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66 years. Lake, on the I. Haggerty, a aged 47 years. 3 Simcoe street. hn W. Greig, a

VARIED VIEWS ON FAMILIAR SUBJECT

GREAT DEAL OF TALK BUT LITTLE WAS DONE

Interesting Legal Opinion by City Barrister-Resolution and Amend ments.

The outcome of the public meeting which was held in the city hall Friday evening to deal with the Indian reserve question was the passing of a resolution requiring the city to do its utmost to bring about a settlement along the lines contained in a communication from the deputy superintendent-general, Ottawa, to the provincial government in 1901. The subject was fully debated.

The chair was occupied by Mayor Barnard and Geo. Carter was appointed

ecretary.
The chairman explained the object of the meeting and the circumstances under which it was called. He had secured a legal opinion on the reserve question from W. J. Taylor, K.C., city barrister, part of which he would read. The entire pinion is as follows:

Victoria, B. C., Jan. 17th, 1905. His Worship the Mayor, Victoria, B. C.

Sir.-I have the honor to acknowledge ests already created therein. for an opinion as to the respective rights of (a) the Indians; (b) the provincial

ever; it is also understood that we are at liberty to hunt over the unoccupied and not to carry on our fisheries as formerly. We have received, as payment, fifty-two pounds ten shilling stering.

"In token whereof, we have signed our names and made our marks at Fort Victoria on the thirtieft day of repulsed on the thirtieft day of the thousand eight hundred and fifty. (Sgd.)

"HOOKOOWITZ, His X Mark, And 20 others.

And 20 others. (Sgd.) "ALFRED ROBSON BENSON,

"M. R. C. S. L.,
"JOSEPH WILLIAM M'KAY." This treaty extinguished the Indian the description of the land in this document is vague, but sufficient definiteness appears to make it operative. The west ern boundary line of the tract has, since the treaty, been definitely surveyed, the shores of Victoria harbor forming the remaining boundary lines.

While the verbiage of the document varies from that commonly used in conveyances, it must be remembered that the document is not an ordinary conveyance but a treaty and the language doubtless appropriate to the understandng of all parties to the compact.

It will also be noted that the tract sites and enclosed lands together with a ence to the Dominion. right of hunting over the unoccupied ain appurtenant rights of fishing.

son's Bay Company reconveyed (with made a report thereon upon the 4th May, certain exceptions not material to this 1878. This report assumed to define Quiry) Vancouver Island to the crown. At this period, namely, the year 1867, the Songhees' reserve, in the following inquiry) Vancouver Island to the crown. the crown became possessed of the land | language: occupied by the Indians, subject to the By clause 13 of the terms of union,

Is the only safe, reliable regulator on which woman can depend "in the hour and time of need."

Prepared in two degrees of strength. No. 1 and No. 2.

No. 1.—For ordinary cases is by far the best dollar medicine known.

Tho. 2—For special cases—10 degrees is stronger—three dollars per box.

Ladies—ask your druggist for Cook's Cotton Root Compound. Take no other cas all pills, mixtures and imitations are dangerous. No. 1 and No. 2 are sold and recommended by all druggists in the Dominion of Canada. Mailed to any address on receipt of price and four 2-cent postage stamps.

The Cook Compound. Cook's Cotton Root Compound.

No. 1 and 2 are sold in all Victoria drug It does not appear on record in the



SUNLIGHT SOAP

in made of pure fats and oils and ontains no dangerous ingredien. It is pure soap that

provided as follows:

shall be assumed by the Dominion govsnan be assumed by the Dominion government and a policy as liberal as that hitherto pursued by the British Colum-

government; (c) the Dominion govern- set apart as an Indian reserve by the ment; (d) the city of Victoria, to the land commonly known as the Songhees in right by the province, subject to the Indian reserve, together with my views as to the best means of bringing about the removal of the Indians.

