The Weekly British Colonist

Wednesday, October 12, 1870

Reciprocity Wanted.

The present deplorable condition of affairs in Nanaimo may well impress still more forcibly upon the thoughtful mind the great necessity of a Reciprocity Treaty with the neighboring nation. Nanaimo, really the largest producing community in the United Colony, is on 'strike.' The works of the Company are brought to a stand; and the pot of the miner has ceased to boil. It scarcely falls within the scope of our functions to discuss the merits of the dispute between the Company and its employes. That is a matter of business between the two parties; and it is presumable the Company ought to be the best judges of what they can afford to pay, on the one hand, and the miners ought to be the best judges of what they can afford to work for, on the other hand. In so far, therefore, as the dispute between the two parties is concerned, all we can do is to express regret that the Company should have thought it necessary to attempt a further reduction in the price hitherto paid for taking out coal, and that the miners should have found themselves unable to submit to that reduction. But there is one feature of this subject which we may venture to discuss, affecting, as it does, the public interest. What are the circumstances which have led the Company to the conclusion that it is necessary to reduce the price paid for taking out coal? Why are there 25,000 tons accumulated in the bins? Chiefly because our coal is met at San Francisco, our sole present market, by a duty of one dollar and twenty-five cents per ton. In order to assist in reducing the price of coal so as, in some measure, to overcome that crushing impost, the Company proposed to take twelve and a half cents per ton off the miners' wages. Why do the miners find themselves unable to submit to a reduction apparently so trifling? Chiefly because, under the present tariff, they have to pay such high prices for the necessaries of life. Everything they eat, drink and wear is too heavily taxed. On every barrel of flour they have to pay *twelve times* twelve and a half cents in customs duty alone. On every gallon of spirits they have to pay *twenty times* twelve and a half cents in customs duty alone. On every gallon of beer they have to pay 15 cents duty, or a protection price for the home made article equivalent to it; and so on with everything consumed. Thus it is that the coal miner cannot afford to abate even to the extent of 12½ cents a ton on the price of taking out coal. He is, in fact, paying more than that 12½ cents in the *increased* price of living consequent upon the high rates imposed under the existing tariff. Where, then, is the miner to look for relief? The Canadian Tariff would bring a large measure of relief; but the fuller measure of relief must be looked for under a treaty of reciprocity with the United States. By that means our coal would enjoy a ready market, and there would no longer be any need to have the bins full, or to 'dock' the hard-working miner 12½ cents a ton. By that means the chief articles of food necessarily imported would come in free as the wind which would then waft fleets of American shipping to our shores. Under the Canadian tariff and a reciprocity treaty the miners could not only live well, but they would be enabled to lay by in store for a rainy day.' Those, therefore, who oppose the acceptance of the Canadian tariff, and would, consequently, exclude this colony from all participation in the benefits of a reciprocity treaty almost certain to be negotiated before long between the Dominion and the United States, must be regarded as the enemies of the coal miners, and, indeed, of every other class—the common enemies of general development and industrial progress. We must endeavor to free ourselves from this miserable, hidebound system at home, and seek a free and enlarged market for our productions abroad. It is thus that we shall find the true remedy not only for the evils under which the development of the great coal measures of Nanaimo languishes, but for those evils under which the whole colony has become stunted and worm-eaten.

MORMONISM PRACTICALLY EXPLODED.—According to some exchanges, there is taking place a virtual dissolution of Mormonism. Governor Shaffer, of Utah Territory, having adopted a very decided policy which, to a great extent, subverts the power and authority of the False Prophet. It is not believed that the idea of emigrating to the Sandwich Islands is seriously entertained.

AMONG the passengers by the Isabel on Thursday night were Messrs A Rome and Philip Houghton. Mr Rome has placed us under obligations for a late Portland paper.

County Court.

Before Mr Justice Pemberton.

FRIDAY, Oct 7th, 1870.

Smith vs McMillan—This is an action brought for the recovery of $15, being one month's rent of premises lately occupied by the defendant as a printing office.

