest with so unteachable a cause; but the language of a part of the French press gives sufficient reason that warlike intentions should be explicitly denied.

Mr Macdonald's Political Record.

VICTORIA, Nov. 3d, 1867. EDITOR COLONIST.—Some people are under the impression that Mr. Macdonald's actions in the Legislative Council were too much on the side of the Government and in opposition to the interests of the Colony, and more particularly to that of Victoria. So far as I have been able to follow the chief question at issue, it stands thus: The popular members moved a certain resolution recommending a reduction in the Civil List. Mr. Macdonald opposed the resolution on the ground that the Crown Salaries' Act of October, 1863, should first be repealed; he fully concurred in the proposed reduction, but not in the mode of accomplishing it. A short time after the passage of the resolution, the Governor sent down to the Council a bill to repeal the Crown Salaries Act of Oct., 1863, leaving the amount of salaries in blank to be filled in by the Council. This bill lay on the table for nearly three weeks and no one had the moral courage to move its consideration until Mr. Macdonald moved the following resolution, which was seconded by Dr. Helmsken: "Resolved, that the popular members to whom the bill repealing the Crown Salaries Act has been exclusively left, are of opinion that in the present depressed condition of the Colony Her Majesty's Government should be respectfully prayed to renunciate the chief executive officer of this Colony. That the popular members recognise with satisfaction the desire of the executive to reduce the cost of Government, and are not unaware of the difficulties he has to contend with. That His Excellency the Governor be respectfully requested to urge upon Her Majesty's Government the necessity of granting the Executive of this Colony power to simplify, centralise and reduce the departmental system, so as to lessen the public expenditure to such a figure as the Colony is able to bear." All the popular members, and not Mr. Macdonald

alone, disposed of the bill to repeal the Crown Salaries' Act by passing the above resolution. I presume the whole question will be gone over again at the next meeting of the Council, and I feel assured that Mr. Macdonald will take as independent a stand on this or any other question as any member of the House, and his political antagonists (for he has no others) need not try to make capital out of his public acts, as they will bear the strictest scrutiny. Surely for this plain statement of facts no respectable person will accuse him of being a Government man. That he is one I conscientiously deny. Why should he be? He wants nothing from them; he has no axes to grind; there is not a situation in the gift of the Governor that he would accept this day; and I feel extremely sorry that any of my fellow-citizens should for one moment suppose him incapable of doing his duty to his constituents in an independent and fearless manner. He will do what he conscientiously believes to be right, independent of popular praise or Government patronage.

In conclusion, I trust that my fellow-citizens who were wavering about voting have now seen the error of their way, and will come forward like true and honorable men and place Mr. Macdonald by a large majority at the head of the poll on Saturday.

J. NAGLE.  
P. S.—To prove my assertions in regard to Mr. Macdonald's straightforward and independent conduct while in the Council, I refer you to page 35, 57 and 71 of the Legislative Council proceedings, from the 24th January to the 2d April, 1867.

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, nervous sore mouth, cancer, liver complaint, dyspepsia or indigestion, cramp and pain in the stomach, bowel complaint, painter's colic, Asiatic cholera, diarrhoea and dysentery. Applied externally, it cures felons, boils and old sores, severe burns and scalds, bruises and sprains, swollen joints, ringworm and tetter, broken breasts, frosted feet and chilblains, toothache, pain in the face, neuralgia and rheumatism. It is a SURE REMEDY FOR AGUE AND CHILLS AND FEVER. "Words of Comfort to the Weak."—The addition to the ailments which it cures, and which has special affinity for her own, which demands our sympathy, and should receive relief in the most judicious manner. It is a simple, safe, and effective remedy, which is subject only to be removed by a preparation combining the properties of a cathartic and astringent. Alone among remedies, it is a safe and effective remedy, which is subject only to be removed by a preparation combining the properties of a cathartic and astringent. Alone among remedies, it is a safe and effective remedy, which is subject only to be removed by a preparation combining the properties of a cathartic and astringent.

WHAT IS YOUR AILMENT?—A hundred varieties of disease may be traced to the stomach. For each and all of them, common sense suggests that the medicine which restores that organ to its full vigor, is the true remedy. If common sense demands what that remedy is, experience answers, BRISTOL'S SUGAR-COATED PILLS. Cathartic are plenty, but nine-tenths of them given only temporary relief, and many are dangerous. The latter let dyspepsia have its way, then to attempt its cure with mercury. The so-called remedy will destroy the patient more rapidly than the disease. Not so BRISTOL'S SUGAR-COATED PILLS, which owe their efficacy solely to vegetable extracts. If the liver is wrong, they put it right; if the bowels are clogged with obstructions, they remove them; if the stomach is incapable of perfect digestion, they impart to it the required tone and vivacity. They are put up in glass vials, and will keep in any climate. In all cases arising from or aggravated by impure blood, BRISTOL'S SUGAR-COATED PILLS should be used in connection with the Pills. 413

HOLLOWAY'S OINTMENT AND PILLS.—Mishaps.—An accident will sometimes befall the most wary. A sprain, a burn, a cut, cannot always be prevented; but a speedy and easy cure may be obtained by the application of this inestimable Ointment. It immediately cools the part, soothes the irritated nerves, prevents the blood flowing to the seat of injury thus fully guarding against inflammation and the formation of abscesses. For curing accidental burns His Ointment surpasses every liniment, lotion, or embrocation. It restores soundness to the skin, and firmness to the muscles; it gives freedom of motion once more to stiffened sinews, contracted joints, and strained ligaments. For repairing damage done by external violence, no influence is equally rapid, no agency equally curative. 32

AN INVISIBLE ADVERTISEMENT.—More than words can say for it. MURRAY AND LANMAN'S Florida Water says for itself the moment a bottle is opened. It breathes its own recommendation, and circulates it through the room. You sprinkle it upon your handkerchief and carry with you an inexhaustible bouquet. If your skin is tender, what so soothing after shaving as this delicious toilet-water, diluted? Used in this way, it removes tan, freckles, and all superficial roughness, and in nervous headache and hysterics, its soothing odor acts like a charm. 323

The best Remedy for Purifying the Blood, strengthening the Nerves, Restoring the Lost Appetite, and curing all the Diseases of the Skin, is FRENCH'S HAMBURG TEA. It is the best preservative against almost any sickness, and is safe 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 FRERES, Wholesale Drugists, Sole Agents, 416 Broadway, San Francisco. 75

LONDON HOUSE.—J. H. Turner & Co have received fine Cloths, consisting of Beavers, West of England Broad and Doerskins, Tweeds, Wines, Kerseys, etc., and a full assortment of Hosiery of the best make of Balbriggan, together with a large stock of new goods for Fall and Winter Trade.

Europe

DEUBLIN, Oct. 31.—A motion by the Fenian for the defence that the Fenian be tried by a panel composed of 12 and Catholic, was refused by the Judge. Two policemen were killed last night; one Fenian has turned evidence and given a full statement of the Fenian expedition. PARIS, Oct. 31.—The Emperor has that the position be closed on 1 November. It is said that no treaty has been between Napoleon and Francis Joseph the *intente cordiale* between France and Austria is perfect. BERLIN, Oct. 31.—The objectionists have been removed, and Bismarck has joined the Emperor. The Emperor and King of Prussia have concluded an alliance with the North German Confederation. LONDON, Nov. 1.—Dispatches from Rome say that the French troops had left Rome. There was no demonstration. The city is quiet. The Emperor received in profound silence. Garibaldi, whose force is increasing, held a position on the coast. The Papal forces are about to enter their entrenchments and attack his

United States

NEW YORK, Nov. 1.—The *Express* says Seward has sent a special to Rome to offer the Pope an armistice, and hopes are entertained the mission will be successful.

Europe

FURTHER COMPLICATIONS

WASHINGTON, Nov. 1.—Minister to the State Department that the impression of European Statesmen general war in Europe is inevitable. Roman question is only a pretext for Napoleon to precipitate European war. PARIS, Nov. 1.—The *Nation* denies that the French have entered Cialdini commands the Italian army. The police seized the bureau of the Italian party's headquarters in the city. At last accounts from Rome, G. remained at Montevideo with 50,000 men. PARIS, Nov. 1.—The *Montevideo* poleon has demanded an extradition of Victor Emmanuel, why the Italian entered the Papal Territory. ST. PETERSBURG, Nov. 1.—The King George, of Greece, to the P. took place to-day, with great pomp.

LONDON, Nov. 1.—Allen and prisoners, at Manchester, have been of murder and sentenced to death. In cases will be tried on Monday. Ordinary interest is taken in the news. Lord Rosse, the celebrated astronomer, died yesterday.

California

SAN FRANCISCO, Nov. 3.—Arrived Steamer Golden Age this morning from Panama.

Eastern States

RICHMOND, October 25.—The election will probably contest the election. They intend to issue an order to allow all registered negroes to vote. The election is conducted, after the close of the second day, and on the following day, the order to allow all registered negroes to vote was the end of the election. Whites had a majority, but the negroes took possession of the poll all day and all night. They are numerous. The conservatives of negroes were brought in from disturbances frequently occurred the military to quell them.

ALBANY, Oct. 26.—Humphrey, of the Thirtieth District, was charged with a bribe of \$500, to use his influence in the bill before the Legislature. He was held to trial at a session of the grand jury.

WASHINGTON, Oct. 28.—The Government declines to release Warble. The State Department expects several more citizens have to leave Richmond by the Negro Committee.

The *Times*' special says the party is gathering no strength in the Senate or House. A proposition the session during Johnson's term favorably received. A strong protest was laid President against Seward's course Fenian prisoners in Ireland. Removal is urged.

SPRINGFIELD, (Mass.), Oct. 22. Ordine works at South Hoosac exploded. The burning material shaft, burying an entire gang. Thirteen were killed. Bodies recovered for several days.

The Postmaster General invited for carrying the mail to Great Falls, N. H. He expects to every other day.

RICHMOND, October 24.—Retiring in slowly. In most of the cities from the Conservatives give against Convention. John M. defeated for Delegate to the Copper conference.

Returns show conclusively that has voted in favor of a Conv. Radicals have about 15 majority. The negroes voted the Conservatives were chased from colored Radicals. Hunnicutt's rested for tearing up Conser and sent to the Libby prison. wards released.







**An Absentee Attorney General.**

Few things are more destructive of the best interests of society than a failure in the administration of justice; and no circumstance exerts a more unwholesome moral effect upon the masses than a knowledge of the fact that through the dilatoriness or cowardice of a public officer, criminals are permitted to escape a well-earned punishment. We are led to this reflection by the state of affairs that has obtained at the late term of the Assize Court. By law, the Attorney General is required to attend and represent the Crown; or, should he be unavoidably absent, he must depute a proper person to act for him. When the Court opened on Monday, Mr. Crease was *non est*. He remained at New Westminster, and authorized a gentleman to act for him who (if Mr. Crease knows anything of the laws of the Colony in which he holds office) he ought to know is debarred by those laws from practising at the bar. The consequence was a failure of justice in at least three cases. Two murderers and a swindler are turned loose upon the community to renew their crimes as occasion may offer. In these cases no subpoenas had been served, no depositions copied, no writs issued. The machinery of the Court was clogged, and but for the timely assistance of an experienced legal gentleman, who chanced to be disengaged, there would have been an utter and complete stoppage of the whole business, and all the prosecutions must have fallen to the ground. The Court is not in session at New Westminster, and we ask why Mr. Crease was not present to discharge the duties of his office? The convenient excuse of "Council meeting" will be put forth, of course; but that excuse is worn threadbare and cannot be accepted as valid. We really believe that Mr. Crease, not being sure of his own status before Mr. Needham, sent Mr. Alston ahead to feel the way for him—to "prospect" the ground. If all had gone well with Mr. Alston, the Attorney General would have appeared before the Court, and the proceedings would have proceeded as usual. But Mr. Alston, who was placed in a false position by the Attorney General; and now nothing remains for Mr. Crease but to come himself. The Attorney General ought to be above such shuffling as has been developed this week. He must have known that Mr. Alston could not legally act; and if he did not know it, he ought to resign and "post" himself as to the meaning of the statutes before he again enters a Court of Justice. The moral cowardice displayed by the Attorney General in seeking to avoid an issue that he must sooner or later face is inexcusable under any circumstance; but since injury has resulted to the public interests, the delinquent official should be visited with the severest censure.