In reply I beg to state that in the year 1850 a tract of land within which year 1850 a tract of land withi

ment of transfer is set forth and reads ion a reference to the Secretary of State s follows:

has never been moved to act in the matter by request. Even assuming that the land has been effectively created a reserve by the joint act of the Dominion and the province, the title to the land would not be affected thereby.

While section 91 of the British North America Act confers upon the Dominion exclusive legislative authority over Indians and lands reserved for Indians, the force and effect of this section has been declared merely to repose legisla-tive and administrative jurisdiction over such lands in the Dominion and not to confer power upon the Dominion to appropriate same after surrender of the Indian title in infringement of the pro-

prietary rights of the province. There is a broad distinction between proprietary rights and legislative jurisdiction. If the Indians' rights were extinguished, for instance, by death of all was conveyed subject to certain reserva- the tribe, the effect of the distinction tions in favor of the Indians, namely, a right to occupy and enjoy their village absolutely with the land, without refer-

A commission, the members whereo portion of the tract conveyed with cer- were appointed by the Dominion and an appurtenant rights of fishing.

In the year 1867 (3rd April) the HudIndian reserves in British Columbia, and

> "The land reserve of the Indians is Victoria harbor appears to be the private property of the tribe by a written agreement made on the 30th April, 1850. between the chiefs and people and the agent, of the Hudson's Bay Company acting on behalf of the Crown, and by the land having been formally set apart for their perpetual use and benefit, but the commission, so far as they have authority in the matter, confirm this reserve as surveyed to the Songhees Indians together with Deadman's Island in Victoria harbor, and also the northern

part of Discovery Island and the whole of Chatham Island and of the island immediately west of same, which three latter were reserved for these Indians by Governor Douglas on the 10th June, 1863. It was part of the above agreement that these Indians should be permitted to carry on their fisheries as

Davis & Lawrence Co., Ltd., Montreal

lands and works department, Victoria, that the report of these commissioners was ever formally adopted or ratified either by the Dominion or Provincial governments, in which event its effect is simply a guide to the respective governments. Whether or not the English statute

(Thelluson's Act) limiting the period for which such estates may be held is applicable to British Columbia, seems to me immaterial in the present instance, as the parties to the treaty recognized an equality of status in the other purpose of the compact.

The approval later by the crown of gives absolute satisfaction. 11B the arrangement still further accentuates this view. To obtain a relinquishment of certain claims, valid or dis under which British Columbia entered upon certain terms and thereafter per the Confederation of Canada, it was mit one of the high contracting parties to apply a domestic rule of construction "13. The charge of the Indians and the trusteeship and management of the lands reserved for their use and benefit, tically the operation of the contract menace to the city's welfare." would be to sanction a gross breach of

would be to sanction a gross breach of faith.

(e) Under the existing state of the law tracted of the law thitherto pursued by the British Columbit government shall be continued by the Dominion government shall be continued by the Dominion government shall be continued by the Dominion government and a policy, tracts of land of such extent as it has hitherto of such extent as it has hitherto the protected of the British Columbia government to the purpose, shall from time to time be conveyed by the local government to the beautiful to the local government in trust for the land. Assume Thelluson's Act in force at the time. Its existence must have been unknown to the Indians, on application of the Dominion government in trust for the land. Assume Thelluson's Act in force at the time. Its existence must have been unknown to the Indians, on the province of the Sanghes of the tends preserved to the Indians by the power of the Indians by the law shortening and interfering as it would with the period of enjoyment of the land free from encumbrances.

