L A W.

SUPREME COURT.—WEDNESDAY.

SITTINGS IN BANCO.

(Before their Honors Sir Alfred Stephen, Chief Justice; Mr. Justice Hargrave, and Mr. Justice Cheeke.)

NEW TRIAL MOTIONS.

ARDILL V. BROWN.

Mr. Darley appeared in support of the motion; Mr. Buchanan showed cause.

This was an action tried last sittings before Mr. Justice Cheeke and a jury of four, and the plaintiff recovered a verdict for L71 14s 1d. It was instituted by a licensed surveyor against a squatter, for professional services. The plaintiff had undertaken to make surveys and prepare plans of the defendant's run, in order to set at rest certain disputes as to boundary lines, improvements, &c., between defendant and a neighbouring squatter; and he (plaintiff) had, therefore, as contended, been bound to execute his work in such a manner as would fully satisfy his employer. But (as appeared by the evidence of the Surveyor-General and one of the senior clerks of the Lands Office) the plan prepared by the plaintiff had been so negligently executed that other evidence was required upon it, and it was merely serviceable as a standpoint, or something which would serve as a guide upon which to base further inquiries. The plaintiff, however, had averred that his work had really been according to contract, and had, in fact, been made use of; and that the requirements of a Government office ought not to be imported into the matter. A second and a smaller plan was produced upon the trial. This was more complete than that upon which the Surveyor-General had been examined. The large plan was, however, the only one put in evidence. It was also sought to be shown that the plaintiff had not made the surveys required.

A rule nisi for new trial was applied for, and granted by a majority of the court; Mr. Justice Hargrave, who dissented, having been of opinion that there not having been any question of law upon which it was desirable that there should be a judgment, the decision of the jury upon matters of fact ought not to be disturbed. The ground upon which the rule was granted was, that the verdict had been against evidence in regard to the manner in which the work, for the performance of which the plaintiff had been engaged, had been carried out. It was contended, in showing cause, that the plaintiff had, at great labour and expense, completed the work; and had, in point of fact, finished it satisfactorily. Alas, that the objections of the Crown officers had been altogether technical, and based upon the fact that the map was not in accordance with the requirements of the Lands office; but that it did not follow that because the plan failed in this respect it was an unskilfully prepared or inadequate one; it having been constructed, not to suit a Government office, but in the best manner for the defendant's interest without regard to technical requirements. It was also stated that the smaller plan had been completed before the larger one, but that the latter was taken away in an unfinished state by the defendant, in consequence of his having quarrelled with the plaintiff; and that had it not been for this circumstance the large map would have been perfected. This, however, had not been in evidence.

The Chief Justice said there was a strong impression upon his mind that the plan had been useless. However, the plan taken as distinct from the work, might be corrected now by the work actually done. As also Mr. Justice Cheeke (before whom the case had been tried) had expressed himself as not being dissatisfied with the verdict, he (the Chief Justice) was disinclined to disturb it. It also appeared that the question whether the work with the plan had been really useful was put to the jury; and they having found that fact for the plaintiff, it seemed to his Honor that the Court could not constitutionally disturb the verdict. The whole question had been one of fact. Mr. Justice Hargrave thought that upon the evidence before them the jury had rightly found. Mr. Justice Cheeke would not say that the verdict had been unjust or demonstrably wrong; but at the same time had it been the other way he would not have been dissatisfied. He thought the defendant had gone too far in so completely denying all the plaintiff's allegations, and it might be that that had weight with the jury and influenced them in their decision. However, thinking as he did, he did not consider that the verdict should be disturbed.

Rule dismissed with costs.

DIBBS V. THE COLONIAL SUGAR REFINING COMPANY.—DEMURRER.

The Attorney-General and Mr. M. H. Stephen, appeared for the plaintiff; Sir W. Manning, Q.C., and Mr. Darley, for the defendants. The demurrers were argued by the Attorney-General and Sir W. Manning.

There were cross demurrers herein; the declaration, a plea, and the replication being severally demurred to. The declaration recited that the parties had agreed by charter party that the plaintiff's ship "Clara Hargraves," being "tight, staunch, and strong, well manned and found," &c., and properly equipped, and fit for sea, should, with all convenient speed, on or before November 23, 1870, proceed to Manila, calling if necessary at Newcastle on the way; and being tight, staunch, &c., at Manila, to the satisfaction of the defendants' agents at that port, should receive on board sugar to an extent not exceeding 500 tons, to be brought alongside by defendants' agents. She was then to return with this cargo to Sydney direct; freight at the rate of L2 per ton to be paid. The declaration proceeded to aver that the vessel had, according to the terms agreed upon and expressed in the charter party, proceeded to Manila, and that the plaintiff had done all things, &c., necessary to entitle him to receive the cargo agreed for; but that in consequence of the neglect and refusal of the defendants' agents to perform their part of the agreement, the plaintiff had lost his freight, and the ship had been compelled to return to Sydney in ballast.