**Friday Nov. 8th.**

**THE DEATH OF SIR FREDERICK BRUCE.**—The death of Sir Frederick Bruce occurred at Boston. The Minister was travelling for pleasure. He visited Auburn (the home of Secretary Seward) West Point and Newport, R.I. At the latter town he contracted a cold and was ordered by his physician to Boston. In the cars his illness increased, and when he reached Boston his voice was gone. Dr. Bigelow and his son were sent for. A strong light was held to the face of the patient, and the doctor, pressing his tongue down with the end of a spoon, made an earnest scrutiny of the throat and a careful diagnosis of the case in other respects. He ordered stimulants (brandy and wine) to be given, and warm salt bags to be applied to the feet. He then took Governor Gilpin (a personal friend of Sir Frederick's) aside and informed him that the powers of life were exhausted; and could survive only a few hours. The prediction proved too true, and he expired at 2 o'clock a. m. on Thursday last.

**ARRIVAL OF THE CALIFORNIA.**—The steamship California, Capt Winsor, from San Francisco on the 31st ult., arrived yesterday morning at 8 o'clock in Esquimaux harbour. The memoranda reports that she was roughly handled during a severe gale off Columbia River Bar, which rendered it impossible to cross, and she was accordingly headed for this port. The Portland passengers, freight and mails are on board the California. She brought 48 passengers, a mail, express and 150 tons of freight for Victoria.

**DEATH OF AN OLD PRINTER.**—Mr John Flint, who set type for the first newspaper published on Vancouver Island, died on the 25th ult., at San Francisco. Mr Flint was an amiable, noble-hearted man and was long favorably known to Victorians. He was a native of London, England, and resided many years in the United States.

**CHARGE OF ARSON.**—Charles Solomon, who, in the absence of his father, N. Solomon, had charge of the store which was burned on Wednesday night, was arrested yesterday morning on a charge of arson, and committed to prison to await examination to-day.

**Court of Assize.**

[Before Chief Justice Needham.]

THURSDAY, Nov 7th.

Quital, an Indian, was tried yesterday for the wilful murder of an Indian named Lu-a-quah-lah-sa.

Qui-sal-ab, an Indian, proved that deceased and prisoner had a quarrel about some whiskey, which belonged to the prisoner and had been taken possession of by the deceased. A short time afterwards Quital took a rifle, and hanging the weapon on a small tree, wilfully fired at deceased, the ball entering at the back just above the thigh and coming out in front above the groin.

At the time of the death an inquest was held, but no post mortem examination took place.

Dr Davie proved the state of the wound, and after an address from Mr King on behalf of the prisoner, and an able charge from his Lordship, the case went to the jury, who returned a verdict not guilty.

**THE SENTENCE OF TOMLINSON.**

C. C. Tomlinson was placed in the dock at half-past two p. m., and asked if he had anything to say. He replied nothing, except that he was suffering from a bodily infirmity. The prisoner also in reply to the Judge stated he was unmarried.

His Lordship said the crime of which the prisoner had been convicted was of a very high character, and in former times was subject to the penalty of transportation for life or for a term not less than fifteen years, and by a subsequent statute, to penal servitude for life. It was of the utmost importance to society that the safety of the person should be held sacred. He was not sorry that the Court had been allowed discretion in such cases. The jury had recommended the prisoner to mercy, and the act was committed under provocation; the evidence gave him a character for humanity, and the prisoner was not known to have been concerned in a similar affair on any previous occasion. His Lordship could not doubt but the prisoner came over prepared to commit the act. It was not even in the nature of a duel—one was armed and the other not. The verdict of the jury, on the charge of shooting with intent to do bodily harm, he fully agreed with. The sentence was imprisonment for two years with hard labor, to date from committal. Upon a proper medical certificate of bodily infirmity, the nature of the punishment would be adapted accordingly. The prisoner seemed to receive his sentence without much concern.

**SENTENCE FOR SCHLESINGER.**

C. B. Schlesinger was next asked if he had anything to say. He replied that he had not, and that he was unmarried. His Lordship characterized the crime as very grave; few offences were counted worse in English law; and some time ago the penalty was death, but in later times it was mitigated. There was but small discretion left to the Court; the evidence had been anxiously looked over, but His Lordship was sorry to say he could find nothing favorable to the prisoner. The prisoner abused the kindness and confidence shown him by perpetrating the act on his friends, and during the trial he seemed to have found no friends and to have secured no sympathy, and the Court was left to its own resources. The sentence was penal servitude for five years.

**A GREAT SCANDAL.**—All good Americans are terribly shocked at an exhibition that Mrs Lincoln—widow of the President—has been making of herself through the columns of the New York World. She has ostentatiously sent to New York for sale certain articles of her wardrobe, such as camels' hair shawls, varying in value from \$35 to \$1500, point lace shawls worth \$2000 and dress of the same material valued at \$4000, a fur cape at \$1500 a fur boa at \$1200, together with diamonds, &c., to the total value of \$24,000. She pleads poverty as the reason for disposing of these articles, and authorizes the World to state that her income is but \$1700 a year, and she also authorizes the publication of her letters to the broker in New York to whom she has consigned the articles for sale. In this correspondence and in her conversations with the World reporters, she complains bitterly of the country and of the Republican party, and especially of Messrs Seward, Weed and Raymond for not providing for her "rightful maintenance" as she terms it. These three gentlemen are the only ones she names, probably because they are the most unpopular she can think of, and she declares that the late President thoroughly tested these men and had become fully aware before his death of their treachery and falseness. The articles are displayed at the broker's office and hundreds call daily to examine them. Some of the dresses are stained by perspiration and much worn under the arms, and several of the shawls are frayed and torn. Mr Weed, one of the parties alluded to, by Mrs Lincoln, has published an article in which he hints very plainly that Mrs Lincoln was guilty while at the White House of more than one indiscretion, if not impropriety. The papers also say that Mrs Lincoln is not so poor as she makes herself out to be; and a correspondent charitably suggests that she has become insane. A statement has been published that Mr Lincoln was worth \$100,000 when he died, and the question is naturally asked what has become of so large a sum in two years and a half? Mrs Lincoln is given to visiting the large cities, alone, under assumed names. The fact that a woman who has been almost idolized by a great nation has fallen so low that the breath of scandal has sullied her fair fame, has awakened a universal feeling of regret.

**FROM NANAIMO.**—The steamer Sir James Douglas, Capt. Clarke, arrived last evening from Nanaimo and way ports. There were no seagoing vessels at Nanaimo and nothing had been heard from the Sitka expedition.

**ENGLISH SHIPPING.**—No tidings were received yesterday of the British bark Byzantium, long overdue at this port. The bark Marmora was expected to sail from London for Victoria on the 2d October.

**THE MUNICIPAL ELECTION.**—The nomination of candidates for the offices of Mayor and Councillors, will take place to-day in front of the Police Barracks.

**THE ESCAPE OF CAREY.**—John Dwyer, Wm Wood, Wm Fitzpatrick, and Peter Walsh, are all cutely charged with conspiring to assist Maurice Carey to escape.

**ON THE WAY.**—The bark Ava, consigned to Millard & Beady, sailed from San Francisco on the 16th ult., with freight for Victoria merchants.

**GOVERNOR KENNEDY.**—New Zealand papers say that this gentleman is to be appointed to the Governorship of that Colony, vice Sir George Grey, recalled.

The steamer Enterprise returned from New Westminster yesterday morning. She brought 60 passengers. No news.

The bark Lightfoot, from San Francisco for Burrard Inlet, arrived yesterday, to load with lumber for Australia at Stamp's mills.

**TREASURY.**—The California brought \$50,000 in coin.

The James McIntosh convicted of selling whiskey to an Indian is not Capt James McIntosh of this city.

The mail steamer will sail for San Francisco via Portland at 6 o'clock on Saturday evening.

**EXPRIED.**—The contract for carrying the mails between Victoria and San Francisco.

**English and Continental News.**

(Dates to September 16th.)

The London correspondent of the Edinburgh Scotsman says that Lord Derby will soon resign the Premiership of England, on the ground of ill-health, and points to Lord Stanley or Mr Disraeli as most likely to succeed to the office.

General Garibaldi definitely refused the invitation to be present at the reform banquet at the Crystal Palace, London, fixed for the 30th of September, on the ground that he did not know what matters "may be then engaging his attention in Italy."

The steamship Bresil, belonging to the French Messageries Impariales Company, and the English bark Dolphin, had been in collision in the sea of Marmora, resulting in the total loss of the steamer, with thirty lives.

The remains of Napoleon II. are to be removed from their various resting places at Vienna, and laid in the newly-restored vaults of the Abbey of St. Denis, France.

**Le Situation, of Paris, of Sept. 6th,** publishes the draft of a treaty between Austria and Prussia, chiefly based on the principle that Prussia should favor the extension of Austria's power in the East, and that Austria should support Prussia's prospects in Germany.

Some Prussian officers have been sent to Warsaw to instruct Russian officers and sergeants in the handling of the needle-gun. In addition to the American breech-loading rifle adopted by the Russian army, the needle-gun is to be also introduced.

The official denial is given in St. Petersburg to a statement of the Courrier Francais that a concentration of Russian troops had taken place on the Austrian frontier.

**Telegrams from India, dated Calcutta, Aug. 9, 1867.** Favorable accounts are received of the remaining districts. The crops are thriving, although still generally in the north-west provinces of the Punjab. Bengal is healthy and the harvest prospects are good.

**The People's Gazette, of Florence,** mentions a rumor, according to which the King of Italy has reproached Garibaldi in friendly terms with his attempts against Rome, and pointing out to him the danger to the public peace and the tranquillity of the nation which would be created by any further hostile effort.

Marshal Niel, the French Minister of War, on dismissing the troops encamped at Charons, made use of the following significant words:—"Messieurs, you have been studying the theory of war; you will soon study its practice."

There was an election of a member of the French Legislative body, and the government candidate was defeated. The election was for the department of Isere, and M. Rioulet, the opposition candidate, received 16,000 votes against 13,000 given to M. Kleber.

Count Bismarck is represented to have offered large advance of money to the Italian government and promised to assist the latter if it should think fit to make a *casus belli* of the position taken by France in Rome.

The committee of the reform fete and banquet to come off at the Crystal Palace, London, on the 30th September, had received authority from a number of members of Parliament and others to place their names on the honorary committee. Mr Bright will be present. Earl Russell in a letter to the committee declines the invitation. Mr Gladstone's letter to the committee says the celebration is amply justified by the great extension of the franchise.

The fortress of Luxemburg was evacuated by the last Prussian garrison on the 3rd of September.

**The Pall Mall Gazette** contradicts a report circulated in London, to the effect that Mr Charles Dickens is in so bad a state of health that he has been ordered to abstain entirely from literary labor, and that his contemplated visit to America is to be undertaken principally with the view of restoring his health.

**Dominion of Canada.**

**MONTREAL, Canada, Sept. 27, 1867.**

The Executive Council held a meeting at Ottawa to-day.

It is understood that the chief subjects to come before the House of Commons will be an indemnity bill, inter-colonial railway, february provision, transfer of local public works to provincial control, equalization of the tariff and the admission of Northwest Territory, British Columbia and Vancouver to the Union.

The elections in Nova Scotia have resulted in a defeat of the Unionists Dominion and local candidates in every county, save two in the Province. Howe and Tupper are both successful.

Archibald McKellar, the leading candidate of the Opposition party, defeated in Kent, was on the 20th inst. returned to the House of Assembly by another constituency. Mr Cumberland, Manager of the Northern Rail-

way, was also elected. The Hon. John Hillyard Cameron, a prominent member of the Government, was on Saturday elected for the House of Commons.

The Hon. Mr Carling and Rufus Stephenson, members for Kent, and others, who were returning from an electioneering tour west, were mobbed on their arrival at the London station on Friday last.

The Ottawa official Gazette of Saturday contains an order proroguing the Parliament of the Dominion until the 2nd of November. The Parliament of the Province of Quebec is prorogued until the 4th of November.

A scrutiny of the whole poll of Montreal West is to be instituted by Mr McGee's friends, who expect to show that 500 fraudulent votes were polled for Mr Devlin. It is rumored that Mr McGee is shortly to be appointed to a high and permanent position in the Government.

M. M. Dorion, the leader of the Quebec Opposition, has been elected in Hochelaga for the House of Commons.

The Hon. D'Arcy McGee publishes an earnest letter on the morale of election riots, and calls for evidence against and prompt justice to be done upon the ringleaders. He traces the mob spirit so suddenly developed to Fenianism, but considers that the riot would not have occurred had not the first symptoms found apologetics.