There are some points respecting leases from year to year, or for other recurring periods, which deserve attention. Independently of any local custom the law presumes that a tenancy at a rent, whether payable annually, half-yearly or quarterly, (4 Taunt. 131) the duration of which is not defined by express agreement is a tenancy from year to year; that is to say, a tenancy which, until determined by notice or surrender, is impliedly renewed at the commencement of each year, and which may be made to cease on any anniversary of the day on which it commenced by half a year's notice. A notice to quit on any other day, or a notice to quit not given in time, is ineffectual, (W. B.C., 596, 3 Camp. 569). But there may be an agreement that a quarter's notice or a month's notice shall be sufficient, though even this will not authorize a notice to quit on any other day than the anniversary of the commencement of the tenancy, unless an intention to that effect is clearly indicated. If either party waive the notice [which the tenant will do if he keeps possession beyond the expiration of the year—though this may be explained—6 Nw & M, 428; and which the landlord will do if he receives rent for a subsequent period, or otherwise acknowledge the tenancy to be subsisting] it goes on as before until determined by a fresh notice to be acted upon. And if a tenant for a term certain keep possession after the expiration of the term and pay rent, that constitutes a tenancy from year to year.

Blackstone vol. 2, p. 144—In leases for years an actual entry is necessary to vest the estate in the lessee, for the bare lease gives him only a right to enter, and when he enters in pursuance of that right, he is then, and not before, in possession of his term and complete tenant for years (Co. Litt. 46).

Blackstone, vol. 2, p. 314—Reference has been made to the lease to Higgins. This lease is either a good one or a bad one; if a bad one, it is invalid and therefore cannot affect the present case; if good, the refusal of the defendant to give up possession is of no benefit to him, the rent being due and unpaid, and the lessor not having assigned his reversion (Arcub. p. 135). But it may have rendered the plaintiff liable to an action for non-performance of his contract to Higgins; for where there is a sufficient demise of premises the law implies a promise by the party demising to give possession to his tenant; and *assumpsit* lies against the party letting for the breach of such promise. (Coe vs Clay 3 M & P, and W 307, 311). Chitty on Contracts, p 282.

The general rule is that a tenant is stopped from disputing his landlord's title (Fleming v Gooding 10 Bulg, 549). The payment of rent implies and admit a tenancy and is strong *prima facie* evidence against the tenant of the landlord's title.

Having carefully considered all the circumstances of this case I fail to see any legal ground which the defendant has for refusing to pay the sum claimed by the plaintiff. When a party holds premises under a void lease, the payment and receipt of rent is evidence from which a demise from year to year will be presumed. (Doe & Pennington v Taniere, 18 L J. Q B 49).

Chitty p 289.

Judgment for plaintiff for $15 with costs.

BELLINGHAM BAY.—Our correspondent writes under date of Oct 2d:—This place has now more of a business aspect than it has had at any time since my arrival. The coal mines are in working order: The bark Scotland is now loading and the bark May Belle Roberts is waiting to be loaded. Pound room having now been provided in the mine for the water which suddenly and unexpectedly broke in a short time ago, the working of the mines are no longer impeded by it. And here I ought to correct an error which I made in my communication of Sept 13, viz, that the water coming into the mine was gaining upon the engine although the latter was kept running night and day. Mr Meyers, the managing superintendent of the mines, assures me that such is not the case—that the water never did gain upon the engine, and tha the delay in working the mine was caused by the making of additional pound-room for the water. I am also bound in justice to that gentleman to say, from my own personal observation and enquiries upon the spot, that even though the influx of water into the mine had been sufficient to entirely stop the working of the mine, yet no blame could possibly attach to the mining engineer, as no human prescience could possibly have foreseen the probability of its invasion. It is now, however, completely under control.'

A MUCH-NEEDED IMPROVEMENT is now in progress at Saanich Inlet opposite the hotel of Mr Eckstien. A substantial wharf is being put up by Mr Thompson, Mr Eckstien, Mr Marcotte and others. It will be built at a point accessible to the Sir James Douglas and where she may receive or discharge cargo at any stage of water. Its construction will render the transportation of produce and supplies to and from Victoria and Saanich by water quite feasible.