The defendants pleaded (among other things) that the plaintiff's vessel was not tight, staunch, and strong, &c., to the satisfaction of the charterers' agents at Manila, as she was required to be; but on the contrary the defendants' agents had not been confident of her capacity, and had expressed their dissatisfaction. The plaintiff made replication, that the vessel was tight, staunch, and strong, &c., at Manila; and that the defendants' agents had acted unreasonably, improperly, and capriciously.

The plea was demurred to upon the ground that the agreement by charter party that the vessel should be tight, staunch, and strong, &c., to the satisfaction of defendants' agents, was an independent agreement, and not a condition precedent to the fulfilment by the defendants of their promise to load her; and that the plea ought to have shown that the object of the voyage had been frustrated by reason of the alleged breach of agreement. The defendants averred, on the contrary, that the plea was good; and demurred to the plaintiff's declaration, on the grounds that it had not been averred that the ship was tight, staunch, and strong at Manila, to the satisfaction of defendants' agents; and that the satisfaction of the latter was, by the terms of the charter party, a condition precedent to the lading. They also demurred to the replication, holding that, as it had not been averred that the defendants had been any parties to the alleged unreasonable, improper, and capricious conduct of their agents, they were in no respect affected by it; and also, that the replication had departed from the declaration, inasmuch as the allegation that the satisfaction of the defendants' agents with the ship was not a condition precedent should have formed part of the declaration.

The substantial question at issue was whether it had been necessary, for the maintenance of this action, that the defendants' agents at Manila should have been satisfied that the ship was staunch, tight, and strong, &c., or in other words, whether such satisfaction had been a condition precedent to the loading of the vessel by the defendants' agents.

The argument was not concluded.

BUSINESS FOR THIS DAY.

DEMURRER.—Dibbs v. the Colonial Sugar Refining Company, part heard.

NEW TRIAL MOTION, &c.—Francis v. Towns; ex parte Parker, in re Aldrick, Small Debts Act; ex parte Parker, in re Pennington, ditto.

MASTER'S OFFICE.—At 11 a.m.: Mackenzie v. West and another, adjourned defendant's discharge.

INSOLVENCY COURT.—WEDNESDAY.

(Before Mr. Chief Commissioner Deffell.)

MEETINGS OF CREDITORS.

In the estate of James Cook. Single meeting. Ten debts were proved, and the report read.

In the estate of Francis Peacock. Single meeting. The report was lodged.

In the estate of Frederick Charles Howard. Single meeting. Two debts were proved, and report read.

In the estate of Thomas Henry Hark. Single meeting. One debt was proved, and report read.

In the estate of John Hadwick. Third meeting. Four debts were proved. Meeting adjourned to August 2.

In the estate of Francis Brogan. Single meeting. The report was lodged.

In the estate of Charles Percy Pickering. Single meeting. Five debts were proved. The report was read.

In the estate of Thomas Field. First meeting. Five debts were proved.

In the estate of W. G. O'Neill. Adjourned single meeting resumed. Two debts were proved, and meeting adjourned to 14th instant.

SURRENDERS.

Henri Labat, of Macquarie-place, Sydney. Cause of insolvency: Severe illness. Liabilities, L309 14s 5d. Assets, L19 10s. Deficiency, L290 4s 5d. Official assignee, Mr. F. T. Humphery.

John Henry Watson, of Queanbeyan, labourer. Cause of insolvency: Want of employment. Liabilities, L17 9s 9d. Assets, L3. Deficiency, L14 9s 9d. Official assignee, Mr. J. P. Mackenzie.

John Gordon, of Tomago, out of business. Cause of insolvency: Losses in business as a licensed victualler. Liabilities, L430 1s 5d. Assets, L11 5s. Deficiency, L418 16s 5d. Official assignee, Mr. R. H. Semphill.

MEETINGS OF CREDITORS.

Thursday, 13th July, at 11 a.m.—Compulsory sequestration, rule nisi returnable. Fosq and Birrell v. Isidore Leger. Accounts current and plans of distribution for confirmation in the following estates:—1. Estate of Frank William Lewis, an amended first plan dividend 5s 1 7-16d in the £. 2. Estate of Lyall Scott, a first plan dividend 2s 2¼d in the £. 3. Estate of Richard Hinde Fox Kemp, a first plan dividend 1s 0¼d in the £. 4. Estate of Edward Hunt, a second plan dividend 11 9-16d in the £, in addition to a first dividend of 1s 8¼d in the £. 5. Estate of William Collins, a second account current, showing the disposal of the realized assets. Estates of Edward Gray and Charles Henry Manton, for ratification or otherwise of directions of creditors. Estate of John Starr, for ratification or otherwise of directions of creditors, adjourned from the 6th instant. Official assignees to be heard on list of estates six months or more in arrear in which no plan or account current has been filed under rule 9 in insolvency.

