

The Weekly Times

Victoria, Friday, March 27, 1894.

THE BRITISH LIBERALS.

Lord Rosebery took pains in his Edinburgh speech to show that his remarks on home rule in the house of lords had been misinterpreted. He had not declared that the majority in England must be brought to see the justice of home rule for Ireland before it could be granted. He has plain, though, that his lordship must have said something sounding very like such a declaration, since John Morley has characterized his remarks as "unhappy phrases." However, the mistake and the wrong impression are now cleared away, and the Liberal party stands just where it stood under Mr. Gladstone's leadership. There is one difference, in that the struggle of popular rights against lordly privileges is now headed by a lord instead of a commoner, though both of Lord Rosebery's speeches make it plain that the contest will be none the less keen on the Liberal side. The Newcastle programme is to be rigorously adhered to, and if the peers persist in placing obstructions in the way of progress it will be so much the worse for their own interests. It is a little curious that the obstructionist policy of the lords has now a lord for its chief opponent, while one of the most prominent of its present upholders is a lord who once spoke strongly in its denunciation. The Duke of Devonshire, then the Marquis of Hartington, ten years ago vigorously attacked the pretension of the lords that they possessed the right of forcing an appeal to the electorate on any public question. This pretension was advanced when the commons voted to extend the franchise to householders in counties, and Lord Hartington thus attacked it: "Well, we are told that if we do not like these moderate conditions which have been laid down by the house of lords we have another alternative. We can appeal, we are told, to the people—that is to say that the house of lords claims the power either to reject this bill, to destroy this bill or to compel a dissolution." His lordship pointed out the impossibility of accepting this doctrine, saying: "The house of lords contains a permanent majority of the Conservative party, and if they can establish this claim they would permanently hold in their hands one of the greatest powers of our constitution—the power of dictating the time and the circumstances under which an appeal to the people should be made. We have told you also why we resist the creation of this new precedent. It is because it would be a claim to the exercise of a power unaccompanied by responsibility. If the members of the house of commons forfeit the confidence of the country they lose their seats, they lose their influence on the councils of the nation. But if the house of lords exercise this power, and are proved ever so successfully to have exercised it recklessly and wrongfully, they have nothing to do but to go to their homes, to say, 'Good morning, gentlemen, we acknowledge we were wrong. Now we will go on as if nothing had happened.' That is not a claim we are going to admit." Now that Lord Hartington has become the Duke of Devonshire and a member of the privileged house, he supports the unfounded claim as strongly as he then denounced it, but the people will be apt to follow his former teaching as a commoner rather than his present teaching as a lord.

EDITORIAL NOTES.

The government's opponents in the legislative assembly have called forth the ire of the government organ by attacking the \$200 barrier placed in the way of poor men reaching the hall of legislation. This was quite to be expected from a paper which so persistently upholds class privileges. But all the Colonel's palaver leaves quite untouched the broad principle that in a purely democratic country no man should be as free as another to seek political honors at the hands of the electorate, a principle which is violated by handpicking a man poor in purse and favoring his richer neighbor. There is no justice in imposing what is practically a property qualification, when the legislature has formally declared that no property qualification shall be necessary. It is nothing short of an outrage that a candidate should be fined \$200 for falling a few votes short of half the number polled by his successful opponent. This iniquitous scheme was first adopted by the Dominion government, and it is very significant that the British Columbia government is the only one in all the provinces illiberal and undemocratic enough to follow the evil example.

The government supporters will meet in the Adelphi building on Wednesday evening to select four candidates to contest the city at the general election. Among the names freely mentioned in public as those of probable nominees are: R. P. Rithet, Captain Irving, H. D. Holmbeck, J. H. Turner and W. H. Ellis. Mr. Turner stated in the house that he would not again deliver a budget speech, which was taken to mean that he would retire from politics, while it is well known that Mr. Rithet is adverse to public life, having important private interests to attend to. The interests of the party, however, may induce both of these gentlemen to change their minds. The opponents of the government are doing nothing in the way of organization. They profess to believe that they can beat the government candidates without making an effort. No doubt, however, the opposition will be stirred into action by the selection of a government ticket. Mr. W. G. Cameron, the nominee of the single tax club, is at present the only candidate in the field. He will prove a strong candidate, and

as his views on provincial politics, apart from the single tax question, are in accord with those of the opposition, it would be good policy to place his name on the opposition ticket. Mr. Cameron would prove a useful and independent representative, and there is very little doubt that he would be elected were he to receive the solid support of the party.