By section 91 of the British North America Act, all crown lands within the various provinces subject to the interest at the time consequation of the sarrious provinces where a state and hencift of the grantor, and then repudiate the consideration of preserving part thereof in perputive for the use and benefit of the grantor, and then repudiate the consideration of preserving part thereof in perputive for the war on the provinces subject to the interest all the consent of the land and the province of the land in question of the Sanghes and the province of the land in question of the sarrious state of the land of the land in question of the sarrious provinces where any proposal for, the provisions would have to be made for the land in question of the land in question of the sarrious provinces where a sarrious provinces where a sarrious provinces wards. Observation of the provincial and the consent of the land in the consent of the land in the consent of the land in the consent technical or other reasons, savors too much of obtaining property under false pretences to be seriously considered. The Hudson's Bay Company, when it accepted surrender of the Indian title, enered into an honorable engagement tered into an honorable engagement to fulfill the terms upon the faith of which be seen that the consent of the Indians gether with the moneys already standing In reply I beg to state that in the year 1850 a tract of land within which the land now known as the Songhess reserve was evidently intended to be inscribed, was conveyed by certain Indians to the Hudson's Bay Co.

For convenience of reference, the document of transfer is set forth and reads.

The latter part of the latter part of the clause and is shortly as follows:

(a) Application by the Dominion therefore to the province; (b) assent of the Forth and Forth as successor in title, did likewise. The Dominion assented to, assumed and undertook to continue a similar policy of liberal and fair treatment and has never questioned its obligation or sought to infringe upon the rights and privileges of the Hudson's Bay Co.

For convenience of reference, the document of transfer is set forth and reads.

The Dominion assented to, assumed and undertook to continue a similar policy of liberal and fair treatment and has never questioned its obligation or sought to infringe upon the rights and privileges of the Hudson's Bay Co.

For convenience of reference, the document between the province and Dominion assented to, assumed and undertook to continue a similar policy of liberal and fair treatment and has never questioned its obligation or sought to infringe upon the rights and privileges of the Indians could be upon the latter part of the Ladians could be upon the latter consent of the Indians could be upon the latter part of the Ladians could be upon the fair course in consent of the Indians could be upon the indians could be upon the fair consent of the Indians could be upon the reserve to be for the Indians could be upon the reserve to the Foreign the part of the Ladians could be upon the reserve to the Foreign the province in a court of law.

The nonly receurse in consequence was through legislation, and he had written to Premier MoBride, Hon. Clifford Siferion, Clifford Siferion, Clifford Siferion, Clifford Siferion, Clifford Siferion, and he had written to Premier MoBride, Hon. Senator Templeman and Geo.

The consent by anything outside the plain words of sary legislation.

Sary legislation.

From a moval standpoint it would be the Indians, as proceeds of the old re-

of April, one thousand eight hundred and fifty, do consent to surrender entirely and forever to James Douglas, the agent of the Hudson's Bay Company in Vancouver Island, that is to say, for the Governor, Deputy Governor and Committee of the same, the whole of the lands situate and lying between the islands of the Dead in the arm or inlet of Camoson and the head of the said inlet, embracing the lands on the wast side. and of the Dead in the arm or inlet of Camoson and the head of the said inlet, embracing the lands on the west side and north of that line to Esquimalt, beyond the inlet three miles of the Colquitz valley, and the land on the east side of the arm enclosing Christmas hill and lake and the lands west of these objects. The conditions of or understanding of this sale is this, that our village sites and enclosed flexus are to be kept for our own use; for the use of our children, and for those who may follow after us; and the land shall be prolow after us; and the land shall be properly surveyed hereafter. It is understood, however, that the land itself with outside its terms. An interpretation to

> dians' rights.
>
> The province, although under an obligation to provide a reserve for the Indians upon request by the Dominion, Hudson's Bay Company secured the dians upon request by the Dominion, goodwill of the Indians, as well as title rights and privileges for themselves and their descendants. After the treaty the Indians passed under the control, became wards of and dependent upon the crown for protection and fulfillment of those rights. One privilege retained was dian living should sell his or her respective occupation right and the Dominion ests of the province. government, as trustees, should approve "4. To request the Dominion governstill remain subject to a prospective enborn after the date of such sale.

For the foregoing reasons, in my opinis as follows:

(a) The title to the land is vested in (b) The Indians have rights of o

pation and incidental rights of hunting thereover, together with fishing rights in (c) The Dominion has administrative control of the Indians and the exercise of their rights and privilegese.