Friday, 14th July, at 11 a.m.—John Lancashire Harris, adjourned single from the 16th ultimo; Emily Pearson, second meeting; James Goldsmith, second meeting; Albert Gustavus Gyulay, first meeting; John William Wallace Campbell, first meeting; John Britty North, adjourned single from the 7th instant; Richard Flook, first or only meeting, at Bathurst; Edwin Winton, first or only meeting, at Bathurst; Bernard Bryan, second meeting, at Bathurst.

Monday—17th July.—Vacation begins.

CENTRAL POLICE COURT.—WEDNESDAY.

(Before the Mayor and Captain Scott, with Messrs. Kippax, Macintosh, Levey, Curran, and Hughes.)

Mary Fisher, in addition to being fined 5s for drunkenness, was ordered to pay 40s, or fourteen days' gaol, for making use of indecent language.

Harry Sampson, for cruelly ill-treating a dog, was fined L3, or one month in gaol.

Charles Johnson was fined 10s, or three days' gaol, for making use of obscene language.

William Douglass and Eliza Hitchens, were fined 10s each or three days', for wilfully and indecently exposing their persons in Hyde Park.

Owen Terrance was brought up under warrant, charged with deserting his wife Jessie, leaving her without means of support. He was remanded; bail allowed, self in L50.

Emma Bergin, for being drunk and disorderly, was fined 20s or seven days.

On the summons sheet there were thirteen cases. Mary Ann Brownlee was fined 5s, with 6s 6d costs; in default, two days' gaol. George Butlin, a butcher in Kent street, was fined 15s, 5s 6d costs of court, and 10s 6d professional costs, for having in his possession three light weights. David Mason, a butcher, living in Argyle-street, was fined 25s, with 5s 6d costs of court, and 10s 6d professional costs, or seven days, for having in his possession one light weight and an incorrect weighing-machine; in default, three days' gaol.

Stephen Shaw, a grocer, of Argyle-street, was fined 10s, with 5s 6d costs of court, and 10s 6d professional costs, or four days, for having in his possession two light weights.

Arthur Ginnery, a grocer, also of Argyle-street, was fined 25s, with 5s 6d costs of court, and 10s 6d professional costs, for having in his possession five light weights. Inspector Mitchelson prosecuted in the last four cases, and Mr. Cory appeared for the plaintiff.

WATER POLICE COURT.—WEDNESDAY.

(Before the Water Police Magistrate, with Messrs. Donaldson, Lester, and Josephson.)

Four drunkards were punished.

John Healy was fined 10s, in default four days' gaol, for making use of obscene language in Charlolte-place.

Kate Sullivan was sent to gaol for seven days, for riotous behaviour in Phillip-street.

Edwin Tunks was fined 40s, in default one month's gaol, for assaulting Robert Glynn.

Thomas Maguire, brought up for protection, was ordered to be sent to the Hyde Park Asylum.

On the summons sheet there were twenty-five cases, nineteen of which were in sub-inspector Anderson's district, and six in sub-inspector Rawlinson's.

ALLEGED EMBEZZLEMENT BY A BANK MANAGER.

On Tuesday, Robert Scott, manager of the Grenfell branch of the Bank of New South Wales, was brought before the Grenfell court, charged with embezzling a sum of money, the property of the bank.

Sergeant Keenan deposed to the arrest of Mr. Scott.

Timothy O'Sullivan Green, inspector of the Bank of New South Wales, stated: I am a resident of Sydney. I know the prisoner before the court. He is a manager of the branch Bank of New South Wales at this town. I arrived here yesterday about half-past 3 p.m. I went at once to the office of the bank, and said I would count the cash. I was delayed a considerable time on account of the books not being balanced. I counted the teller's cash, and found £100 over, which Mr. Scott said belonged to the treasury. The treasury is in charge of Mr. Scott himself. I took the key from him at once and about three-quarters of an hour afterwards went back and counted the cash in the treasury, which I at once observed to be in a large amount short. Scott came to me, and said, "You'll find the treasury short." I asked him how much, and he said he did not know, but he had lent various sums to people, but had not used any of it himself. On further counting, I found the treasury cash to be exactly £1600 short. I then said he had better tell me what he had done with it, when he handed me a list with several vouchers with it—worthless documents, I should imagine; perhaps, some may be good. They make up about the sum which is deficient. I then told him to show me the way to the police barracks. We met the sergeant on the way, and I gave prisoner in charge. I don't know that there is anything else short in the bank, but about £2 worth of duty stamps. The money deficient was in the treasury, under the prisoner's particular charge. It was his duty to give a correct account of all moneys received on account of the bank.