Writing on the Ottawa speech from the throne, the Columbian says of the promised changes in the tariff: "The announcement, we are afraid, hardly forecasts the radical measure of tariff reform toward which public opinion throughout the Dominion, and especially in the interior and western portions, has been tending for some time, and the government may count on a difficult and stormy time over this question in the house. British Columbia, certainly, has reason to pull for as great a reduction of customs duties as possible, as her inhabitants are mulet, in this form of taxation alone, every year to the tune of \$15 per head for every man, woman and child—\$1,500,000 in round numbers being paid by the province annually in customs duties. The highest paid by any other province in duties per head (taking the figures for 1892) was \$5.15, in the case of Quebec. It is to be hoped that our representatives will not overlook these facts when the tariff amendments are being discussed in the house."

The Nor'wester finds by a comparison that the Canadian Pacific railway gives much more favorable rates between American points than between Canadian points. The following table of rates is given in evidence:

CLASSES.	1	2	3	4	5
New York to Minneapolis (1,388 miles).....	1.15	99	78	62	44
Montreal to Winnipeg (2,091 1/2 miles).....	2.091	1.774	1.457	1.140	823
Fort William to Winnipeg (1,434 miles).....	1.434	1.117	881	645	409
Chicago to Minneapolis (1,024 miles).....	1.024	808	645	482	319
Chicago to Fort William (1,024 miles).....	1.024	808	645	482	319

"It will be observed," says the paper, "that the Fort William rates on classes 4 and 5 are actually higher than are charged the Americans from New York to Minneapolis. And it is particularly to be borne in mind that the Fort William rates quoted are not the local rates, but the actual proportion of the through rates charged on shipments from the east." From this and from many similar actions it might fairly be judged that the Canadian Pacific is concerned in furthering American rather than Canadian development. One thing at least is certain, that the "national highway" never hesitates about taking advantage of its monopoly.

Canadian Gazette: We learn that an excellent sample of hops from the estate of Lord Aberdeen, in the Okanagan Valley of British Columbia, has been received in London at the agency-general of the province; and those who know say that its market value is such as to promise an excellent opening here for the product. The United Kingdom imports something like 21,000,000 pounds of hops a year, of which the United States sends over 12,000,000 pounds, valued at about two million dollars, and Canada a paltry twenty odd thousand pounds. It is time that Canada remedied this disproportion.

Citizens should not forget the vote on the electric light by-law to-morrow. If all those who favor the improvement of the system go to the polls there will be a large majority for the by-law.

NANAIMO.

A poultry magazine will probably be started in town shortly by Mr. F. W. Teague, in connection with the poultry supply depot he proposes opening on Victoria Crescent. Rumor has it that an effort is being made to resuscitate the defunct Advocate at Wellington. Texada Island seems prolific in its earth productions. Mr. Raper now has on view some capital pottery samples made out of red clay taken from the island. These samples come from the Victoria potteries, but Mr. Raper is having some articles turned out at other places as well, so as to fairly test the merits of the clay. He says there are tons in sight, the vein being about 50 feet deep. It is suitable for all kinds of decorative building and is very like the far-famed English terra cotta. There was on view yesterday at Mr. March's, the fish and game dealer's store, one of the largest panthers ever brought to this city, measuring more than nine feet in length and weighing over 150 pounds. It was shot by Mr. King near the waterworks drain on Chase river and is a truly formidable looking animal, but Mr. King appears to hold these creatures in sovereign contempt, they are so very cowardly. A meeting of the legal fraternity was held this morning to discuss the advisability of nominating a candidate for the approaching election of benchers. It was decided to select one of their number to represent them and to support two Mainland nominees, providing the Mainland barristers supported the Nanaimo candidate. The candidate will be chosen at another meeting.

General News.

Yokohama, March 19.—The steamship Empress of China arrived here from Victoria at 9:30 this morning.
London, March 19.—Ex-Empress Frederick left London for Germany this morning.
Berlin, March 19.—The authorities announced today that they will not interfere with the procession of anarchists to-morrow so long as no disorder occurs. The circulation of the socialist organ, Der Sozialist, which was to have been printed on red paper, will not be permitted. The procession is to cover the principle streets of the city, and will round up at Friedrichshain cemetery, where wreaths will be placed on the graves of the anarchists killed in various massacres with the police.