(d) The city is without status in the remises, save as a public corporation ia ered to preserve law, order and morality DR. WEAVER'S TREATMENT.

WEAVER'S SYRUP For Humors Salt Rheum Scrofulous Swellings, etc. WEAVER'S CERATE Cleanses the Skin Beautifies the Complexion.

proximity of the Indian settlement is a menace to the city's welfare.

those now enjoyed. lient servant. W. J. TAYOR.

Continuing, His Worship pointed out

as follows:

"Know all men, we, the chiefs and people of the Kosempson tribe, who have signed our names and made our marks to this deed on the thirtieth day of April, one thousand eight hundred of April, one thousand eight hundred of the land nor has the province for a conveyance of the land nor has the province for a conveyance of the land nor has the province of the loud nor has the province of the land nor has the province

the reserve, in order that it gould nego-tiate with the Dominion government. The on the subject at once. city could rehabilitate the Indians upon another reserve, and place in trust with the Federal government a sufficient sum to provide for their future needs. He thought the provincial government, if approached, would deal reasonably with the city, for the value of the reserve was entirely created by Victoria. A. J. Morley agreed with the previous

speaker. He read the following resolu-

goodwill of the Indians, as well as title "2. To acquaint the Dominion governto the land. The Indians in turn, ov
the words of treaty, secured certain
the words of treaty, secured certain
early settlement, and of its ability and

a personal right of occupation of the the same, on behalf of the Dominion land possessed by each Indian. Neither government and the Indians, and Indians, an within the terms of the treaty nor within the terms under existing law may an out its terms under existing law may an out its terms under existing law may an Indian or number of Indians dispose of said provincial government of all exthe rights of other Indians, whether in pense and trouble, and to induce the said esse or in futuro. Even if every In- provincial government to appoint a special agent with power to act in the inter-

of such sale, the title to the land would ment to consent to the Mayor of this still remain subject to a prospective onumbrance in favor of any Indian child with the Dominion and Provincial agents orn after the date of such sale. form a committee of four to arrange and carry out all matters connected there-

"5. The city to enter into an agreement with the Dominion and Provincial governments on the following lines: "6. That the city provide the Indians with a new reserve, and the funds necessary to their removal and rehabilitation

tion of the reserve set aside for such pur-pose, the balance to revert to the provinial government.
"7. That in consideration of the remainder of the reserve being made over to the city, it shall agree to set aside the 19 acres, more or less, south of the present E. & N. right-of-way, for term railroad and wharfage purposes, for the use of the E. & N. railway in common with other railroads now or later enter-ing the city; the city agreeing to provide all necessary facilities and maintain the same, making only such change for use thereof as shall cover interest, sinking

fund and maintenance. "S. The remaining portion, north of that set spart for sale, to be used by the city for park and such industrial purposes as shall best serve the public in-

"9. That the city furthermore clearly point out to the Dominion and Provincial governments the additional revenue, through taxation and otherwise, that will mmediately accrue from the opening of

the reserve to settlement and industry."

Dr. Lewis Hall, in seconding the resolution, took it up clause by clause. He thought a by-law should be passed by the city and a representative appointed to negotiate with the two governments. There would be no person better qualified for the position than the Mayor. Each government could have an agent, and the chief of the Songhees could look after their interests. By negotiations between them the problem would be solved. He believed the best plan was to approach the Indians with the money and a settlement would follow, the various agents looking after the interests concerned. After it was settled the city should acquire the 19 acres in the southern portion—they would be invaluable for railroad terminal purposes. No private corporation should be allowed to get hold of this land. C. H Lugrin was glad that the work

accomplished by the board of trade committee on the subject had been followed by the declaration by the Mayor, and the (e) Under the existing state of the law resolution of Mr. Morley. The board of the land cannot be alienated, so as to trade committee didn't think the city

where, privileges and advantages should be secured for them equal at least to the British Columbia two portions of the reserve, one marked on the attached.