It is reported that Lieut. Gen. Sir Charles Windham, K.C.B., is to succeed Sir John Michel in command of the forces in British North America.

Parliament was to meet Nov. 2d.

**Australia.**

**NEW SOUTH WALES.**

Dates from Sydney are to the 31st of August. The recent news from England, via South Australia, states among other things that Sir John Young's successor is to be Earl Belmore, an Irish nobleman, descended from one of the Scotch emigrant families.

The bushranger Thunderbolt robbed the Cassilis and Maswellbrook mail on the 6th August.

At the Great International Exhibition at Paris, the colony of New South Wales has carried off one gold medal, (three silver ditto, nineteen bronze ditto, and seventeen "honorable mention") thus placing herself in a decided superiority to her sister colonies.

The Mundooran mail coach, horses and mail bags, were swept away by the last flood at Celbora. The driver and two passengers barely escaped. It is expected that the driver will not recover.

At Einn creek 100 tons of quartz from claim No. 1, north of O'Brien's, has yielded 385 ozs., the reef being 6 feet thick. The 7 mile Rush is progressing favorably; golden holes are being bottomed daily.

It is contemplated that through the co-operation of the different steam navigation companies a fleet of from 30 to 40 steam vessels will meet Her Majesty's ship Galatea on her arrival off this port with the Duke of Edinburgh on board.

W. Kene, of Newcastle, has obtained the gold medal of the Paris Exhibition (the only one awarded to New South Wales exhibitors) for his coal and general mineralogical collection.

**VICTORIA.**

Dates from Melbourne, via Sydney, by telegraph, are to the 30th of August.

The newly-appointed American Consul for the colony of Victoria, Gen. George R. Latham, arrived at Melbourne in the latter part of July, in the American bark Surprise, from Boston. Gen. Latham succeeds Mr. Blanchard, whose term of office has expired.

A shock of earthquake passed through Melbourne at half past 5 o'clock on the morning of the 10th of August. It was preceded by a low rumbling noise that lasted for two minutes, followed by a violent shock that lasted for something like between 10 and fifteen seconds. Its course was from north to south; but it was not felt in South Australia. It seems to have been general throughout the colony. No damage has resulted.

The Melbourne Herald states that an English company of ample resources has sent out by the last mail the most tangible proposal that has yet been made for a monthly mail and passenger service via the Cape of Good Hope. They offer to despatch vessels of large tonnage and full power to the passage in 42 days so as to alternate with the monthly mail via Suez, and to bind themselves to punctuality under a penalty of £500 per day, on receiving also a bonus of the same amount for every day saved out of the 42. The subsidy they require is £80,000 per annum, leaving the colony to make its own arrangements with the other colonies as to their mails. The matter is before the Cabinet. It is understood that the most satisfactory security will be given for the performance of the contract, and the Company will be prepared to send out the first ship within a year after the contract is signed.

The Payment of Members bill has passed the Legislative Assembly of Victoria, by a majority of 20 to 9.

Edward Bathurst, the notorious swindler, formerly a magistrate, has been sentenced to two years hard labor.

The Caledonian Societies of Victoria have combined to welcome Prince Alfred.

W. N. McCann, ex-member of the Victoria Legislative Assembly, has been found guilty of forgery and sentenced to seven years' imprisonment.

During the first half of the present year, 1,930 persons were sent for from

the Dominion of Victoria. Of these 522½ were from England and Wales, 150½ from Scotland, and 1,251 from Ireland.

A nugget of 102 ounces has been found in the Gulf Claim, Ballarat, Victoria.

**QUEENSLAND, SOUTH AUSTRALIA AND TASMANIA.**

The President of the Marine Board of South Australia has returned from his surveying expedition to the southeast. He reports that Lacipid Bay is the best harbor all along the coast, conditionally upon a light being placed on Cape Jaffa by which to steer for the entrance.

The second session of the fourth Parliament of Tasmania was opened on the 20th of September.

The purchase of the Essenden Railway by the Government has been concluded, and it is to be put in working order immediately.

A sample of gold consisting of 138 ounces, from the Rosewood diggings, 50 miles distant from Rockhampton, Queensland, has been exhibited in Sydney. It is stated on good authority that it was procured by three men in ten weeks, from a dry creek west of the main range. There are several fine nuggets in the sample, one weighing 22 ounces, another 17, another 8, and another 7.

**New Zealand.**

Latest dates are from Auckland to the 3d, and from Wellington to the 8th of September.

**THE RECALL OF SIR GREY.**—The dispatch of the Duke of Buckingham, Colonial Secretary, to Sir George Grey, conveying the information in very curt terms that His Excellency is about to be summarily removed from his high office as Governor of New Zealand, has created an immense sensation in the colony. The indiscreet action of the Downing Street authorities in this matter is universally condemned. The dispatch referred to intimated that by the next mail Governor Grey will be informed who is his successor, and when he may be expected to arrive there.

Energetic protests are being prepared against Sir George Grey's removal, which will be forwarded to the Home Government. Considerable speculations are rife as to the reasons and motives of the proposed change as well as the name of the prospective Governor.

The Southern Cross, of September 3d, says:—"We believed that the 'coming man' is Mr Kennedy, late Governor of Vancouver Island, and formerly Governor at Sierra Leone. Lord A. Churchill is mentioned at Wellington, but we apprehend this is an error. Mr Kennedy is presently out of employment, Vancouver having been recently annexed to British Columbia. Sir George Grey's successor may be expected by the next Panama mail."

Distressing floods have occurred on Middle Island, New Zealand, and numerous wrecks of coasting vessels are reported.

Severe weather has been experienced on the West Coast (New Zealand); the coaches between Canterbury and Hokitika were stopped by the snow, and the telegraph line for about forty miles was thrown down.

The yield of gold, both at the Grey and Hokitika diggings continues excellent.

On the night of the 24th August the tide at Hokitika, New Zealand, was so high and the surf so severe that a line of seven or eight feet more of the beach on which the town is built was washed away. The owners of wooden houses erected close to the sea have been busy of late removing them further away from the influence of the sea.

All of the imperial troops are now removed finally from New Zealand, and the colonists have henceforward to look to their own protection.

As an immediate consequence of the removal of the troops the Maories—that is the hostile portion of the natives—are beginning to muster and threaten. They are bent on having the confiscated territory of Waikato restored to them, peacefully if they can, but they are ready to fight for it otherwise. Matters don't look particularly pleasant to the colonists.

Another war is among the probabilities of the immediate future.

The Thames gold fields have not turned out equal to the expectation of the Aucklanders. Prospecting is going on, but as yet without any very great result.

**Bristol's Sarsaparilla and Pills**

Are prepared expressly for the cure of those diseases which have their origin in impure blood and foul and vitiated humors, and for 35 years they have proved that in all eruptive skin diseases, in all miasmatic and scrofulous or cancerous diseases, and in every form of ulcerous and scabious disease, these two great remedies never fail in effecting a cure.

**The Breath of Flowers!**

The breath of the rarest tropic flowers, fragrant and imperishable, is transfused into that most exquisite of all modern perfumes, MURRAY & LANMAN'S FLORIDA WATER, suited alike for the handkerchief, the toilet and the bath.

As there are worthless counterfeits offered for sale, buyers should always ask for the Florida Water, prepared by Lanman & Komp, New York.

**An Apology for the Absentee General.**

Mr Alston publishes an issue of the COLONIST and Attorney General from brought against him As yesterday, to a Council New Westminster is at failure of Mr Crease to attend the Assizes; but we are that the "important public duty" was so much neglected as to be hardly of as much to the Colony as the due administration of the law; and as nothing the country has resulted engagements, would it not for all concerned if the General were to eschew future meetings and devote strictly to those duties which he paid for not performing the office of employing deputy one. Deputies are expensive that (to be paradoxical) be indulged in when Mr Alston says "that Mr Crease the point of starting by to attend the Assizes, but was &c. It is evident from that Mr Crease had left till the last moment—that prepared to proceed with cases—and that we were charged him with negligence had he arranged his business Mr Alston would have known to have placed his hands intended for the Court. pendent further says that Alston says "that two murderers were turned loose community to renew their and "that no subpoenas no depositions copied, no writs are "contrary to fact," diately after the denial he state that "all the necessary were served." How, then, did it occur that although witness "was in attendance request"—the sequel shows believed his attendance "n that he went away during fusion," and was not subpoena until nearly hours after the prisoner had quitted of the crime for that very testimony. With case (Quital's) we have no We made no charge concern third case, however, quite our position. Here was who weeks ago killed Nanaimo, awaiting his depositions were sent to minister, where they were of the hands of the Attorney until after the Assizes? Why were they detained? says, in consequence of "a ba which postponed the arrival steamer." But how does that Mr Crease's letter deeded authority to our correspondent lay over from the sa How could one document without the other if ordinary been observed by the Attorney? The explanation is absurd, and the conviction is Like the subpoena that could served on the medical depositions were forgotten late to be of any service. was the case of a swindler—Alston singularly avoids. not the prosecution send notices notice to produce the suffer them to come into Court with the written evidence man's guilt? The check was too, and the criminal escaped. we have three (Mr Alston were four) distinct instances of of justice through the ignorance or moral cowardice of the General, who, whether he is duty or merely neglected it, is deserving of censure. Then the same official's egregious appointing Mr Alston to a local statute says distinctly occupy. Mr Alston thinks blunder was justified by pre having been "allowed during year to practice in Court with tion being made." Surely



The Weekly Colonist and Chronicle.

Tuesday, November 12, 1867

An Apology for the Absentee Attorney General.

Mr Alston publishes a letter in this issue of the COLONIST defending the Attorney General from the charges brought against him. As we suspected yesterday, to a Council meeting at New Westminster is attributed the failure of Mr Crease to appear at the late Assizes; but we are of opinion that the "important public business" was hardly of as much moment to the Colony as the due administration of the law; and as nothing but harm to the country has resulted from similar engagements, would it not be better for all concerned if the Attorney General were to eschew future Council meetings and devote strict attention to those duties which he is so well paid for not performing? The practice of employing deputies is a bad one. Deputies are expensive luxuries that (to be paradoxical) should only be indulged in when necessary. Mr Alston says "that Mr Crease was on the point of starting by the steamer to attend the Assizes, but was detained," &c. It is evident from this statement that Mr Crease had left everything till the last moment—that he was not prepared to proceed with any of the cases—and that we were right when we charged him with negligence, for had he arranged his business properly, Mr Alston would have known where to have placed his hands on the papers intended for the Court. Our correspondent further says that our statements "that two murderers and a swindler were turned loose upon the community to renew their crimes," and "that no subpoenas were served, no depositions copied, no writs issued," are "contrary to fact." But immediately after the denial he proceeds to state that "all the necessary subpoenas were served." How, then, Mr Alston, did it occur that although a medical witness "was in attendance at your request"—the sequel shows that you believed his attendance "necessary"—that he went away during the "confusion," and was not served with a subpoena until nearly twenty-four hours after the prisoner had been acquitted of the crime for the want of that very testimony. With the second case (Quital's) we have nothing to do. We made no charge concerning it. The third case, however, quite establishes our position. Here was an Indian who weeks ago killed another at Nanaimo, awaiting his trial. The depositions were sent to New Westminster, where they were detained in the hands of the Attorney General until after the Assizes were over. Why were they detained? Mr Alston says, in consequence of "bad weather, which postponed the arrival of the steamer." But how does it happen that Mr Crease's letter delegating his authority to our correspondent did not lay over from the same cause? How could one document come on without the other if ordinary care had been observed by the Attorney General? The explanation is simply absurd, and the conviction is irresistible: Like the subpoena that ought to have been served on the medical witness, the depositions were forgotten until too late to be of any service. Then there was the case of a swindler—which Mr Alston singularly avoids. Why did not the prosecution send its own witnesses notice to produce the check? Why suffer them to come into Court unprepared with the written evidence of the man's guilt? The check was forgotten, too, and the criminal escaped. Here then, we have three (Mr Alston says there were four) distinct instances of the failure of justice through the ignorance, carelessness or moral cowardice of the Attorney General, who, whether he shirked his duty or merely neglected it, is not the less deserving of censure. Then there was the same official's egregious blunder in appointing Mr Alston to a position that a local statute says distinctly he shall not occupy. Mr Alston thinks that the blunder was justified by precedent—he having been "allowed during the whole year to practice in Court without objection being made." Surely, our cor-

respondent is too erudite a lawyer to require to be told that it is not within the province of the Judge to raise the objection. The objection must come from another—the question must be "brought to the notice" of the Court. The moment it was properly brought the precedent was established—Mr Alston was ruled out of Court. The Judge had no choice in the matter. Mr Alston, in concluding, says that the Attorney General is free from blame, and that he "writes in order that the public may be rightly informed." If Mr Crease is not to blame, who is the delinquent? Is it Mr Alston? We answer, no; yet Mr Alston, with a meritorious display of self-abnegation, endeavors to shift the responsibility from the shoulders of Mr Crease to his own. The responsibility of the Attorney General, however, cannot be condoned by any such Damon and Pythias attempt on the part of a disinterested friend. Mr Crease should have come to Victoria before the last steamer left New Westminster, arranged the cases for the Crown, and then, if he was called away, or if he feared to face the Chief Justice, there could have been no failure of justice,—at least, not from the causes we have described. On the whole, we think that Mr Alston's letter will rather injure than benefit his distinguished client's cause.