The prisoner was then remanded, and on the following Wednesday Mr. Green further stated that he then produced the treasury book of the bank, verified by Mr. Scott, which showed that there should be the sum of £3400 in the treasury, whereas, on counting the money which was there, he found only £1800. No money ought to be taken out of the treasury without a voucher or receipt is signed by the teller and manager. There has been no portion of the £1600 now deficient entered in the books of the bank to the debit of any customer of the Bank of New South Wales, or to any other bank, and no portion of the £1600 has been paid to the teller, at least as shown by the books. I found the balance in the treasury short about £1600. Mr. Scott came, unasked, and said that the money was short, and that he had lent or given the money to persons, but had not used it himself. He repeated this several times. He also gave me a list of amounts due by persons; they are vouchers, or memoranda, consisting of cheques, which were not paid, and also other documents. They are worthless documents, and amount in all to about £2000. They were documents from persons to whom he (prisoner) had given money—in fact a bundle of paper, never having passed through the bank books. I swear he embezzled the money, as it was short; the documents he handed to me are his own private affairs, and not passed through the bank books. From information received from Mr. Ryall, I found two £10 notes in a book, and he (Mr. Ryall) told me they were placed there by prisoner, as money out of his salary, to pay off the deficiency. Whether the prisoner had given me the bundle of cheques and memoranda or not, I should have discovered the deficiency. Almost all the cheques are overdue—all but one, I think, which is post-dated. Some of the amounts might possibly be recovered.

George Arthur Smith stated: I am clerk in the Bank of New South Wales, Grenfell. As teller of the bank I sometimes get money from the treasury of the bank. I never had any money out of the treasury since the 3rd March last, except £100, which I returned. On the 3rd March I was led to believe the sum of £3400 was in the treasury. I believe this by the production of the books. The prisoner did not actually say the money was there, but I believed it was. I did not count it. I am not sure if it is my duty to count it or not. I took it as a matter of course, from the book, that the money was there. I have nothing to do with the keys of the treasury. I am not accountable for the money in the treasury.

The accused was committed to take his trial; bail being—self in £500, and two sureties of £250 each.—Gulgong Guardian.

MINING ON THE UPPER CLARENCE.

[FROM A TRAVELLING CORRESPONDENT.]

PRETTY GULLY.

THIS alluvial ground was opened in 1859 by eight Frenchmen, and named by them. There were about 500 people here at the end of that year, but the "Snowy" drew away the majority; there are several gullies around, however, still thinly tenanted, and the ground opposite the Diggers' Arms Hotel has been well worked. The formation is mixed and various, "rotten granite," trap, sandstone, and slate, but the best of the gold has as usual been got on the last. A line of claims has been taken up on what is assumed to be a reef, but nothing very shining has resulted as yet, though one of the claims has likely indications, but the stone has a hungry and half-formed look about it, which may change for the better at a greater depth. The stone runs east and west across some easy spurs, in the little gullies between which good specimen gold has been got below but not above the line—hence, it has not unnaturally been guessed that the reef has something to do with it. There is, however, a seam of cement overlying the rock, and extending away from Pretty Gully to the cedar scrub at the back; this may also have something to do with it. If the stone contains gold, this cement should all be crushed.

Synge and Co. have a protection area (500 x 200 feet) and are twelve feet down, close to a large block of stone, capped by cement, and below the quartz is in places three feet thick. The colour has been raised in the casing, but nothing seen in the stone. A fifty feet shaft, cross-cut north and south, would be necessary to test this ground properly. There are ten parties at work trenching and sinking. Cement gold in 2oz pieces, has been got below where the granite and slate join, and the cement seam is in places six feet thick. Granite boulders—some of a ton weight—nod menacenously on spur points, and the whole formation appears subject to abrupt changes and metamorphoses of the rocks.

Pretty Gully is twelve miles north of Tabulam, and boasts one hotel—The Diggers' Arms, by Thomas Parker—and a store by John Farley; the population being about fifty, including five Chinese. Gold goes mostly through the Bank of New South Wales, Grafton, but one man takes his own. The market rate is L3 8s, but Calico Gully gold realizes L3 10s.

LUNATIC.

There are three defined reefs in this deranged locality, which is found seven miles south-west of Pretty Gully (and a rugged seven, too,) across the Emu Creek, and fourteen miles north-east of D'Arcy's Sandy Hill Hotel, on the main road from Tenterfield to Lawrence. The reefs are the Lunatic, Golden Crown, and Perseverance; and taking Irvine's (nice fellow that) Lunatic Hotel as a starting point (some seem to take it and don't start), the Lunatic Reef happens first at a short distance from the house, and is a north and south reef with an easterly dip, having been traced up from Lunatic Gully below by the rich specimen gold found in the creek bed, and at the side of the spur.

The stone is a blue crystal quartz with metallic arsenic, iron, and oxenical pyrites, hard and heavy, with an average thickness of twelve to twenty-four inches in tough blue slate wall. On portions of this ground, as about Nos. 7 and 8 South, the rocks are traversed by a network of veins, some of them rich but barely prospected, and of a thickness varying from six inches to three feet six inches, at a depth of forty feet. There is but one claim at present working on the line. The prospecting claim is Peter Gay and Co.'s lease of three acres. No. 1 North is now a three-acre lease in the name of Shannon, Lee, and Co. No. 2 North is an abandoned lease by Throckmorton and Co. No. 1 South is a two-and-a-half acre lease by the Lunatic Reef Co. No. 2 South is a six-acre lease by the same company, who have expended £1500 on these two leases and sent ten tons of stone to the Mint. No. 3 South is a claim for four men, held by Horton, Heyden, and Co., their shaft is down seventy feet, but the reef is broken; average thickness eighteen inches. No. 4 south, Golden Star Company, is six men's ground, and has three shafts of forty, seventy, and sixty feet respectively. The reef is twelve to eighteen inches thick, and the stone was rich for forty feet down, where they got into hard blue rock with good gold in it, some of which was thrown away. No. 5 South is a claim for six men. The shaft is sixty feet down, but the claim is in the creek where there is not much gold but plenty of water. This claim stands in the name of D. M'Cauley, Matthiesor, and Co. Madnass's Gully runs between Nos. 4 and 5 South, where heavy gold has been got below the veins which traverse it, one being a tenounce nugget, but no gold has been obtained above them. Parallel with the Lunatic, runs an antimony reef nine inches in thickness, the principal labour upon which has been expended in the law courts.