I have the honor to be, sir, your obsgreen line, consisting of 171/4 acres

think the question would be settled unnecessary steps to have the arrangement til the corporation secured the right to carried out if possible. He will no doubt place himself in communication with you

"Yours truly,
"JAS. A. SMART,
"Deputy Supt. Gen," "(Sgd.) "The Hon. James Dunsmuir, Premier of British Columbia, Victoria, B. C." The 25 acres the speaker explained were situated above the Point Ellico

ference between the arrangement in the above letter and that contemplated by the resolution. The arrangement made

hange being the placing of Victoria for | would be a mistake to try to persuade the provincial government in the negotiations with the Federal authorities. the provincial government to relinquish its rights. If the city barrister's opinion Ald. Hanna described a conversation was correct the Indians should be legis e tad had on the subject with James lated off, but they should be adequately Dunsmuir in which the latter after some compensated, as the property was valueticence tartly remarked that neither able. He knew that if the city had if he city nor the board of trade had any every inch of it could be leased from the Mr. Hanna) had pointed out that Vic- as it was all waterfront property. He toria had given the reserve its value, to would vote against the resolution. Which Mr. Dunsmuir replied: "No it didn't; the E. & N. railway gave the re- McBride had informed the board of serve its value." The speaker then said trade committee that the provincial government that the city would secure an under ernment wouldn't relinquish its rights. standing with the provincial government. Dr. Hall said that if the matter was without consulting. Mr. Dunsmuir, to left in the hands of the provincial govwhich the latter replied, "You'll not be ernment the city wouldn't get that 171/4

vincial government and asked them if

Mayor Barnard called attention to Mr. posal. Taylor's opinion, and reminded the meeting that if this was to be taken as a basis of action, legislation would be restrive to bring it to a satisfactory consideration, and would rhe matter, indigestion, heart trouble to be taken as a basis of action, legislation would be restrive to bring it to a satisfactory consideration, and would rhe matter that the satisfactory consideration, and would rhe special ailments of women are all due to a satisfactory consideration. He thought the resolution went proposed and are all due to a satisfactory consideration. chuired of both the governments.

The first requirement was to get rid too much into details, but the Mayor and liams' Pink Pills. You can get these of the Indians, and in that event the corporation should urge the government pills from any medicine dealer.

e approached.

A. G. McCandless said that the under-

Head-ache

Most headaches are caused by the liver. This vital organ becomes torpid. No bile is excreted, bringing Constipation. This affects both stomach and kidneys. And they in turn, bring the headaches from which so many people suffer.

make dull, aching heads as clear as a bell. They act as a tonic on the liver-increase the flow of bile-cure Constipation-prevent Indigestion and Dyspepsia-and keep the kidneys strong and well.

Try these famous fruit tablets, and see how much better you feel. Your druggist has them. 50c. a box. FRUITATIVES, Limited, OTTAWA.

Gloves, Mitts, Winter Caps LARGEST STOCK IN THE PROVINCE

I. PIERCY & CO.

Wholesale Dry Goods. Victoria, B. C. **********************

standing as contained in the letter writ- the latter history of the subject, claimed ten by Mr. Lugrin was for the Domin-that it narrowed down to a question be-ion government to convey to the prov-tween the city council and provincial the 1714 acres to the south. Although tical body, should press for a settlement, there was no written assurance it was understood that the city should have the do their utmost to bring one about. 25 acres for a park. He thought it Ultimately Mr. Lugrin's amendment would be a mistake to press the resolu-

Mr. McCandless then described his interview with the various provincial gov-

nments on the subject. Had Mr. Dunsmuir remained as Premier the Indians would have been re-moved. In an interview the speaker had bridge; the 17½ acres were at the south per and of the reserve.