Saturday Nov. 9th

Municipal Council.

THURSDAY, NOV. 7th, 1867.

The Council met at 7:30 p. m., adjourned and resumed sitting at 10 p. m. There were present the Mayor and Councillors Gowen, Lewis, Trahey, Gibb, and Hebbard. A communication was read from the two auditors of the Corporation accounts. Received and the sum of ten dollars to each was voted as an additional amount. A report of the Sanitary Committee was handed in, detailing particulars of the work executed during the Municipal year. Adopted. Report of the Street and Sidewalk Committee was presented particularising the work done during the Municipal year. Adopted. Councillor Gowen, reported progress on the contract for the improvement of Menzies and Quebec streets, and suggested that the sum of one hundred dollars be paid on account of same. Agreed to. Committee appointed to confer in respect of the settlement of the Titus claim, reported the absence of the interested party from town. The sum of one hundred dollars was paid to W. S. Green on account of costs in the suit of Titus vs. the Corporation. Six dollars were voted for filling up a cavity on Courtney street. The poll books were presented and the amended voting list passed; a copy to be handed to each returning officer. The annual financial statement was reported incomplete and was deferred, but would be deemed satisfactory when presented. ADDRESS TO THE MAYOR. The following address was presented to His Worship, and ordered to be spread on the Minutes of Council: VICTORIA, V. I., B. C., Nov. 7, 1867. To the Hon. William J. Macdonald, Mayor of the City of Victoria.

We the Councillors of the City of Victoria at this the closing meeting of the Municipal year, desire to express our satisfaction in the courteous manner in which you have presided over and conducted the business and deliberations of the Council during your Mayoralty, and for your prompt assistance afforded at all meetings of the Council, and the results of which we feel have materially conduced to the general Municipal welfare of the City. And now on taking leave of you, we sincerely hope that should you again have the honor of being re-elected to the Civic Chair, the same kind feeling and unity of action may characterize the proceedings of the incoming Council, as have been exemplified during the Municipal year now drawing to a close. And in conclusion, permit us, while glancing at the results of the past, to express the hope that the future may be equally satisfactory. With best wishes for your health and prosperity.

We remain, dear sir, Yours faithfully, CHAS. GOWEN, RICH. LEWIS, J. W. TRAHAY, M. W. GIBB, W. HEBBARD.

REPLY. GENTLEMEN AND MEMBERS OF THE MUNICIPAL COUNCIL.—I return you my sincere thanks for your expression of satisfaction at my conduct, and I am happy to be able to congratulate you on the close of this Municipal year at the general result of our united efforts. The large debt standing against the city this time last year has absorbed the most part of the revenue and prevented you from carrying out as many improvements as the public might expect, yet some works have been done of a useful character, and I think upon the whole that the citizens are satisfied. The people living in the outskirts of the city may have some cause of complaint, owing to none of the Municipal funds being expended in their respective localities; but for some time to come the principal thoroughfares will require a large share of the revenue, and the improvements outside the business part of the city must, as a matter of necessity, be gradual and limited. Your successors in office will have comparatively easy work, although under the Act of 1867, the sources of revenue and the mode of raising the same are different in some respects from what they are at present, yet the machinery will be nearly the same, and I trust that they will at

all times conduct the public business in an impartial manner, and with as much credit to themselves as you have done, and that they will always exercise prudence and moderation. I have to thank you for the support you have given me at all times as your presiding officer. My duties have been rendered comparatively light by the efficient manner in which you have performed yours. Should I be re-elected to the Civic Chair, my aim will be, as it has been hitherto, to do all in my power to foster and promote the interests of the city, and conduct the business of the Council in an impartial and creditable manner. I now take leave of you, with feelings of esteem and respect, and wish you and all every success and happiness in your different callings. W. J. MACDONALD, Mayor. The Council adjourned sine die.

THE CIVIC ELECTIONS.—The interest manifested in the nomination of civic officers yesterday was very great. A large crowd assembled at the Barracks. At 12 o'clock High Sheriff Elliott asked if any elector wished to propose a proper person for Mayor? Mr D. B. King, seconded by Councillor Gowen, nominated Dr Trimble. Mr W. K. Bull, seconded by Mr Robert Burnaby, nominated Mr Macdonald for re-election. Dr Trimble then briefly addressed the electors, and was followed by the Mayor, who sketched his official career, and explained to the apparent satisfaction of his hearers certain of his acts while in the Legislative Council. A show of hands was taken and Dr Trimble declared to have the majority. A poll was demanded for Mr Macdonald. The nomination for Councillors then took place. For Yates street Ward, Councillor Lewis and T. Smith Alib, and for James' Bay Ward, M. W. Gibb and H. F. Heisterman were elected by acclamation. Councillors Trahey and Gowen having declined a re-election. For Johnson street Ward, Councillor Hebbard, — Crump, Thos. Chadwick and Joseph Jeffries were nominated and a poll demanded. The voting will take place between the hours of 8 and 4 o'clock to-day.

BENEFIT OF THE ROYAL HOSPITAL.—No institution appeals more directly to the public for substantial aid than the Royal Hospital. Filled with the sick and dying of every nation and creed, it ranks as one of the noblest and most beneficent establishments on the Continent. The man who to-day walks our streets in the full possession of health and strength, knows not but to-morrow may find him stretched upon a bed of suffering within the very walls of the institution. Every other citizen to assist. Discarding every other consideration, self-interest demands of every citizen that this noble charity should not be allowed to languish and perhaps to die out altogether for want of that aid towards which it is in the power of all to contribute their "mite." We trust that the theatre will be filled to-night, and that the worthy efforts of the men of the Squadron, seconded by their officers, will be entirely successful. The box-office will be open to-day from 11 till 3 o'clock; secured seats, 25 cents extra.

NUMBER OF JEWS IN THE WORLD.—According to recent statistics the total number of Jews in the world is 7,000,000, 3,500,000 of whom reside in Europe. In Russia the Jewish population is 1,220,000; in Austria 853,000; in Prussia, 284,000; and in Germany, 192,000. At Frankfurt-on-the-Maine every sixteenth inhabitant is a Jew, and in the whole of Prussia every seventy-third. There are fewer Jews in Saxony than in any other part of Germany. In Sweden and Norway the population of Jews is the rest of the inhabitants is about one to 6,000. It is remarkable that in such countries as France, England and Belgium, where the Jews are under no disabilities, they are less numerous than in countries where they have not yet been placed on an equality with the members of other creeds.

THE QUESTION OF JUDICIAL INTEREST.—We understand the Chief Justice has intimated, in reference to the objection raised in the matter of C W Wallace, on account of his (the Chief Justice) having an interest in the Vancouver Coal Company, that any honorable intentions on his part that his brother should not lose by the assignment of shares in that Company, is not such an interest as would legally preclude him from trying the case; but on a point of delicacy, should any one feel a prejudice, the parties objecting might apply to the Governor to appoint a commissioner to try the case, with the consent of all parties, but without reference to the jurisdiction of the Court of Vancouver Island.

ABOLITION OF CHALKING UP.—Beer-sellers from the 1st of October next, will not be able to recover in the County Court the amount of anything they may have "chalked up" against their customers. The County Courts Amendment Act, which will come into force on the date named, provides "that no action shall hereafter be brought or be maintained in any court to recover any debt or sum of money alleged to be due in respect to the sale of any ale, porter, beer, cider or perry, which after the commencement of this Act was consumed on the premises where sold or supplied, or of any security given for, in or towards the obtaining of any such ale, porter, beer, cider or perry."—English Paper.

DEATH OF REAR-ADMIRAL HOPE.—The Army and Navy Gazette of Sept 7th says:—"A very unexpected vacancy has occurred on the Active Flag List. Rear Admiral Thomas Hope, the junior admiral, and who only obtained his promotion in the month of May last, expired last Saturday at the comparatively early age of 57. Octogenarians have been spared and still figure as 'active,' while the strong man of middle life has been snatched away."

THE CHARGE OF ARSON.—Mr Bishop appeared yesterday to defend Charles Solomon, who was arrested on a charge of arson. Sergt. Bowden testified to seeing the accused near the spot a short time before the fire was discovered, and the prisoner was again remanded until to-day. Bail was accepted in the sum of \$2000.

THE ENTERPRISE sailed yesterday morning with passengers, the mails and freight for New Westminster.

The health of Mr Charles Kean has of late greatly improved, and he may be able soon to give readings, though it is doubtful whether the healthful breezes of the Cornish and Devonshire coasts will so far renew his strength as to enable him to reappear on the stage.

WITHDRAWN.—Mr Thomas Chadwick, nominated for Councillor of Johnson street Ward, requests us to say that he declines the honor. We are sorry for this determination. Mr Chadwick would have made a good and faithful civic officer.

UNCERTAIN.—It is uncertain when the California will sail. She received some injury in the gale off Columbia River bar and will have to undergo repairs. Perhaps Tuesday next will see her on the downward trip.

THE OVERLAND WAGON ROAD.—Mr Waddington sailed from San Francisco for the East on the 29th October. The San Francisco Bulletin makes kindly mention of the old gentleman and his scheme.

THE THREE GREAT PROFESSIONS.—In England the number of persons belonging to each of the professions is nearly the same. There are 34,370 lawyers, 85,483 clergymen and 85,995 physicians.

THE MAYORALTY.—We sincerely hope that Mr Macdonald will be re-elected Mayor to-day. He has made an honest and efficient officer, has worked hard for the interests of the citizens and deserves well at their hands.

JOHNSON STREET WARD.—The electors cannot do better than re-elect Mr Hebbard, who has served them in the last Council faithfully; and Father Jeffrey, who did the Ward some service in days gone by.

GOVERNOR KENNEDY.—Authentic information, received by private letter states that Governor Kennedy will go to Queensland, vice Sir Geo. E. Bowen, who succeeds Sir George Grey as Governor of New Zealand.

THE ESCAPE.—Some further evidence was taken in the case of the men accused of assisting Maurice Carey to escape, and the prisoners were remanded for three days.

THE H. B. Co.'s steamer Otter goes North on Wednesday. She will call at Nanaimo, Comox and Queen Charlotte Island.

AT SAN FRANCISCO.—The Pixley Sisters, Mr Ward and the Bianchi Opera Troupe.

The Fideliter reached Portland on the 5th inst.

Re Absentee Attorney General.

Victoria, Nov. 8.

EDITOR BRITISH COLONIST.—Much as I would desire to abstain from the notice of newspaper criticism, I am compelled, in justice to an absent person, to ask for the insertion of the following remarks upon an article in your paper which appeared this morning, headed "An Absentee Attorney General." But before I proceed to notice the article, I may inform you that in the letter of authority given to me the Attorney General states that he was on the point of starting by the steamer to attend the Assizes but was detained on important Government business. This was mentioned in Court, and the letter handed up to the Chief Justice. The article states that Mr Crease ought to have known that I was prevented from attending, and that "the consequence was a failure of justice in at least three cases. Two murderers and a swindler are turned loose upon the community to renew their crimes as occasion may offer. In these cases no subpoenas had been served, no depositions copied, no writs issued." Now, I assert, that these statements so made are directly contrary to the fact.

In the first place, Mr Crease knew that I had been allowed on many occasions, and during the whole of this year, to practice in Court without objection being made, or any hint from the Judge, who is at least as well acquainted with the law as the Attorney General. The restraint, therefore, if there exists one, had become obsolete. Secondly, with regard to the three cases mentioned, and which were severely commented upon by the Court, I assert that in all the necessary subpoenas were served and depositions were copied. What writs could have been issued I cannot imagine, nor can the writer of the article probably inform me.