The British at Bluefields.—The Washington, D. C., March 19.—The Nicaraguan correspondence contains a cablegram from Bayard, in which he says he was informed by the British government that the landing of troops at Bluefields was for the sole purpose of protecting the lives and property of residents and with no intention to violate treaty rights.

BANKRUPTCY LEGISLATION.

Judgment of the Privy Council in the Ontario Appeal Case.

Following is the judgment given by the judicial committee of the privy council in the appeal case of the attorney-general of Ontario against the attorney-general of Canada, involving the constitutionality of the Ontario bankruptcy legislation.

This appeal is presented by the attorney-general of Ontario against a decision of the court of appeal of that province. The decision complained of was an answer given to a question referred to that court by the lieutenant-governor of that province as follows: "Has the legislature of Ontario jurisdiction to enact section 9 of the revised statutes of Ontario, chapter 124, and entitled 'An Act respecting assignments and preferences by insolvent debtors?' The majority of the court answered the question in the negative, but one of the judges who formed the majority only concurred with his brethren because he thought the case was governed by a previous decision of the same court; he had considered the matter *inter se* and he would have decided the other way. The court was then equally divided in opinion. It is not contested that the validity of which is in question, is within the legislative powers conferred on the provincial legislature by section 92 of the British North America act, 1867, which enables that legislature to make laws relating to property and civil rights in the province, unless it is withdrawn from their legislative competency by the provisions of section 91 of the act, which confers upon the Dominion parliament the exclusive power of legislation with reference to bankruptcy and insolvency. The point to be determined, therefore, is the meaning of those words in section 91 of the British North America act, 1867, and whether they render the enactment impeached ultra vires of the provincial legislature. That enactment in section 9 of the revised statutes of Ontario, 1887, c. 124, entitled 'An Act respecting assignments and preferences by insolvent debtors.' The section is as follows: 'An assignment for the general benefit of creditors under this act shall take precedence of all judgments and of all executions not completely executed by sheriff, subject to the lien, if any, of an execution creditor for his costs, where there is but one execution in the sheriff's hands, or to the lien, if any, of the creditor for his costs who has the first execution in the sheriff's hands.' His lordship then proceeded to analyze the other sections of the act to see what meaning was carried by the words 'an assignment for the general benefit of creditors' and 'insolvent debtors.' He glanced at the course of legislation in relation to this and cognate matters both in the province and in the Dominion. He then proceeded to consider the nature of the assignment as defined in the act, and in the course of his remarks said: 'The enactment postpones judgments and executions not completely executed by payment to an assignment for the benefit of creditors under this act. It says that there can be no doubt that the effect given to judgments and executions and the manner and extent to which they may be made available for the payment of debts are *prima facie* within the legislative powers of the province. The act of 1887, which abolished priority as amongst execution creditors, provided a simple means by which every creditor may obtain a share in the distribution of the assets of an insolvent debtor by a particular creditor. The other act of the same year, containing the section which is impeached, goes a step further, and gives to all creditors under an assignment for the general benefit of creditors the right to rateable shares of the assets of the debtor, including those which have been seized in execution. But it is argued that inasmuch as this assignment contemplates the insolvency of the debtor, and the effect of the act is to give priority to a particular creditor, the act is insolvent, such a provision purports to deal with insolvency, and therefore is a matter exclusively within the jurisdiction of the Dominion parliament. Now it is to be observed that the assignment for the general benefit of creditors has long been known to the jurisprudence of this country and also of Canada, and has its force and effect at common law, quite independent of any system of bankruptcy and insolvency, and any legislation relating thereto. So far from being regarded as an essential part of the bankruptcy law, such an assignment was made an act of bankruptcy on which an application might be founded, and by the law of the province of Canada which prevailed at the time the Dominion act was passed it was one of the grounds for an adjudication of insolvency. It is to be observed that the assignment for the benefit of creditors was apparently not used in Canadian legislation, but the insolvency law of the province of Canada was precisely analogous to what was known in England as the bankruptcy law. Moreover, the operation of an assignment for the benefit of creditors was precisely the same, whether the assignor was or was not in fact insolvent. It was open to the debtor to avail himself of the protection of the law, and in doing so, that his creditors might be equitably dealt with, to make an assignment for their benefit. The validity of the assignment and its effect would in no way depend on the insolvency of the assignor, and their lordships think it clear that the 9th section would equally apply whether the assignor was or was not insolvent. It is not necessary, in their lordships' opinion, nor would it be expedient, to attempt to define what is covered by the words 'bankruptcy' and 'insolvency' in section 91 of the British North America act. But it will be seen that it is a feature common to all the systems of bankruptcy and insolvency to which reference has been made that the enactments are designed to secure that in the case of an insolvent person his assets shall be rateably distributed amongst his creditors, whether he is willing that they shall be so distributed or not. Although provision may be made for a voluntary assignment as an alternative, it is only an alternative, and is subject to the same provisions as the involuntary assignment. In their lordships' opinion these considerations must be borne in mind when interpreting the words 'bankruptcy' and 'insolvency' in the British North America act. It appears to their lordships that such provisions as are found in the enactment in question, relating as they do to assigning debts purely voluntarily to a trustee, are not within the legislative power conferred upon the Dominion parliament.