The speaker then pointed out the differ whole reserve. Mr. Hayward, then whole reserve. Mr. Hayward, then of salmon—humpback, dog salmon, and contains the arrangement in the limits of the reserve.

ss to interfere in the matter, He E. & N. bridge to Point Ellice bridge

allowed to do it." Mr. Dunsmuir fut-der intimated that he wouldn't let the This was the key to the situation.

The only bargain that he would agree of the necessary legislation, but this was

had been secured at Beecher Bay but George Carter said that the muddle the system, bringing strength to the Indians declined to go there. Sub- was as great as ever. Representatives lungs and all parts of the body.

they couldn't pass the necessary legisla-tion without the aid of James Duns-mission to solve the question. He ex-a rest would put me right. But instead

The government had the matter under

government. The former, as a non-poliwas carried and the meeting adjourned

INTERESTING EXHIBIT.

C. B. Sword, Dominion inspector of fisheries, with headquarters in New Westminster, has sent a very interesting exhibit of salmon ova and fry to the pro-

ly diminishing into the abdomen of the young fish, which when ready for liberation is usually of a length of about one and a half inches. The spring salmon have the largest eggs in the collection, and the sockeyes

ANAEMIA-POOR BLOOD.

Headaches, Dizziness, Heart Palpitation and Consumption Follows. Anaemia-watery blood-is a treacherous trouble. It steals insidiously from slight symptoms to dangerous disease. first in pale lips, wan face, breathless-ness, heart palpitation, lost appetite. If the trouble is not checked and cured, consumption follows: coughing spitting provincial government enter into such an arrangement.

Mr. Hanua moved an amendment urging that the city press for the passage and death. What the anaemic sufferer needs is more blood-more strength. And to, Mr. Dunsmuir said, was the one withdrawn in favor of Mr. Lugrin's mo-made by him when he was Premier, by tion that the city press for the settle-will give new blood and new strength so there is nothing in the whole wide world which he was to get the reserve if he ment of the matter along the lines of could secure a new one.

Mr. Dunsmuir had said that 700 acres

This was seconded by S. P. Mills.

ment of the matter along the lines of the communication from Mr. Smart.

Pink Pills. Every dose helps to send new, rich, red blood coursing through lungs and all parts of the body. Thousequently the speaker interviewed Chief of the various interests involved should sands testify to the truth of Enerine Cooper and the latter stated the Indians put their heads together and get some-Vilandre, St. Germain, Que., who says: ositively refused to go to Beecher Bay. thing definite before them. Concentrated "While attending school my health be the city to be later reimbursed wholly or in part from the sale of the central porvincial government and asked them if H. D. Helmcken recalled that while in gradually and the doctor who attended muir. Hon, Mr. McBride replied that he thought he could. The speaker wanted the assurance in writing. The Premier said that if a letter was received from the Mayor on the subject he would under treaty obligations. The public petite left me and I grew pale as a answer it in a week. He had also in-formed the speaker that "the city had a out to people who were entrusted to their forced to remain in bed. As the doctor formed the speaker that "the city had a lout to people who were entrusted to their than the city had a lout to people who were entrusted to their the city to crack in the settlement of the the reserve question." It would be unwise for the city to make any move, but surely they should be consulted as to where they should go. The spirit of fairness demanded this. The city of Victoria was passed by the government, and when I had taken a long to go the consulted as to get me Dr. Williams' Pink Pills. Before I had used two boxes there was an improvement, and when I had taken a long to go the consulted as to get me Dr. Williams' Pink Pills. Before I had used two boxes there was an improvement, and when I had taken a long to go the consulted as to get me Dr. Williams' Pink Pills. what was wanted was a practical pro- health. I believe all weak girls will find new health if they will take the pills." Anaemia, indigestion, heart trouble

Dominion authorities would first have to to take the matter up at the earliest post paid at 50 cents a box or six boxes be approached.

To \$2.50 by writing The Dr. Williams date.

W. G. Cameron, M.P.P., after tracing Medicine Co., Brockville, Ont.