PERSEVERANCE REEF

was discovered by Honeyman, October 24th, 1869, or two months before the Lunatic, and differs from it in having a westerly dip and easier sinking, with, however, the same north and south course.

There is a number of veins, thin at the surface (6 inch to 12 inch), with occasional bulges of two feet in width in slate walls. It is found about a mile from the Lunatic. Honeyman's prospecting claim, now standing in the name of Hollingdale and Co., is a lease, 300 feet in length along the line. This is the company that carelessly sent twenty bags of rich stone to the Mint, via Grafton. On the way the bags emptied themselves of the rich stone, and filled themselves with a wayside quartz, leaving one of their number behind to take charge of the abandoned stone, for only nineteen bags arrived at the Mint. It is a singular fact, as exemplifying the latent cunning that is hid in bags, that neither the stone nor the bag have yet been found. Blocks of stone impregnated with a pound weight of gold were among them. The Mint's return for the nineteen bags was 3½ ounces, 5-12ths of this claim have been purchased for L650. The claim has three shafts, from 80 feet to 100 feet deep, with connecting drives.

No 1 North is six men's ground, with two shafts. The gold ran out here at a depth of 50 feet, and work has been suspended—they start again forthwith.

No. 2 North, six men's ground, and work suspended.

No. 3 North, six men's ground, at a depth of 60 feet; in these two claims the reef is but 12 inches thick, with little gold. No 3 is about to sink nearer the Kangaroo Creek.

No 4 North is Williamsen's Lease—and beyond this—but thought to be on the same line of reef, are two mineral leases for antimony, each of 20 acres, standing in the name of Messrs. Cape and D'Arcy—neither working.

No. 1 South, Bedwell, Smith, and Co., a good claim badly used. Gold was obtained from within 5 feet of the surface, and a ton of stone sent to Sydney returned 68 ounces. L1100 have also been knocked out by hand-crushing. This company possesses neither crushing mill nor means to get one. It is a four-men's claim, with two shafts, and the gold has been traced down 80 feet, when a blank occurred; continuing, however, for another 30 feet rich gold was struck in blue quartz, and at 120 feet the gold continues in the ordinary Perseverance stone, which differs from that of the Lunatic, in being redder with iron, and of a milder and more rubbly nature.

No 2 South is six men's ground. Here are two veins with the same surface line, but at 80 feet down they spread 20 feet apart, both thin, but gold-bearing. Walls slate and sandstone.

No. 3 South is a lease, the Golden Crown Company, in which work of various kinds appears to be going on, much of it to little purpose.

No. 4 South was a lease gazetted, cancelled for non-payment of rent, and one and a-half miles south is a protection area taken out by Captain Johnson, with good prospects.

Tenterfield, June 22nd, 1871.

NINE MONTHS IN FIJI AND OTHER ISLANDS.

[BY A SYDNEY MAN.]

DURING a nine months cruise among the South Sea Islands, including the Fijis, New Hebrides, Tanna, Friendly Islands, and New Caledonia, the writer of these papers had opportunities of witnessing scenes in some measure gratifying, but in others highly distressing, and he thinks that he could do no better service to Australian colonists than to lay before them the true state of affairs in that part of the world, now daily attracting so large a share of notice, not only in these colonies but in other parts of the world.

The writer is loth to bring real names before the public where he has to speak of crimes and misdemeanours which have been committed, either in his presence or to his certain knowledge; but as a guarantee of good faith has deposited in the hands of the Editor the actual names of vessels and individuals, whose doings are herein to be detailed, with the proviso that only those who have the right to know shall be made acquainted with the same.

On a clear day you may discern the island of Ovalau, about 30 miles off the land; and as you approach nearer you see that the surf rushes forwards and backwards over the dangerous coral reefs, and shatters the spray into millions of evanescent pearls whose lustrous light meeting the rays of the burning sun, forms a perfect kaleidoscope of colours. Your attraction is next drawn to a beach (perhaps three miles in extent), backed by a mountain range running right through the centre of the island. This beach is studded with houses, mostly light constructions of wood, with galvanized iron roofs, in fact there are only five really substantial edifices in the place; but Levuka presents a lively, business-like appearance as you near it.