In the first case (that of Shook, an Indian) the medical witness was in attendance at my request to prove the nature of the wound, but in the confusion which ensued on the objection being made to my appearance he withdrew, supposing, I imagine, that his presence was not of great moment. By no possibility could the Indian have been convicted of the charge of murder, if all the medical gentlemen in town had given evidence of the wound, and the testimony obtainable was utterly inconclusive. But if I had not been interfered with, the medical testimony, such as it was, would have been forthcoming.

In the second case (that of Quital, another Indian) it was stated in Court that a failure of justice had occurred, because no post mortem examination had taken place. Now the death took place more than a year before the depositions were sent to the Attorney General. To blame that gentleman, therefore, for not directing an examination to be had, is simply unjust and ridiculous.

In the third case, the depositions were sent from Nanaimo to New Westminster and would have arrived here in time if the bad weather had not postponed the arrival of the steamer till the Assizes were over. I may mention that depositions are not altogether necessary for the prosecution of a case at all, and that I was prepared to draw an indictment, as the witnesses were in attendance. The case was brought before the notice of the Court before the Grand Jury were discharged, but I was prevented from further appearing in the matter.

I maintain, therefore, that the Attorney General is free from blame in this matter, and I thus write in order simply that the public may be rightly informed.

E. GRAHAM ALSTON.

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Dominion of Canada.

QUEBEC.

In view of the early meeting of the first Parliament in this dominion, the City Council Board decided to take active measures to procure an early meeting of the International Board of Trade in Montreal, composed of the delegates from all the provinces, to consider the following important question: The tariff rate, intercolonial railway, uniform currency, the silver question, the reduction of postage, the shipping and navigation regulations, international and maritime law, &c. The shipbuilders held a meeting yesterday to consider the best means of protecting themselves against the unreasonable associations. The carpenters and outskers resolved not to enter into any contract or employ any member of an association at new work from this date.

It is not easy to name the future leader of the opposition of Ontario. None of the elected men are very fit to succeed Mr. Brown, who, by the way, is going to Scotland, if he has not already gone; but report says he wishes Mr Edward Blake to succeed him, who is member for one of the ridings of Durham. One would, however, think that Mr Alex McKeenzie would be the man; for he is experienced, a steadfast reformer, and a friend of Mr Brown.

A volunteer rifleman in Canada recently fired 120 shots at a target at distances of 500 to 1000 yards, and missed but five times, although no sighting shots were fired. He would be a dangerous man for the Fenians. A fire broke out on Saturday night in Alderman Kirkham's stable, and before the progress of the flames could be arrested six buildings were destroyed. The loss by the fire is very heavy.

ONTARIO.

KINGSTON, Sept 26th, 1867.—The weather continues favorable for the exhibition and the city is crowded with visitors, including more than the usual number of Americans. The Canada Company's prize for fall wheat was awarded to J. Cullis, of Northumberland; the wheat weighed over sixty-three pounds. The show of grain is altogether inferior. The stock and other departments are equal to previous years.

KINGSTON, Sept 25th.—The Provincial Fair at this place is attended by many thousands of people. There are no American entries of any importance. The show of live stock is very fine, but the machinery is inferior.

OTTAWA, Sept 28th.—All the members except Messrs. Campbell, Mitchell and Archibald, were present at the meeting of the Executive Council yesterday.

The day of meeting for the Parliament of Canada has been decided upon and referred to the Governor General for his sanction.

Hon McDougall, in a speech at a concert last night, said he had received a communication from a politician in Newfoundland, stating that the Parliament about to assemble there would pass resolutions asking admission into the Confederation. Also, that at the session soon to be held at Ottawa resolutions would be passed, and sanctioned by the Imperial government, admitting the Hudson Bay Territory.

The Garrison of the capital is to be strengthened and the City Council have offered \$2000 toward barracks accommodation if the commander of the forces will station a battalion in Ottawa for three years.

The first battalion Sixtieth rifles is coming out here from Malta.

OTTAWA, Sept 24.—Parliament has again been prorogued to the 2nd of November. Only two constituencies now—Gaspé and Chicoutimi—have not elected their representatives. The result of the election is as follows:

Table with 2 columns: Ministerial and Opposition. Rows include Nova Scotia returns, New Brunswick returns, Quebec returns, Ontario returns, Total, and Ministerial majority.

A majority of thirty-five votes in the House of Commons is enough to work with.

South America.

PERU.

Dates from Lima and Callao are to the 28th of September.

It is said that the clergy, people and troops in and around Arequipa have fraternized with the revolutionary forces, and made common cause against the government. The following telegram was received in Islay on the 23rd ultimo: "The revolution has triumphed! Col. Tines is killed. Causaco and Alvarado are in command of the patriots. No disorder."

The port of Islay has been declared by the Government to be closed until the restoration of tranquility. Many arrests have already been made in Lima of persons suspected of being in communication with the leaders of the "new revolution."

CHILE.

Owing to the approximation of the great National Festival—the 18th of September—the anniversary of Chilean independence from the yoke of Spain, trade in Valparaiso was at a stand-still. The preparations for a due observance of the great day were this year on a grand scale. Private firms vied with the authorities in their efforts to do honor to the national holiday.

George Petrie, the general agent of the Pacific Steam Navigation Company, had arrived at Valparaiso from Callao, and immediately proceeded to Santiago to confer with the Government for the purpose of adjusting a contract for the establishment of a new line of steamers between Chile and Europe; touching at Rio de Janeiro, St. Vincent and a French port (not named) via the Straits of Magellan.

Declination.

Nov. 8, 1867.

EDITOR BRITISH COLONIST.—Will you kindly allow me, through the medium of your valuable journal, to state that I was nominated to-day as a Councillor for Johnson street Ward, without my consent; having always been opposed to so small a community being incorporated, I could not consistently accept the position if elected. THOMAS CHADWICK.



The Weekly British Colonist AND CHRONICLE. Tuesday, November 12, 1867.

Court of Assize. [Before Chief Justice Northam.]

At the opening of the Court His Lordship called attention to the fact that Registrar General Alston, who had been deputed to act as Crown Prosecutor, could not legally act as such for reasons which will be found detailed elsewhere.

MURDER. Regina vs. Silhook—Mr Ring, instructed by Mr Courtney, appeared for the defence.

In this case the prisoner (an Indian) was indicted for the murder of another Indian, at Esquimaux, on the 21st ult. Two witnesses were sworn for the prosecution, when it appeared that the medical men who had attended the deceased had not been subpoenaed to attend.

The Chief Justice took his seat at 10 1/2 o'clock. The Grand Jury were discharged with the thanks of the Court for the able and impartial manner in which they had discharged their duty.

ASSAULT WITH INTENT AND AFFRAY. Charles C. Tomlinson and George T. Smith, were arraigned on indictments charging the first with assault with intent upon the person of Jacob Marks and affray, and the latter with conspiring thereto.

Mr Wood appeared to prosecute, and Mr Ring and Mr Robertson, instructed by Mr Courtney, appeared for the defence. Twenty peremptory challenges were allowed the defence and six British jurors having been obtained, Mr Ring asked that the prisoners, being Americans, the six additional jurors required to complete the legal number be drawn from an American panel.

The Chief Justice—Upon what grounds, Mr Ring? Upon the ground, My Lord, that the prisoners are foreigners. I want a jury de medietate linguarum; your Lordship issued an order in chambers for a mixed panel.

The Chief Justice—Then how can I grant you a jury de medietate linguarum; where is the statute—I want to see the law.

de medietate linguarum was when the prisoners were called on to plead. But the court, even at this stage would, notwithstanding the informality, allow six aliens—not chosen from any particular country—to enter the box as jurors.

It appearing, however, that a British juror had entered the box without having been challenged, he was sworn, and the number of the jurors reduced to five.

The following jurors were then sworn to try the case. BRITISH. Eli Harrison, J. Force, J. Huxtable, W. Giffin, D. Spencer, P. McFerran.

Mr A. H. Guild was chosen foreman. Mr Wood then proceeded to open the case for the Crown in a brief but eloquent address, in which he rapidly sketched the evidence that the prosecution would bring forward in support of the indictments, and called the following evidence:

Jacob Marks, sworn—Am of no occupation at present; returned from Cariboo about the 1st of October last; on the 5th of October, about 3 1/2 o'clock p. m., I saw Tomlinson standing at Campbell's cigar stand, corner of Yates and Government streets; he said he wanted to speak with me; I said yes, I'll be along in a minute; I walked on down Government street, Tomlinson joined me about the Colovier office; I told him there was no use of us going to Marshall's place as I had only a few words to say; I suppose you have come over from the Sound for the purpose of making me deny the assertion you made to me; he said he certainly would; I then told him if he denied what I had said he lied; I then heard the report of a pistol, I next saw the pistol in his hand after the report; this pistol was a Sharp's 4-shooter; I saw this pistol (produced in the Police Court; Tomlinson struck me on the head with the pistol; I then clenched with him and the fight continued till Sergt. Bowden came up and arrested us; I was trying to get the mastery all the time supposing Tomlinson had the pistol; Tomlinson dropped the case (produced) after the pistol was fired; he afterwards picked it up and tried to use it on me; I wrenched it from him and then I used it against him; I struck him with it; I know the prisoner Smith; I had a conversation with Smith about Tomlinson after I came from Cariboo; it was in the streets of Victoria I had a conversation with Smith about a week after I came from Cariboo; no one was present but Smith and myself; Smith said he had been slandered by either Tomlinson or I and that there was a lie out somewhere between us and that he would send for Tomlinson, or had sent for Tomlinson; I told him I was not the party who uttered the lie; this was all that passed at this interview; Smith saw me subsequently at about the Post Office, I think the same day or the day after; he showed me a telegram from Tomlinson saying that he would be down on Monday's boat or words to that effect; nothing else passed at that time, this was 3 or 4 days before the shooting took place; the shooting happened on Tuesday and the meeting took place on the Friday or Saturday previously; Smith spoke to me on Tuesday the 8th, previous to the occurrence; he said Tomlinson was here now and he would like me to have a talk with him about this affair; I said very well, Tomlinson is in the bar-room, I'll speak to him now; he said as there is a lady interested in this don't make a street scene or a bar-room scene if you appoint a place and meet him; I told Smith I knew of no place to go to; Smith asked, do you know where Marshall's place is? I told him I did; what time will you go there and meet Tomlinson so as to talk the matter over; I said I should go up there about 4 o'clock, but I should be busy till then; during the conversation I said to Smith that Tomlinson had come and I did not know that he had not had his gun hung to him; I mean by batteries pistols or revolvers; Smith replied, no, there should be nothing of that kind; I am a reasonable man and all I want is that you have a talk, as I feel bad about this matter; I saw Tomlinson and Smith drinking, walking and talking together previous to this; I also saw them at Bulor's and Reed's shops together.

Cross-examined by Mr Ring—I observe the word 'fixed' in one of the telegrams; that word has no definite meaning among gentlemen who play; I suppose it would mean to have plenty of money; when a mischief is premeditated the word 'beheld' is used—that is on the American side; it means 'armed'; Smith said that Tomlinson had denied to him the truth of the statement that I had made; Smith also said that Tomlinson stated to him that on seeing me the whole difficulty would be cleared up and there would be no misunderstanding; I was willing to give Tomlinson an explanation and said I would see him; Smith asked me there? and told him I had no particular place to go to; I said I would go up to Marshall's and have a talk with Tomlinson; Smith did not say that his object in wishing a private meeting was on account of a lady's name being in the matter; I don't know whether it is the practice on the other side for gamblers to go armed.

The Chief Justice remarked that in his mind he travel to and from Cariboo he saw only one person armed and one pistol, and that was in the hands of the person in charge of the gold.

Witness continued—I never had any necessity for pistols; I don't remember carrying a pistol; I should put a revolver in a belt I have; and a Derringer in my pocket; I have known Tomlinson for two or three years; have been on fair terms with him; I have lived with Tomlinson; he was a humane man, so far as I ever knew him; I never knew of his being involved in an affair of this kind before.

Re-examined by Mr Wood—When Tomlinson and I went up Government street I was on the side nearest the road; Tomlinson was in front and faced me when he fired the shot at the corner; I have never known anything against Smith.