FRENCH SANITARY FAIR.—The French Sanitary Fair, in aid of the wounded, the widows and orphans of the French army, held in San Francisco, on the 22d and 23d ult, was very successful, the receipts on the first day amounting to upwards of $10,000. On the evening of the first day there were 5000 persons present in the building at one time.

LEECH RIVER.—Several prospecting parties have arrived from Leech River lately and only one party now remains out. A great deal of quartz has been discovered. Well-defined seams are numerous; but the placers of Leech, from which so much was expected a few years ago, appear to be exhausted.

County Treasurer of Portland, Oregon, nts nding to the credit of the

Supreme Court,

Before Mr Justice Crease.

FRIDAY, Oct 7,

THE QUEEN CHARLOTTE COAL MINING COMPANY vs DRIARD.

On the opening of the Court yesterday Mr McCreight for the plaintiff, stated that having considered the evidence adduced yesterday, he and Mr Robertson thought it advisable to accept a nonsuit.

The Judge replied—'I think your are wise. I presume the evidence yesterday took you by surprise.'

Mr McCreight—'Yes, it did.'

A nonsuit was accordingly entered, with County Court costs for the defendant.

THE AMERICAN SHIP POCAHONTAS, CAPT. DREYER—This ship will be towed by the Grappler to the Hastings Mills where she will load with spars for Cork for orders. The Pocahontas' tonnage is 1128, N M, and she has room for 1100 loads. Capt Dreyer reports calms and head winds the entire passage from San Francisco, which the ship was 23 days in making.

THE California sailed at 11½ o'clock yesterday morning for Portland. Mr and Mrs P Steel and child were the only passengers. The freight, with the exception of 280 tons of coal, was light.

IMPORTANT DECISION.—We give the decision of Mr Pemberton in the case of Smith *vs* McMillan, in full. The decision has an important bearing upon the relations of landlord and tenant, and its publication may prevent litigation in future.

QUARTZ MINING.—Ensign & Co at Goldstream are in some thirty feet and are driving ahead rapidly. They will work all winter in their tunnel. This company use the Giant Powder and have met with immense success since employing it.

CALIFORNIA ORANGES.—The orange, which, though now growing generally in the tropics, is not, as is generally supposed, of tropical origin, has become thoroughly acclimatized in California, and in the County of Los Angelos the orange crop is now one of the leading resources of the planters, while its cultivation is rapidly extending throughout the central and southern parts of the State.

EDUCATIONAL.—It will be seen by reference to our advertising columns that Mrs Atwood, an accomplished and deserving lady, is now prepared to receive pupils at her residence, corner of Blanchard and Johnson streets, as well as to give private lessons.

THE BAT NIAGARA LEAP will be performed by Mr Nelson and his boys at the theatre this evening. The act is most thrilling. The apparatus has been arranged at considerable expense. Duvany, Phillips and others will also perform.

THE PLOUGHING MATCH will come off at Simpson's on or about the 6th of November. Considerable interest is manifested in the match by the farmers and there will be several lively contests.

SCHOOL AND ROAD TAX.—There were ten parties summoned before Mr Pemberton yesterday for non-payment of taxes. Four were ordered to pay, two were postponed and four dismissed.

POLICE COURT.—One case of drunkenness for which the offender was fined five shillings, and a charge of assault by an Indian on his tillacum with a knife, which failed to convict, were the only cases on trial yesterday.

MR. BENGER has returned quite crestfallen from Nanaimo. It is reported he will abandon the contest for that seat and come out for Mayor.

TIMOTHY SEED.—At D Lenevue's produce store may be seen a lot of superior hand-picked timothy—among the finest ever imported into the colony.

PRINCELY BEQUEST.—The late John H Simmons, of Boston, bequeathed property to the value of one million and a half towards founding a Woman's College in Massachusetts.

SOOKE—The bark Adele has completed her cargo of 384M feet of lumber at Muir's mills, and will sail for Callao to-day.