THE PROPOSED AMENDED GAME PROTECTION ACT.

To the Editor: I heartily agree with Mr. Martin's game act so far as it relates to the protection of grouse, partridge, quail, wild duck, deer, caribou, wapiti, moose, reindeer, mountain goat and mountain sheep, before September 1st. The surprise of this act comes by reading lower down as follows: "Provided also that it shall be lawful to export the skins of deer lawfully killed in the district of Cassiar, but such skins may only be exported after the shipper has made an affidavit before a justice of the peace that the said skins are the product of Cassiar that district." Now, Mr. Editor, I take issue at once upon the proposition to single out any district in the province to grant the privilege for the exportation of deerskins or any other product of the province. What a monstrous proposition! A merchant or a gentleman of the street may buy many deerskins as he likes, but may not export them except under heavy penalty, whilst his competitor on Yates street may equally buy deerskins and have the privilege of exporting them. It is not far to see who would have the sole monopoly of the trade. The exporter could pay more; in fact, the non-exporter could not be in the field for this trade. I should further like to know by what right the Cassiar district should be favored in the exportation of deerskins over the rest of the province. I would be glad to see a declaration before a justice of the peace that the skins of deer lawfully killed within the Cassiar district before he could buy them? My friend, Mr. Martin, the introducer of the act, no doubt will be surprised when I state that a few days ago there appeared an item in the Victoria papers about the exportation of deerskins. In this favor of the Cassiar district were driven out of the mountains, and the Indians killed hundreds for the skins alone. Further, I know for a fact some years ago at Comox a heavy fall of snow drove the deerskins to the sea beach, and the Indians at night clubbed hundreds for the skins alone. Surely this monopoly for the export of deerskins cannot be based upon the ground of humanity to the Indians, for if the skins of the white man's pet, the Indian, and the white hunter have made no complaint as to the scarcity of deer for food, is it not a direct monopoly against the Indians? The skins of the deer have been decided upon to accept an act giving full protection to all during the prescribed season for the free and equal purchase of deerskins, and free exports during the period when it is lawful to kill deer. I would suggest as the best remedy that after the closed season for killing deer and selling skins that a period of thirty days should be allowed to the dealers to export the skins, and that after this period a penalty of one dollar for every skin found in the possession of any dealer, including the Indian and white hunter, should be imposed. I do not wish to restrict the killing of deer by the Indians and settlers, if for the purpose of food, but the skins of the deer, when being dressed or destroyed during the prescribed period.

The present law is a farce. The deerskins have been exported under the very eyes of the law, and the amending act is a hardy and unscrupulous monopoly upon certain districts. I think that the fur traders who have succeeded in making the province of British Columbia the fur market of the Pacific coast are entitled to some consideration before an act is passed working solely in the interests of a monopoly. In 1872 two small schooners started on this coast the sealing industry, which has now grown to such a magnitude that two of the greatest powers have interested themselves in it. I think that it could this have been established if by an act of parliament the taking of the seals had been localized and then the killing of the seal and the exportation of the skins had been confined to a favored few. I trust that the government, the government supporters and the opposition will assist in passing a fair and equitable act.