Aaron Henry Aarons, sworn—Am a partner in the Arcade Saloon, Government street, recollect an occurrence on Tuesday, 8th October, on Government street; I was passing Campbell's cigar store, corner Government and Yates street; I saw Marks speak to Tomlinson and say, 'I want to speak to you,' or 'I want to see you,' I can't say which; I then saw them walk away together towards the corner of Fort and Government;

I made a call on business which detained me two or three minutes; when I got to corner of Government and Fort streets, I saw Marks and Tomlinson fighting; I did not notice them till then; what Marks has stated about the assault is substantially correct; I saw Tomlinson speaking with another party; can't recollect whether it was Smith.

To Mr Robertson—I did not see the fight commence; I saw them struggling. John O'Dwyer, sworn and examined by Mr Wood—Keep a commission store; saw the scuffle between Marks and Tomlinson; the scuffle happened as I have heard it described.

Wm. Bowden, sworn—Am Sergeant of Police at Victoria; I was in Government street when the shooting affair took place; when I arrested Tomlinson and Marks, the latter asked me to look after the pistol, meaning Tomlinson's pistol; I looked over the fence into a vacant lot and saw the pistol lying there; Mr Allison handed me the pistol; he got over the fence and picked it up; the pistol was then cocked; three barrels were loaded and one discharged; I could not say whether it had been recently discharged; the copper cap was on the pistol, but the powder and ball had gone; the cap was exploded; when the hammer of the pistol strikes the cap the ball and powder are discharged at once; I took Tomlinson and Marks into custody; it must have been half an hour after I got the pistol till I examined it; these are the charges (produced) I took out of the pistol; the pistol would kill a man at 25 paces; I took Marks and Tomlinson into custody; this is Tomlinson's coat, and was on him when I arrested him; at the time I arrested him the right hand pocket was on fire in the inside, where the hole is burnt out; I had seen him in company with a man named Waters before that time; I found a hole in the coat, the sort of hole a ball would make when passing through.

John Williams examined—Keep Mr Harris' butcher shop on Government street; saw part of the affair which happened on Govt. street; saw something fly out of one of their hands; it was about 4 inches square and fell in the vacant lot near where the occurrence happened, and about three yards distant.

A Bulor, sworn and examined—Keep a general dealer's store on Government street. Know Smith, the prisoner, for five or six months off and on. Recollect seeing Smith in my store about the 4th or 5th of October. There was some one with him, but don't recollect who. I was asked if I had any Deringers for sale. They are small pocket pistols. He said he was going on the other side and would like one of a pair. I had not any and did not serve him.

Cross-examined—Said nothing about Indians on the other side—was going to travel through Washington Territory. F. H. Lamb, sworn—Am superintendent of the telegraph from Victoria to New Westminster and thence northwards. It is called the Western Union Telegraph Company. I was acting operator at the telegraph office in Victoria about the 3d October. I know these three documents; were produced from the files of the office; B and C are in the handwriting of Smith, and were written by him in my presence, and were given me as messages to be transmitted and were sent accordingly. I did not see the first of these, letter A, signed at all. D, E, and F are messages received at Seattle from Victoria. Saw them in the police court for the first time; they would naturally come from Seattle, and would be delivered to the person for whom they were intended. G and H are impressions of messages received from Seattle. I have seen Smith in the office.

T. Allison, sworn—Saw the affair on Government street; saw nothing fall down; afterwards picked up a pistol and gave it to Sergt Bowden; did not examine it; it is a pistol similar to the one produced in court; saw a scuffle. Jailer McBride, sworn—On Tuesday, 8th October, searched Tomlinson when brought in; found money on him and telegraph dispatches, which I recognise; they are marked D, E, and F.

H. Carmichael, sworn and examined—Am messenger and assistant operator of the telegraph office in this city; the handwriting of A message is Smith's; know him by seeing him at the office before; it was written by him in my presence; I know messages G and H were received from Seattle and delivered to Smith; those produced are copies; A is in Smith's handwriting and was sent to C. C. Tomlinson, of Seattle; it reads, 'Bring Bates and Bank Jack by my request. Come in. Don't fail. It dated October 5th. B from Smith to Tomlinson, Seattle: 'Come down on Thursday's steamer. Marks is here. Answer.' It is dated October 3d. C is from Smith to Tomlinson: 'Bring Jack Quail with you; don't fail. D is from Smith to Tomlinson and is a copy of C; E from Smith to Tomlinson, is a copy of C; G is from Tomlinson to Smith, 'One 5, and read, 'All right; H from Tomlinson to Smith, Oct. 3d; it reads, 'We'll be down on Monday.'

A. Peete, sworn—Am an chemist and druggist; recollect being at the Colonist Office on the evening of the affair on Government street; there were present Mr Long, Mr Bishop came in and another man, and afterwards Smith; Smith volunteered a statement concerning the affair which happened; it arose about quarrel, so intense that it could not be accounted for, and which could only be settled by blood being spilled, or words to that effect; he then went on to say he sent for Mr Tomlinson and had arranged a place of meeting between Tomlinson and Marks, but Marks seemed rather afraid of a private meeting, and that while Marks was standing in the street Tomlinson came up and asked him if he was ready to go to the place of meeting which he had arranged between them; Marks said he would, as soon as he was engaged in conversation on the street; after the conversation Smith said Marks then walked on with Tomlinson, and then the row commenced.

Cross-examined—It was about 7 or half-past, in the evening, after dinner; was not tired; was sitting near the fire; Mr Long was present, and I was near to Smith when the statement was made; we were sitting in the form of a triangle, Smith and Long were together; I was not further from Long than from Smith; I was sitting near the fire; the diagram expresses the rooms, the fire I am not certain about; the position of Smith was

near to the door; the conversation lasted about 4 or 5 minutes; I made no remark; said nothing to Smith; heard Long make some observations; one was interesting and the other was not; Smith said words to the effect that the matter could only be settled with blood; it occurred to me that it was after the occurrence in the street; it alluded to the quarrel and after the arrest; he might have said this was an extraordinary quarrel which might be settled by blood, but he did not; I recollect he said only by blood; I don't recollect the exact words, I say that Smith said that it was an extraordinary quarrel which could only be wiped out by blood; heard all this and made no remark in the room; I was subpoenaed to give evidence in the Police-court, by Mr Peaberton; was served by little Robinson.

T. H. Long, sworn—Am one of the proprietors of the Colonist; recollect being in my office on the evening of the day the affray occurred between Marks and Tomlinson; Mr Peete was there when Smith came in; my attention was not directed particularly to anything that Smith said; he (Smith) made the statement, addressing me, and said he wished to explain concerning the affair that occurred in Government street, and requested me not to make any outside remarks or comments on the affair, as there was a lady in the case; I said that it was not customary and I did not think there would be any departure from the rule in this case; he spoke 3 or 4 minutes; a good deal of his statement was repeated; do not recollect more than the subject of conversation; don't recollect his giving an account of the affair.

Cross-examined—Heard all he said; would have heard the expression stated by Peete if made; do not recollect it; I think I would recollect it if I had heard it; Peete was near the fire, at the left hand as you enter (in the corner); Smith near the door and facing me; the room is about 15 or 16 feet square.

The case for the prosecution here closed, and the Court adjourned for 15 minutes.

AFTERNOON SESSION. The Court reassembled at 3 o'clock. The defence called no witnesses.

Mr Ring commenced his address on behalf of the prisoners. He said he regretted that the two men had not been tried separately. He was afraid that there would be two speeches inflicted upon the jury. The learned counsel claimed that if during the interview at the Colonist office the prisoner Smith had said 'only by blood' and 'wipe out the affair,' it must have been heard by the person to whom the remark was addressed as well as by a person sitting by. The expression never was used by his client. As regarded the word 'fixed,' in the telegram, it meant money—not powder and ball. Tomlinson was to bring money over for the purpose of 'play.' Was it a crime for a man to purchase a pistol? Did the evidence of Bulor prove anything against Smith? Why, said the learned counsel, 'I've got a revolver myself—at my chambers.' Marks sought the interview with Tomlinson first. Marks said Tomlinson 'a liar.' Tomlinson's hand is in his pocket, and the nervous twitch which he gave upon being told 'a liar,' may have exploded the pistol accidentally. There was no proof of a bullet—it was not found. If Tomlinson wanted to play Marks, why did he not fire off the other three bullets. The pistol went off by accident. How about it was to suppose that Tomlinson would be invited here, to an English colony, to shoot a man down in the back face of day. In conclusion, he would ask his Lordship to direct the jury to acquit Smith, for he felt certain that he would be acquitted, and then allow Smith to go into the box and make a statement in behalf of Tomlinson.

Mr Ring having sat down, The learned Judge proceeded to charge the jury, saying he had no doubt that whether the accused were brother Americans or brother Englishmen, an honest verdict would be returned by them. There would be no difficulty in separating the facts as against one prisoner or the other—a portion of the evidence bore against Tomlinson and another portion against Smith. Was the general outline of Marks' tale true (there had been no cross-examination attempt) and, if true, what was the motive? There had been a story told about Smith and a woman, and Smith wished to get it cleared up. There was abundant evidence of a motive. It had been suggested that 'come fixed' meant bringing money to gamble; but if people are bent on having quarrels adjusted, would it not mean come prepared for eventualities—come prepared for whatever may arise? Tomlinson came with a pistol, or got one here. Bulor's evidence showed that Smith and another man came there to buy a pistol. Did Tomlinson have the pistol about him at the time? and, if so, did he use it? Did it go off by an accident? There was the coat on fire, and there is the hole in the coat. The pistol in the hole in the coat, and when a struggle comes and it is likely to be turned against him, it is thrown away. It had been suggested that he threw the pistol away to prevent doing Marks an injury. If that were so, why did he have it with him at all? then the jury had it in evidence that Smith "let bad" at a "lie that was out somewhere." Peete testified to a communication in the Colonist office; Long does not remember the material part of that conversation; Peete does. He is a respectable man and he swears that he distinctly heard Smith say that "nothing but blood would wipe this quarrel out." The witness was not even cross-examined—his evidence "come fixed" meant to come prepared for Marks, and if you believe that Smith used the words ascribed by Peete; and if there was an evident intent to do bodily harm or to kill Marks, the prisoner Tomlinson was guilty, and he is guilty of inducing the assault.

The jury were asked to turn the matter well over in their minds and consider upon their verdict. The jury retired at 4 1/2 o'clock, and at ten minutes past 5 o'clock announced that they had found a verdict of "not guilty" in the case of Smith, but could not agree with regard to Tomlinson. They were directed to again retire, which they did, returning after an absence of ten minutes with a verdict of "not guilty" on the first count; on the second count (abducting with intent to main) "guilty," with strong provocation, and recommending to mercy.

The Lordship said that he concurred fully in both verdicts, complimented the jury on their finding, and promised that the recom-

mendation should receive every attention. Smith was then called forward and told that he had had a very narrow escape. He had arranged a meeting between Tomlinson and Marks, which he must have been aware would end in a hostile manner. The Court, in discharging him trusted that during his lesson. Smith was then discharged, and Tomlinson committed to prison for sentence. The jurors were discharged for the term, and the Court adjourned until 11 o'clock on Thursday morning.

Thursday, Nov 7. Municipal Council. TUESDAY, Nov. 5, 1867.

The Council met at 7:30 p.m. The Mayor and Councillors Gowen, Trahey, Gibbs and Hebbard were present.

A communication was read from Mr R. Bishop, relative to the claim of Titus vs. The Corporation, which was received and filed. Councillor Gowen reported as to the payment of M. Walls, and on motion the vote of previous meeting was confirmed.

Mr Gowen called attention to a pool of stagnant water on Courtney street, and on motion, the Street Committee was empowered to effect the drainage of the same. On motion of Councillor Trahey, T. J. Baker was appointed auditor of the Corporation accounts for the year about to close. Returning officers of the forthcoming Municipal election for Mayor and Councillors were appointed, to be paid by the respective candidates.

Councillor Hebbard moved that the communications of Mr Bishop and Mr Green, relative to the Titus claim, be considered; carried, and the clerk was instructed to refer Mr Bishop to the Corporation Council, in the case of Titus, for an answer.

Councillor Gibbs moved that the clerk inform Mr Green that the consideration of Mr Titus' claim was in the hands of a Committee since last meeting, and the Committee was appointed to confer with Mr Titus in respect of the same. Council adjourned till today, Thursday.