THE bark Corsair will sail to-day for the lumber mills of Moody, Dietz & Nelson, to take in a cargo.

H. M. S. SCYLLA has left Nanaimo for a cruise to Comox and possibly, Knight's Inlet.

TODD, the Spiritualist, speaks every Sunday evening in the Oro Fino Theatre at Portland, and is making many converts.

THE ABYSSINIAN WAR.—The Select Committee of the English House of Commons appointed to examine into the official estimates of the Abyssinian war and the actual cost of the Abyssinian war and the actual cost of the expedition, reports that up to July 1st, 1870 the expenses amounted to $44 000.000 of which $9.608 000 were spent in England $27 892.000 in India, and $6.500.000 in Abyssinia. The original estimates amounted to $17.500.000 and the revised estimates to $26.500.000. It may be remarked as somewhat singular that the actual expenditure amounts precisely to the sum of the original and the revised estimates. The Committee, however, states that the author of these estimates alleges that the figures were merely an attempted approximation to the amount, and that all the military officers examined asserted that from the nature of the work assigned to the expedition, even an approximate estimate was impossible.

Mair Lees.

NANAIMO, Oct 5th, 1870.

EDITOR BRITISH COLONIST.—In the *Standard* o' yesterday I see a letter frae a chiel cain himself 'Kid Gloves,' makin a wheen geyan impident remarks aboot ma last letter tae yersel, but 'what can ye expes frae a soo but grumph,' so I tak nae notice o' that. Noo, the letter o' this bit buddie is jist as big an as wilfu a mistak, or raither misrepresentation, as the twa buner folk quoted as attindin Bunster's first meetin or forgatherin wi his supporters. There has na been wan singel sign pented in Nanaimo this twalmonth an mair, forbye that ther's nane o' the four publics or bar rooms shut up or likely tae be (unless it be the wan 'Kid Gloves' attends) consequently I coulda be writin 'Bar room epitaphs,' but puir crater, he diz na understan the seegnefication o' the word—ony wey, its no my tred an I've dune naither the wan or the ither. Se much fer lee Nor 1.

'Kid Glove,' then, wi' the brazen owdawcity o' a rale cockney, says that one eighth pairt o' the names on Robson's raiquescestion were foreigners or 'men and boys' wha hadna been a week i' the colony. Noo, Mr Aiditur, 'there's ma thoomb, I'se ne'er beguile ye,' but this can easy be pruived an awfu' lee and no to be suffer't i' the congregation of the just. Diel's i' the man, diz he think we're fules athegither?

As to bein' fond o' Bunster, I'se no deny't, bit its cauld comfort i' the winter time and I prefer a wee drap o' het whusky wi' a little sugar.

In conclusion, as tae yer humble servant bein' existing among us for the past few weeks, I can inform 'K G' that I've been in the colony ever sin the company began, an what's mair, nivet was a 'tool' to them or ony ither man. An supposin' I had been paintin' signs or writin' apeitaffs, it's a far mair respectable bizzines than sellin' speerits to aither white people or ithers, whilk I canna help 'jalousin' is the tred o' 'Kid Gloves.'

The collier buddies are on a strike and this wuld be the vera time for Bobson to gie them his mind. A buddie likes flattery, but the saft sawder o' 'Workin Man's Friend,' &c, wants a back tilt. The rain's gie me a 'touch o' the rheumateez, sae I'll c'en stap here.

Your obedient ser'vt to command,

SAUNDERS MCDROUTHIE,

Collier Row.

Proceedings of the Grand Lodge of Odd Fellows.

BALTIMORE, Sept. 24.—The Grand Lodge of Odd Fellows reassembled and resolved that the thanks of the Order be tendered to Templar Lodge in San Francisco for their large-hearted liberality in donating one thousand two hundred dollars towards providing a fund for the establishment of the Order in Germany.

It was resolved that it would be unwise to make any new regalia for any purpose.

The right of ballot in Lodges of the Degree of Rebecca was refused.