On landing you are at no loss to account for the apparent largeness of the town, since at the first view you saw the whole of it, consisting only of one street, and this street having but one side occupied by habitations, the other being the sea. Your first impression is that the settlement must be prosperous. Natives carrying goods to and fro, new buildings springing up in all directions, all hands in the principal stores engaged, the two best hotels (Turner's Criterion, and Manton's) crowded with customers—the bars of these and one or two others being never empty; billiard balls rattling from 8 a.m. to 2 a.m. (Sundays included); numerous loungers "under the verandah" (Manton's), mostly planters taking their annual holiday of four or six weeks; loafers in dozens looking out for new chums, and the constant invitation heard on every side, "Come and have a drink," "Let's have a Yankee grab," or "Who is in for a Taviuni swindle." These are symptoms denoting that the majority of the people are "flush" of cash.

In the beginning of May this year the town had one European and one native Wesleyan church, supported by missionary funds; one Episcopalian, supported by voluntary subscription; and one Roman Catholic Church, divided between Europeans and natives. There were between 100 and 120 houses and warehouses of European construction, and about twenty-five of native architecture, inhabited by settlers; of these thirty were private residences at the back of the business part of the town. Sixteen new houses were in course of erection. There were thirteen public-houses, but I don't think that more than one-third of the number could have been doing a profitable business, although there is no license fee, nor any import duties. Fourteen retail stores competed for the favours of a population, which, though fluctuating, cannot be set down at more than 350. But it is not the permanent residents who sustain the commercial credit of Levuka as much as the visitors, particularly those who come for "recreation."

As to the social condition of Levuka, the less said the better. The license and impropriety daily exhibited among so-called gentlemen is hardly conceivable by those who have not seen it. This license has not the same tendency as in Sydney, or Melbourne. In Levuka there is no demi-monde, no Favoritas; ladies are quite at a premium, and a tolerably well behaved, and reasonably good-looking "young lady," who can attend a bar, has no difficulty in obtaining 50s a week for very easy work; and it is ten to one she gets half-a-dozen offers of marriage during her first half year in the place. The license which to a very great extent disgraces the Levuka community is this, that might is right, and that he who happens to know most of the "noble science" of the prize ring is cock of the walk.

A certain taint of communism, or give and take rowdyism, has insinuated itself, in the manner in which quarrels are settled, and unless some sort of lawful authority is established, this might-is-right kind of policy and practice will rapidly spread. Suppose, for instance (and the example is only one out of a hundred, perfectly true, and wholly unvarnished), that you have occasion to leave your room to go out on business or for pleasure, you leave your bedroom door open, for two very good reasons; first, that the atmosphere would be unbearable if it was closed; and, secondly, because very few doors can be locked—having been forced in times past. Say that, during your absence, your washerwoman deposits your clean linen, &c., on the bed, or that you, in your innocence, leave your eau de cologne or other trifles on the dressing-table, and coming home for a refreshing wash and change of linen, after exposure to a broiling sun, you find a stranger in the act of bathing his face with your scented waters, after having donned the very best of your shirts, you exclaim, as I did once—

"What the deuce are you doing here, sir?"

"Doing here!" answers a hoarse voice from a powerful frame. "Doing here—dressing myself up, as you see."

"But this is my room."

"I know it, but as my washerwoman did not bring my togs, I thought I might as well have a shirt of your's, and so I took the loan of this. You can have one of mine as soon as they come home. 'Tis all right."

"I will be obliged if you will leave my room." This with some rising anger, or at least asperity.

"Oh, certainly, as soon as I have combed out my beard. Fine weather to-day, though rather hot. Will you have a nip? No! Ah, well, good morning. I'll see you again."

Now, what can be done with such men? If a quarrel ensues it is purely a matter of might or "science," and even in the event of a victory over such a scoundrel, what is gained? A very negative victory indeed, since the whole beach within an hour would ring with most exaggerated reports of the new "row" between Mr.—— and Scotch Jack, or Blackguard Joe, &c.

The most impudent thefts—I can call them by no other name—are committed in this fashion, and the more readily because, in consequence of the great heat, people are almost necessitated to leave their doors open even at night.

More serious offences in the appropriation of the property of others are by no means rare, and the skill displayed is often of the highest kind. There are strong suspicions too that the help of drugs is often resorted to in plundering the victims.

I will mention two flagrant cases. In one room of the largest hotel two persons slept one night in February last. The one was a traveller, the other owner and master of a small ketch. The former retired to bed about 11, but was occupied in reading till 12 o'clock, when the latter arrived, perfectly sober. He made remarks about rogues being about, and put his pouch and belt, not under the head as is usually done, but under the mattrass, in the middle of the bed, so that his whole body should cover it. The door was left open, and in the morning it was found that the mattrass had been dragged more than one-third over the edge of the bedstead, and the purse and belt gone, together with the contents, eleven sovereigns, two half-sovereigns, and some silver. The robbed man declared that he never felt disturbed during the night, though generally a light sleeper, but he had a heavy headache all next day. No one but his bedroom comrade and the landlord were made acquainted with the fact of his being robbed, and also this—that one of the half-sovereigns had a "bite" in it on the edge. Four days after this, I happened to be in the bar of the hotel, when all present were startled by the expression—"You stole my money, Joe; I thought it was you," the speaker at the same time triumphantly holding up a half sovereign, which he had snatched from Joe's hand, and exhibiting to every one a "bite" in the rim. "I thought it was you, for there were but two others who knew I had drawn the cash that day."