FIRE LAST NIGHT—About 15 minutes past 11 last night, flames were discovered issuing from the frame building on Store street, near Cormorant, occupied by A. Solomon as an Indian trader's store. The building was wracked in flames in an incredibly short space of time, and notwithstanding the exertions of the firemen, a number of sailors and marines and citizens generally, was entirely consumed with the stock, which consisted of clothing, blankets, furs, &c., upon which there was an insurance of \$1000. The Orleans hotel was in great danger for a time owing to a high wind which prevailed. The new Chief and Assistant Engineers were early on the spot and successfully directed the operations of the firemen. The Tiger engine threw the first water. The proprietor of the store is in San Francisco, and the establishment was in charge of his son.

A BIRD ATTACK AT BUSBY.—About 10 o'clock morning, the family of Mr. Brown, who reside in the Victoria Parsonage, on Broad street, were aroused from sleep by the noise of breaking glass. Mr. Brown proceeded immediately in the direction of the noise and discovered that a pane of glass in one of the side lights of the front door had been shivered, and that the bolt of the door had been drawn back by some person standing outside, who had evidently thrust his arm through the aperture caused by the broken pane. The movement of the family apparently alarmed the burglar, and they fled before measures could be taken to effect their capture. The gates leading to the house were found standing open and fastened back, so as to render easy the exit of the burglar.

MECHANICS' INSTITUTE.—This evening will be an unusually attractive one, being the commencement of meeting for the season of the elocution and debating class, on which occasion the presence of the ladies is particularly requested. In addition to addresses, recitations and readings there will be a musical entertainment, consisting of glee, quartettes, trios, &c. The following is the programme:—Opening Address; Quartette, 'When evening's twilight'; Readings from Dickens' writings, by Mr. Clark; Trio, 'Life's a bumper'; London mother in search of lost child, by W. K. Bull; Song; Reading—The Boxes, by Mr. Lumley Franklin; Quartette, 'Softly blows the wind'; Recitation—Queen Mab—Mr. Fox; National Anthem. Curtain rises at 8 o'clock; admission, 25 cents; subscribers and ladies free.

ANOTHER FAILURE OF JUSTICE.—Yesterday, Mr Wood, acting for the Crown in the Assize Court, stated to the Chief Justice that a prisoner from Nanaimo, committed for murder, was still in goal, and that no depositions having been sent down, no indictment was laid before the Grand Jury. The Chief Justice inquired particularly as to the duty of the Attorney General, and complained that crime was suffered to pass through a Court of Justice in this Colony unpunished and unrebuked. His Lordship added, that he feared the only course left for him to pursue was to turn the criminal loose upon the country.

ESTREATED.—The bonds of Frank Mancio, a witness in the case of Regina vs. Tomlinson and Smith, have been estreated, he having failed to appear at the Court of Assize yesterday to give evidence.

POLICE COURT.—James McIntosh, for supplying intoxicating liquor to a Siwash, was yesterday fined \$50; and several 'drunks' paid the usual fine.

The Weekly British Colonist AND CHRONICLE. Tuesday, Nov 12.

A Sailors' Home.

Some time ago we drew the attention of a friend who, from their education, appeal especially patric, cut off as the pleasures of domestic enjoyment. We all feel interest in the "toilets" and both at home and abroad the philanthropists who are in the happy homes themselves to the comfort of the erection of some of the mariners of both the Royal marine can we have access to newspapers, enjoy a game of pool or skittles, and other amusements, thus combining of a public house with taming influences. What would be the state of the club is to the of resort where he might self rationally, and to improve himself in the Pacific fleet with 700 men stationary at think it is incumbent on the agents of Victoria, who benefit by their presence, to promote the sailor by erecting a home, in which we have no authorities would cord it is no uncommon war to come here has been on the coast of able for months to leave owing to the climate of the country and the arrival in this place can be given. If after such existence there were possible for man to shore, where facilities joyment were given, advantage not only to selves but to the service protect them from influences. But not Royal service be gained mercantile marine, as quarterly left behind sight or paid off, and waiting whom the erection of tion would be a great benefit in its establishment marine insurance agents. The expense Sailors' Home would afterwards might, management, be made We hope these suggestions on and some stop supplying the want. commencement, our Victoria Dramatic Club tears of the Zealous come forward, as they other occasions when a was to be furthered, and performances form a not to start it.

Catching "F.

The Cariboo Sentinel, a melancholy Columbian in the terms. The Colum remembered, impudently champion for the Sentinel, rebuking which the admiral named journal with reference the Grouse Creek difficulty, the Sentinel lead us to efforts of its New Westm unappreciated," and that editor has at last "caught Sentinel" thus applies the editor of the Columbian taxing us with intolerance," says, after treating the contents of his favorite bill editor of the Sentinel having interest in the issue matter silence throughout." We what our friend the Columbian having a personal interest he means that we had a seeing a speedy termination satisfactory state of affairs championed by the our throughout the season, the which he has endeavored to will admit that we had a issue; but if he means to had any personal interest indirectly in the late dispute phatically tell him that he slanderous falsehood, and to him personally responsible calumny."

Big Bend News—Judge 14th, many miners coming farewell; 100 men on the ment for all; Discovery Con \$130 to the hand, the last men going to winter; 4 feet Divide. When water is Hill Bench there will be camp. All the old bands next year. '49' expected her last trip. There's thousand one hundred six tons and 15 cwt. of coal from Nanaimo during the



The Weekly British Colonist AND CHRONICLE.

Tuesday, November 12 1867.

A Sailors' Home.

Some time ago we drew attention to the absence of a sailors' home here and the advantage such an institution would afford to a friendless class of men who, from their exceptional position, appeal especially to our sympathies, cut off as they are from the pleasures of domestic life and social enjoyment. We all feel an hereditary interest in the "toilers of the sea," and both at home and in our colonies abroad the philanthropic efforts of those who are in the enjoyment of happy homes themselves have contributed to the comfort of the sailor by the erection of some dwelling where the mariners of both the mercantile and Royal marine can meet together and have access to newspapers and periodicals, enjoy a game of draughts, chess, or skittles, and other quiet amusements, thus combining the comforts of a public house without its contaminating influences. Such an Institute would be to the sailor on shore what the club is to the officer—a place of resort where he might enjoy himself rationally, and at the same time improve himself intellectually. Now that this place is the headquarters of the Pacific fleet with a force of about 700 men stationed at Esquimalt, we think it is incumbent on the inhabitants of Victoria, who so materially benefit by their presence, to do something to promote the welfare of the sailor by erecting a Sailors' Home, in which, we have no doubt, the Naval authorities would cordially co-operate. It is no uncommon thing for men-of-war to come here having previously been on the coast of Mexico and unable for months to give their men leave owing to the disturbed state of the country and the pestilential nature of the climate, and only after their arrival in this place can this indulgence be given. If after such a monotonous existence there were some place accessible for men to go to while on shore, where facilities of rational enjoyment were given, it would be an advantage not only to the men themselves but to the service, and tend to protect them from many demoralising influences. But not only would the Royal service be gainers, but also the mercantile marine, as men are frequently left behind sick, shipwrecked or paid off, and waiting for ships, to whom the erection of such an institution would be a great boon, and in this way we could specially appeal for aid in its establishment to all consuls, marine insurance agents and merchants. The expense of starting a Sailors' Home would be small, and afterwards might, under judicious management, be made self-supporting. We hope these suggestions may be acted on and some steps taken towards supplying the want. Perhaps as a commencement, our friends of the Victoria Dramatic Club and the Amateurs of the Zealous would kindly come forward, as they have done on other occasions when any good work was to be furthered, and by one or two performances form a nucleus sufficient to start it.

Catching "Flits."

The Cariboo Sentinel refers to the Ishmaelish Columbian in the following flattering terms. The Columbian, it will be remembered, impudently took the part of champion for the Sentinel, in reply to a mild rebuke which we administered to the last-named journal with reference to its course in the Grouse Creek difficulty. The remarks of the Sentinel lead us to suppose that the efforts of its New Westminster friend are unappreciated, and that the "honorable" (?) editor has at last "caught a Tartar." The Sentinel thus applies the law: "The editor of the Columbian, not content in taxing us with reticence, goes further, and says, after treating the Colonist to a large dose of his favorite biliousness, 'The editor of the Sentinel having a personal interest in the issue maintained a discreet silence throughout.' We should like to know what our friend the Columbian means by our having 'a personal interest in the issue.' If he means that we had a personal interest in seeing a speedy termination put to the unsatisfactory state of affairs which had been deeply deplored by our whole community throughout the season, the accomplishment of which he has endeavoured to retard, then we will admit that we had an interest in the issue; but if he means to insinuate that we had any personal interest either directly or indirectly in the late dispute, we most emphatically tell him that he utters a base and slanderous falsehood, and that we shall hold him personally responsible for his base calumny."

Big Bend News.—Judge Cox left on the 14th, many miners coming out to wish him farewell; 100 men on the creek; employment for all; Discovery Company doing well; \$130 to the hand, the last two weeks; 50 men going to winter; 4 feet of snow on the divide. When water is brought on Gold Hill Bench there will be a rich mining camp. All the old hands are going back next year. '49 expected on the 25th for her last trip.

Three thousand one hundred and seventy-six tons and 15 cwt. of coal were exported from Nanaimo during the month of October.

The Assizes.

The Court opened at 10:25 o'clock, Mr Alston acting as Attorney General. The Grand Jury were empaneled as follows: J C Nicholson (Foreman), D Leneve, J Lowe, T L Stahlschmidt, J H Turner, J G Shepherd, A J Langley, G I Stuart, J P Davies, M T Johnson, Robt Barnaby, L Franklin, J R Stewart, J O Baymer, A Munro, W C Ward, R Finlayson, J Wilkie, M Moore, C B Young.

The Chief Justice delivered an able charge to the Grand Jury, in the course of which he said he regretted that the calendar contained several serious crimes. His Lordship referred particularly to the recent affray on the public streets, and to the case of forgery and accessory thereto.

The following cases were submitted to the Grand Jury:

- John (an Indian), attempt at robbery; William Bentley, embezzlement; Charles Schlessinger, forgery; Qui-toll (an Indian), wilful murder; David W Chauncey, accessory to forgery; Charles Levy, accessory to forgery; Charles C Tomlinson, shooting with intent; do, affray; Jacob Marks, assault with intent; do, affray; George F Smith, accessory to shooting with intent; do, accessory to affray; Sihook (an Indian), wilful murder.

EMBEZZLEMENT.

After an absence of a few minutes, the Grand Jury returned with a true bill against William Bentley, for embezzlement. The prisoner was arraigned and pleaded "not guilty."

Mr Ring, instructed by Mr Courtney, appeared for the defence. A jury was empaneled and James Thorne, the prosecuting witness, placed in the stand, from whose evidence it appeared that he handed the accused a check to go to the bank for \$307 to get cashed, and that the proceeds of the check, with the exception of \$130, were never handed to the prosecutor.

Mr A T Elliott was also examined for the prosecution, and the Crown having failed to produce the check, the jury were instructed that the omission was fatal to the case, and they must return a verdict of "not guilty," which was done, and the prisoner discharged.

FORGERY.

Chas Schlessinger, indicted for forgery, was next placed on trial. He was defended by Mr Ring, who was instructed by Mr Courtney. The testimony was similar to that produced before the police court on the occasion of the examination of the accused.

Mr Ring introduced no evidence for the defence, but made a brief address on behalf of his client; and after a charge from the Chief Justice the case went to the jury, who returned in a few minutes with a verdict of "guilty."

The prisoner was remanded for sentence, and the Court adjourned until Tuesday morning, at 10 o'clock.

GRAND JURY'S DOINGS.

The following true bills were returned yesterday: C C Tomlinson, shooting with intent and affray; G F Smith, accessory to shooting with intent and affray; Sihook and John, murder; Chas B Schlessinger, forgery; Wm Bentley, larceny. The following bills were ignored: D W Chauncey and C Levy, accessory to forgery; J Marks, affray. The Grand Jury stands adjourned until Wednesday.

ANNUAL MEETING OF THE MECHANICS' INSTITUTE.—The members of this Institute are reminded that the annual meeting for hearing report of past year's proceedings and for election of officers takes place this evening, Tuesday, at the rooms of the Institute, at the hour of eight precisely, and that after the business proceedings have been disposed of there will be the usual social gathering of the members of the institute.

MAURICE CAREY.—Nothing has been heard as to the whereabouts of this escaped convict. He appears to have got clear off to a country where he will be allowed to remain. His presence is not desirable even in gaol, and his poor wife and family have been a heavy burthen on our citizens for the past two years. The man is really not worth the expense and trouble of bringing back.