It was decided that wives of suspended members cannot hold membership in the Rebecca Degree Lodge after their husbands are suspended; that unmarried daughters of Odd Fellows shall not be admitted to the privilege of the Degree of Rebecca, and that the action taken authorizing Rebecca Degree Lodges be continued.

The wearing of chapeaux and gauntlets by Encampments was approved.

The salary of Grand Secretary Ridgeley was fixed at $3000.

It is considered inexpedient to legislate on the life insurance proposition.

The decision of the Grand Lodge in regard to the appeal of the case of Rucket of Illinois, was approved in regard to the prosecution; but the second query in regard to admitting a man with chronic disease, was not adopted.

The Grand Lodge refused to grant a charter for the Grand Encampment of Oregon.

The grand officers appointed are: Rev J W Venable Grand Chaplain. S W Cayce Grand Marshal. Jules Smith Grand Guardian. F E Chamberlain Grand Messenger.

After the Grand Sire was inducted into office he delivered an eloquent address. The Grand Lodge then adjourned sine die.

VICTOR HUGO.—This noted individual has written from Paris an address to the Germans of which the following is an extract:

You may take the fortresses, you will find the rampart, you may take the rampart you will find the barricade, you may take the barricade; then who knows the reasons of patriotism in distress? You will find the sewers mines of powder, ready to blow whole streets in the air. This will be the terrible sentence filed. You must expect to take Paris stone by stone; to slaughter Europe on the spot; to kill France in detail in each street, in each house. That great light must be extinguished soul by soul. Germans! hold back, Paris is formidable. Think a while before her walls. The transformations which are possible for her indolence gives you measure the of her energy. She will awaken. Her thoughts will leap from the scabbard like a sword; and this city, which yesterday was Sybaris to-morrow may be Saragossa.

THE HERO OF KARS.—Sir William Fenwick Williams, Bart, K C B, recently apcently appointed Governor of Gibraltar, who leaves England this month to assume his duties, is a native of Nova Scotia and has royal blood in his veins.

MRS DIGBY PALMER has resumed her Dancing Classes Sept 13th, 1870. Juvenile Class on Tuesdays and Fridays at half-past 3 o'clock p.m. Adult Class on Tuesday and Friday evenings at 8 o'clock. Academy—Fort street.

DRESS-MAKING AND MANTLE-MAKING.—These departments will be opened at London House on Sept 19th, under the charge of a thoroughly experienced cutter, who arrived from England by the California, and who is prepared to produce the latest styles.

FELL'S COFFEE, superior to any other brand manufactured on the Coast, may be obtained of all respectable dealers throughout the Colony.

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EMEDY produces quiet, refresh
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ARE CONFIDENTLY RECOMMENDED AS A simple but certain remedy for Indigestion. They act as a powerful tonic and gentle aperient; are mild in their operation; safe under any circumstances; and thousands of persons can now bear testimony to the benefits derived from their use.
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WATERPROOF Central-Fire Metal. 1½ Cartridges with enlarged Base for small bores, adopted by foreign governments for the converted Chassepots, Berdan, Remington and other Rifles; also, Cartridges for Ballard, the Spencer, and American Henry Repeating Rifles.
The 'ELEY BOXER' are the cheapest Cartridges known, carrying their own ignition and being made entirely of metal, are waterproof and imperishable in any climate
The above Cartridge cases (empty) of all sizes, and to the different systems of Breech-loading Rifles can be had with or without the suitable Bullets and Machines for finishing the Cartridges
BOXER CARTRIDGES of ·450 bore for revolving Pistols used in Her Majesty's Navy.
Copper Rim-Fire Cartridges of all sizes, for Smith and Wesson's, Tranter's, and other Pocket Revolvers
Pin-Cartridges for Lefaucheux Revolvers of 12.m, 9.m and 7m, bore
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Is unequalled for its rare and inestimable qualities in Improving and Beautifying the Complexion and skin. It Eradicates Freckles, Tan, Pimples, Spots and Discolorations, and renders the skin soft, fair, and blooming.
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