Joe, evidently "bowled out," put his bristles up, and exclaimed furiously against such a degrading imputation; whereupon the company adjourned to the yard at the back,—the two antagonists stripped, and the poor sailor got a thrashing in addition to losing his money.

On another occasion, a well-known Melbourne merchant, Mr. W——, stayed at the principal hotel in Levuka. The bedrooms being too close, many gentlemen preferred sleeping anyhow in the large dining-room rather than to be stifled upstairs. On the night in question not less than seventeen persons lay down in this spacious apartment, while four or five preferred the open verandah. The doors as well as the windows were open to admit as much air as possible. Mr. W——, warned, but not very suspicious in such a large company, deposited his gold watch and chain, together with his purse, containing some L5 or L6, inside the pillow-case, under the pillow. Feeling secure, he slept soundly, and, as he avers, undisturbed till 6 a.m., when lo! watch, chain, and purse had vanished. He, too, had a strange headache all next day, a usual consequence of administration of chloroform.

Levuka is the depot for all, or nearly all, the importations from Sydney, Melbourne, New Zealand, and California, and all the cotton passes through the place for export, whether ginned on the plantations or in one of the two ginning establishments in the town. In consequence, every planter must repair to this miniature metropolis to have his affairs settled, lay in stock, receive drafts or local paper money. Thus it happens that strangers often congregate in great numbers, many of whom "go on the spree," and under such circumstances a few individuals of suspicious habits and questionable antecedents, find that the old gentleman who is said to have promised something for "idle hands to do," generally puts work in their way, so that hardly a night or day passes but proves that some one or other has had irrational notions as to the meaning of meum and tuum. The worst of the matter is that, though in the majority of cases the culprit could with moral certainty be pointed out, the goods found, and the thief punished, no authority exists that can order a search or a subsequent punishment. In fact in the whole community there are not three men who have sufficient influence to interfere effectually, or sufficient public spirit to sacrifice an hour a day to the public weal. It is a distressing spectacle to behold a rising settlement, principally of Anglo-Saxons, drifting into a most disreputable state of lawlessness, which, if it continues another year or two, will make the place a by-word all the world over. If there were only half-a-dozen men of character and energy to take the lead, they could tide over all the difficulties of their position, and secure the permanent good of a rising community. As it is, there is no security as to property, very little as to life; and with the exception of the deeds of land purchases granted by King Thakombau, all other obligations can be repudiated at will. No law exists, and no court; expediency is the rule, and knaves fatten upon honest men's toil. I dare hardly picture to myself what would be the result, now that the Colonial Office has peremptorily renounced all idea of protectorate, should Maafi gain the advantage over Thakombau in the present war with the Lovoni tribe. Probably European blood would be shed, but under all circumstances, the conqueror would probably demand a second payment from the purchasers for the conquered land.

What use is it that the English and American flags shelter their country's consulates? They are virtually powerless against a mountain tribe living within three miles of the town. The best jack-tars in the English navy would find it a very tough job to scale those mountains, dash through those ravines, and enter the native fortifications. Almost every aboriginal has a musket. It is quite true that the native is not a practically good shot, but he certainly has proved that he can hit sometimes.

One of the greatest misfortunes for Levuka is, the unpopularity of the British Consul, and the constant bickerings between him and the citizens, four-fifths of whom take a strange pleasure in thwarting even his smallest wishes. Mr. Marsh has Spanish blood in his veins, and exhibits perhaps more hauteur, more of the grand signeur, than is advisable under the circumstances, and remembering that he lives in ungoverned society. But I believe truly that he is, in feeling, heart, and thought, a true gentleman, who disdains to allow himself to be dictated to, at any price, by a lot of uneducated "roughs," though they have amassed money, and assume airs of importance. As unpopular as is the British Consul, so is the American (Dr. Brower) popular, and deservedly so; he is accommodating, charitable, and sociable.

The great hurricane which visited the group on the 19th, 20th, and 21st of March, has retarded the progress of the Fijis materially. It has reduced the whole of the cotton crops fully one-third, and L40,000 (the settlers write L100,000, but that is an exaggeration) will hardly cover the loss. It is a large sum for so small a settlement, wherein the majority are but beginners, with scant capital. The town itself suffered very severely.