THE MUNICIPAL ELECTION.—Nomination day occurs on Friday, and the election will take place on the day following. It is believed that about 300 votes will be polled. The Chinese vote is reported to have been "doctored," and a majority of the electors will vote for Trimble, Macdonald, however, stands well with the civilized voters.

THE RACES.—The advertisement for the races on the 12th appears this morning. The great match race will be between Volreese, Boston Colt, Greyhound and Prioresse. The second race will be the Navy Race, for Naval Officer riders only. The third race will be for the Prince of Wales' Stakes for a purse not less than \$50.

SUSPENDED.—The assistant gaoler and one of the door guards have been suspended pending an investigation into the circumstances attending the escape of Maurice Carey, the incendiary.

WHOLESALE DESTRUCTION OF SHEEP.—A note from Nanaimo informs us that on Thursday last upwards of thirty sheep, the property of Mr George Tranfield, butcher, were killed near that town by Indian dogs. The settlers ought to declare a war of extermination against the destructive "varmint."

LEACH RIVER.—Mr Pages came in on Saturday. He reports that his company have struck 130 feet into the bank. They have druffed a fine bed of gravel and are sinking for the bed-rock. Gold in small quantities is frequently met with. No snow has fallen on the river as yet.

NOT A NAME.—The petition for the maintenance of the assay office at Westminster goes back to the "Capital" to-day, without a single signature attached. Thus is the Governor's policy "endorsed."

Letter from Big Bend.

(FROM OUR OWN CORRESPONDENT.)

FRENCH CREEK, Oct. 15th, 1867.

The news of the Grouse Creek trouble had not reached here long before some misguided individuals thought that they could play a similar little game, but if you will allow me I will briefly tell you how gloriously they slipped up on it.

The Halliday company were the plaintiffs and the Black Hawk and Robertson companies the defendants. You must know that last year the Halliday company pre-empted 160 inches of water in a gulch emptying into French Creek by their claims, and the Black Hawk and Robertson companies pre-empted all the surplus water. Everything went on lovely as long as there was plenty of water for both parties, but when the snow had melted off the mountains the water quickly fell in the gulch, leaving a scarcely sufficient quantity for the use of the Halliday company; but these men were ever ready to lend any reasonable assistance to their fellow sufferers. You must know that the Black Hawk and Robertson companies the Black Hawk and Robertson companies told them they would supply them with water from the creek they might use all the water in the gulch. The Black Hawk and Robertson companies then cut a ditch from the creek to the Halliday claim, which said ditch proved the great fact that water won't run uphill. They had to alter the ditch and at last they got the water on the Halliday claim, but when the water fell in the creek the Halliday boys were again without water, and applied to the Black Hawk and Robertson for a proper supply; the Black Hawk and Robertson companies refused doing any more, so the Halliday Co. told them they would take back their gulch water. But the Black Hawk and Robertson companies took possession of the gulch and dared any magistrate or constable to take it from them, saying that they would have another Grouse Creek affair, they would have the Governor and the marines up to see them, that they had good pistols and were good shots, and if a certain Government official interfered they would make him bite the dust.

Our worthy Gold Commissioner had had an intimation of what was about to transpire, and the previous midnight had despatched a messenger to the Halliday company, telling them to avoid a collision, but to come at once to town and see him; this they did, and informed Mr Cox that the water being shut off the wheel, the shaft and drips were fast filling, and of course all their work stopped. Mr Cox informed them that he would go and turn the water back himself if they wished, but advised them, as their diggings did not pay, to keep quiet and wait until their shaft was full and then sue for damages, but to consider well both courses before they took either. The jumpers cooled down a little and then began to think that they had acted like fools, and came down to town to arrange matters quietly. But alas, it was too late. A suit was entered against them for \$2500 damages. Now, as the Black Hawk and Robinson boys knew very well that as every man on the creek was acquainted with the nasty, selfish, unmanly and hoggish manner in which they had acted ever since they were on the creek, it would not be possible for them to get a verdict from a jury (their heads were clear for the first time, for if it had come to a jury trial I believe the verdict would have been wilful murder), so it was to be decided before the Gold Commissioner. The plaintiffs, after a very fair trial, got damages for \$773, amounting with costs to \$800. Then the maniacs said they wouldn't pay a cent, but somehow they found out that a judge Cox was bound to put them through; he ordered their claims to be sold, but the day before the sale they weakened and they scraped the money together and paid the damages, and this is the glorious result. They have lost their claims and have signed papers giving up all claim to them. I must mention that when things looked ugly several of the miners called on Mr Cox and told him that any time it was necessary they were ready to render their assistance, but this was courteously declined, for Judge Cox must have known that he had rebellious old women, not men, to deal with.

FRITZ.

A Voice from the Gaol of Victoria.

EDITOR COLONIST:—I was the captain of the bark "Aid," and I now want your aid to assist me in my distress.

After one of the most protracted voyages known, enduring the greatest hardships by "the perils of the sea," and having lost two of my crew with the scurvy and disease, and the others being more or less afflicted I at length arrived at this Island on the 29th of August last. It appears to be fact that as I was not devoured by the sea with my crew, I am to be offered up as a sacrifice bodily on shore.

Two actions have been brought against me, and, as I understand, the owner of my ship also, for bad stowage of cargo. The cargo was stowed under the direction of a duly appointed stevedore at Liverpool, and on my arrival here I received the certificate of the Port Warden that everything was found right. What more could I have done or be expected to do?

I was most anxious that the cases should be tried as speedily as possible, and my ship was ready again for sea within fourteen days after my arrival—but I was arrested and locked up on the suit, where I have been since the 22d October last, and I am now told that the parties will not bring on their suits till they have gone through some form of service against my owner in England.

My ship, to prevent loss under her charter parties, set sail this morning for Utsalady for a cargo of lumber to South America, under the command of my mate from England, and whilst I am left here to listen to the howlings of lunatics for an indefinite period.

I had hoped that my perseverance under difficulties of no ordinary character would have entitled me to some claim for consideration; but it appears that consignment to "durance vile" is the only reward for services such as mine.

Can you tell me what I ought to do, and oblige

JOHN DINNELL, Late Master Bark "Aid," Victoria Gaol, Nov 2, 1867.

The Judgment in the Overend, Gurney and Co. Case.

(From the London Times of Sept. 4.)

The judgment delivered yesterday in the House of Lords confirming the decree of Vice-Chancellor Malins as to the liability of the shareholders of Overend, Gurney & Co. (Limited) to contribute to the full extent of their unpaid calls towards the payment of the creditors of the Company will surprise no one who has fully considered the law which now regulates the position of Joint-Stock Companies. The hardships of the individual shareholders and the magnitude of the interests involved have lent to this appeal an interest to which as a problem for judicial decision it was hardly entitled. It would, indeed, have been a national disaster, compared with which the ruinous downfall of the great discounting house itself would be trifling, if our Courts of Equity had been compelled to decide that a creditor dealing with a Joint-Stock Company may never know to what resources he is to look for payment. The register of shareholders of Overend, Gurney & Co. (Limited) consisted of eight persons who originally signed the memorandum of association, and of 676 others who acquired shares in the Company by allotment or by purchase. If the appellants could have succeeded in their contention, the creditors would have lost all remedy against the 676 shareholders, and against the three millions sterling they were liable to contribute, and have been remitted to their rights against the small residuum of £8. Had this been settled law, it is no exaggeration to state that all Joint-Stock enterprise would henceforth cease. An association so impersonal, so unsubstantial, as a Joint-Stock Company under such a law would be, could carry on no work or business in which credit played a part. A rope of sand would be stronger than the bonds of a Company so ready to crumble and disintegrate when the first stroke of disaster fell.

It is not necessary to allude, except in a few words, to the circumstances under which the widely known business of Overend, Gurney & Co. was transferred to a Limited Company. The goodwill of the business was represented to the incoming shareholders as worth £500,000, and this, according to common principles of calculation, would correspond to a yearly profit of £150,000. In point of fact, although for the five years ending with 1860 a larger annual profit had been divided among the partners of the firm, for several years previously to the transfer there had been a loss of at least half a million per annum by bad debts. A balance-sheet was then prepared of the assets and liabilities of the firm, and, in order to give an appearance of solvency, there was entered among the assets the sum of £4,199,000, consisting of debts owing to the firm, but which, after careful examination, was estimated as not likely to produce more than £1,082,000, leaving a deficiency of £3,117,000; and no notice or intimation of this deficiency was given or hinted to the shareholders. Two deeds were executed for the transfer of the business from the firm to the Company, one of which was disclosed to the shareholders, and the other retained in the secret custody of the Directors, and the shareholders were told they might inspect the deed of transfer, but were never informed of the existence of the secret deed, which was studiously withheld from them. The Directors of the Company have maintained that they were justified in concealing the fact of the deficiency of £3,117,000 and in refusing the shareholders a sight of the second deed, which might have roused their suspicion, on the ground that the partners of the old firm guaranteed the Company against any loss on the assets and liabilities transferred, and that the private estates of the guaranteeing partners were sufficient to cover the deficiency, and on the pretext that if they had made a clean breast and confessed the whole truth no shareholders would have been ready to join the company. But, in the first place, it has been shown as a fact that the private estates were not sufficient; and no words are needed to repudiate the doctrine that, in inviting persons to take part in a speculative undertaking, you are to be the judge how much and how little you may think it expedient to reveal. The result has been that all the shares were taken, and the company commenced business on the 1st of August, 1866, and suspended payment on the 10th of May, 1866, without having paid any dividend whatever. Thereupon the shareholders, who for ten months had acquiesced in their position, and had paid £15 a share, and looked for large future profits, inquired and ascertained under what circumstances they had been induced to join, and prayed the Court of Chancery to strike their names off the register of the shareholders. As between themselves and the Directors there are little doubts that their claim was well founded. But large sums had been advanced to the Company on the strength of its being composed of such and such members, and the creditors, with reason, objected to releasing any one of the shareholders from his liability to contribute; if one shareholder had a right to be released, none but the Directors would be left liable.

The principal argument advanced on behalf of the appellants was that the contract was entered into between the Company and the creditor, and not between the creditor and any of the shareholders of the Company; that the creditor knew his claim would be against the assets of the Company, and the assets of the Company consisted of the calls which the Company could make upon its members; that the shareholders could not be held to be members in respect of shares which they were fraudulently entrapped into taking, and therefore that the fund, which alone the creditors could touch, would consist of the calls to which the Directors were liable, all the shareholders have an equal claim to exemption. But the Court of Appeal, consisting of the Lord Chancellor, Lord Cranworth and Colvoss, unanimously rejected this argument. They pointed out that a Joint Stock Company, though incorporated by act of Parliament, is a corporation subject to peculiar incidents and qualifications which are imported into its constitution by the very act of incorporation, and that the remedies and liabilities of the individual corporators are governed by the same Parliamentary authority. Lord Cranworth showed with especial clearness that by the Acts of 1844, relating to Joint Stock Companies, the members of Companies were liable to many of the consequences of the law of partnership; the register of shareholders, like a deed of partnership, was open to their inspection only; the creditor might select any shareholder he knew of, and sue him at common law, and have execution against his property, after satisfying the Court that he could get nothing by execution against the property of the Company. The act of 1862 introduced the principle of limited liability, and as a part of that scheme, while it exempted any shareholder from more than a stipulated liability, it secured the incidence of that liability upon all alike; it made the register of shareholders, as well as the memorandum of association, accessible to every creditor; it gave for the first time to the creditor a right to a Court of Equity for the winding up of a Company and therewith deprived him of all remedy in the Common Law Courts; and while it thus regulated and restricted for the common good the liability of shareholders and the rights of creditors, it defused strictly the criteria of membership, and declared that every one whose name is entered on the register, is to be deemed a member, and liable in case of winding up to contribute to the assets of the Company. Cases there had been in which the Company being wound up was manifestly a different Company from that in which the agreement had been to take shares. That difficulty did not arise in the present case. Whatever fraud might have been practised, the appellants agreed to take shares in Overend, Gurney & Co., Limited, and their names were on the register for the creditors to see, and they must be held liable accordingly.

POSTPONED.—The cattle sale advertised by Davies & Co., for to-day, has been postponed till Thursday, at 12.

SPECIALS.—Several special constables, to serve during the Assizes, have been sworn in by the Magistrate.

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BRISTOL'S (Vegetable) SUGAR-COATED PILLS!

THE GREAT CURE FOR all the diseases of the LIVER, STOMACH AND BOWELS. Put up in Glass Phials, warranted KEEP IN ANY CLIMATE.

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