One of the luxuries of which everyone avails himself is the morning bath, and at the hours of 5 to 6 a.m. you may see two-thirds of the male population wending their way to one or other of the two "waterholes," each somewhere about 100 feet by 80 feet—one north, another south of the town—there to have a swim. Now I don't deny it is refreshing for the moment, but equally sure I am that these baths, unless a man is very careful, produce fever and ague. A small stream from the ranges brings the water into the reservoirs, but this water has, before it reaches the baths, to pass through several boggy swamps, the very neighbourhood of which is suggestive of malaria, and the water itself has that sickly smell which hunts you on the swampy coasts of Africa. It happens often enough that a man in a hurry does not dry all parts of his body as well as could be desired; and, if so, he has to suffer for it, for when the meridian sun forces out the perspiration, the sickening smell is very suggestive of the proximity of a dozen perspiring niggers. That this will produce fever cannot be doubted, and that it has done so, I feel convinced.

One of the peculiarities of Levuka is its fondness for public meetings, where some of the "leading citizens" may have an opportunity of airing their peculiar notions. These gatherings generally originate with some of the principal publicans. Foremost among these agitators for the public weal, stands the spirited and generally much respected proprietor of the Criterion Hotel, Mr. James Turner, an inveterate hater of the present British Consul. One week a public meeting is announced to settle about a municipality, the next to establish a bank, the third to form a Government, the fourth to express opinions as to the validity of certain land titles, and so on, at all of which resolutions are passed, committees appointed, and the regular formula gone through. But the best of the joke is, that in nearly every instance, both the promoters and the apparently earnest proposers, seconders, and speakers, know full well that the matter in hand will end in smoke, and be nothing but a reminiscence after the lapse of three days. When all other subjects fail, there is always one to fall back upon viz., the conduct of her British Majesty's Consul; and no easier way can be adopted to congregate 100 or 150 citizens than to get up an indignation meeting against Mr. Marsh. There is the everlasting Daphne case to stir up, or else a horrible din and noise, because he (the Consul) has not chosen to lift his hat to some upstart settler to whom he has never been introduced; or, must be, has declined to hold conference with men who are personally obnoxious to him as being among his most bitter opponents. These meetings are almost the only recreations the settlers have, and they are taken advantage of both by the visitors to have "a lark," and the landlord whose till is replenished by the increase of customers.

At one of these meetings, held in January, it was decided to form a volunteer corps, and the enthusiasm was—well—it was immense! For two whole days the utmost excitement prevailed, a room for drilling was hired, a sergeant-major (a very diligent man, a cobbler by trade) was engaged, a uniform voted and adopted, rifles sent for, and all went smoothly. I took occasion to drop in on two or three drilling nights, and on an average I should say ten at ended, of whom two had the means of finding themselves in uniform. A letter I have received since I left, dated from Levuka, th 27th May, written by a volunteer, states that the highest number present at any drill has been thirteen, and the average since the formation of the corps six and a fraction! No wonder, as my correspondent despondingly remarks, that they have not been able yet to elect a captain and other officers. The great wonder is that there can be found "six and a fraction" in Levuka to persevere in so hopeless an undertaking.

The town, when I was there, boasted of a newspaper called the Fiji Times, badly edited, worse printed, without courage to utter a single independent thought, or promulgate an opinion opposed to any settler's or planter's interest; but with unblushing partiality, perseveringly attacking the British Consul, as being the public scapegoat. It must be admitted, however, that the editor and proprietor have no sinecure, since a horse-whipping unquestionably would follow any obnoxious article, as the latter has more than once experienced. As to any denunciation of the existing "slave trade," for that is what the "labour" traffic really is, a single word in condemnation of that nefarious system would undoubtedly place the life of the writer and publisher in danger. Since I left Levuka, the publication of a second newspaper has been commenced, under, as I understand, the auspices of Mr. S. C. Burt and others, and is regarded as the organ of the party who have commenced playing at the farce of government, under shadow of King Thakombau's sanction.

WELSHING.

AT the Seventh Hussar Steeplechases at Hopgrove, near York, Lord Marcus Beresford was "welshed" of £5. To that amount his lordship made a bet with a well-got-up stranger in the ring, and winning and wanting his money, he had the mortification to find that the stranger had flown. Out of this circumstance an extraordinary scene took place at the Sheriff Hutton Steeplechases. The "welsher" before referred to was present, and Lord Marcus Beresford also. To bring the two together gave prospect of sport of another character than that set down in the programme. His lordship was, therefore, "put on" to the "welsher," and at once recognizing the fugitive, seized and held him with the strength of a vice. A request from his lordship to give up the £5 was met with a denial from the "welsher" that he was the "Simon Pure." Receiving assurance, however, from others about who had seen the bet made that he had got hold of the right man, his lordship at once set to work and gave the fellow a thrashing. A further chance was then given to "settle," but whilst virtually admitting that he had made the bet, the fellow disclaimed that he had any money upon him; whereupon the crowd indulged in the course of searching him, and took from his pockets 8s or 9s in silver, and from the inside of his waistcoat, within the lining of which they found stitched four sovereigns in gold. This was handed over to his lordship in part settlement of his claim, after which the "welsher," bruised and disfigured in feature and tattered and torn in attire, was allowed to go.