They would observe that a system of bankruptcy legislation may frequently require various ancillary provisions for the purpose of preventing the scheme of the act from being defeated. It may be necessary for this purpose to deal with the effect of executions and other matters which would otherwise be within the legislative competence of the provincial legislature. Their lordships do not doubt that it would be open to the Dominion parliament to deal with such matters as a part of a bankruptcy law, and the provincial legislature would doubtless be then precluded from interfering with this legislation, inasmuch as such interference would affect the bankruptcy laws of the Dominion parliament. But it does not follow that such subjects, as might properly be treated as ancillary to such a law, and therefore within the powers of the Dominion parliament, are excluded from the legislative authority of the provincial legislature when there is no bankruptcy or insolvency legislation of the Dominion parliament in existence. Their lordships will, therefore, humbly advise Her Majesty that the decision of the court of appeal ought to be reversed, and that the question ought to be answered in the affirmative. The parties will bear their own costs of this appeal.

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SHE ALMOST PERISHED.

Mrs. Trinder Was Saved by Paine's Celery Compound.

Her Physicians Told Her to Use the Great Remedy That Makes People Well.



MRS. E. TRINDER.

"Having used your wonderful remedy, Paine's Celery Compound, with great success, it gives me pleasure to write in its favor. For a long time dyspepsia and indigestion made life miserable to me. I was so bad that I could not go out of the house, do housework or get regular sleep. I bought five bottles of Paine's Celery Compound from Mr. Austin, our druggist, and commenced to use it regularly. I was obliged to consult a doctor about another trouble, and he advised me to continue with your compound, and told me if I had not been using it, he would have recommended it to me. Your Paine's Celery Compound worked wonders for me; it has banished the indigestion, dyspepsia and sleeplessness, and given me a new life. I can now eat, sleep, do all my work, and walk over half a mile to church in any kind of weather. I have recommended Paine's Celery Compound to a great many friends, and they are using it with success. I believe it is the best medicine in the world, and should be used by all who desire good health."

The world, and should be used by all who desire good health. This is the plain, unvarnished and true story of Mrs. Edwin Trinder, of Smeaton, Ont. A powerful and weighty sermon to worn-out, weak and almost lifeless women is contained in this letter of testimony. It clearly points out how lives made miserable and almost unbearable by dyspepsia, indigestion, sleeplessness and nervousness, may be made healthy, vigorous and happy. Mrs. Trinder was strongly advised by her wise physician to use Paine's Celery Compound. There are hundreds of Canada's best physicians who daily recommend the use of Paine's Celery Compound to men and women, the results in every case prove that there is no equal in the vast field of medicine. Every suffering woman in Canada should be guided by the happy experience of Mrs. Trinder, who says "I believe Paine's Celery Compound is the best medicine in the world, and should be used by all who desire good health."

Terrors of the Deep.

New York, March 17.—The Portuguese steamer Vega, from Fayal in the Azores, brings news of terrible suffering by the crew of the British ship Montgomery, which vessel is now at Fayal, partly wrecked. The vessel left New York for the Azores on February 27th. On the third day after entering the Gulf Stream she encountered a terrible gale in which the captain, first and second officers and seven of the crew were swept over board. The remaining six succeeded in reaching Fayal in the vessel.

See that horse?



He has a smooth and glossy coat, and feels in good enough condition to win the "DERBY" and so would any horse if he used

DICK'S BLOOD PURIFIER.

It renews the system, enriches the blood and gives nature a fair chance, is also an untailing eradicator of bots and worms. It is just as good for cattle as for horses. Try a 60c package if your horses or cattle are not thriving. For a sprain, curb, rhabdomyolysis, splint, use Dick's Balm. 60c—Dick's Liniment for sprains, swellings, bruises, etc., 25c—Dick's Ointment for scratches, old sores, saddle sores, etc., 25c, made of receipt of price. DICK & CO., P.O. Box 488 Montreal.

You Need It!

The "D.&L." Emulsion. It Will Cure That Cough, Heal Your Lungs, Put Flesh on Your Bones, Prevent Consumption.

In the Supreme Court of British Columbia, in Probate.

In the matter of the 'Official Administrators' Act' and in the matter of the Estate of Thomas Moffit, deceased.

Notice is hereby given that by an order of the Honorable Mr. Justice Osnes, made this 9th day of March, 1894, Thomas Moffit, official administrator for the County Court, District of Cariboo, was appointed administrator of all and singular the goods and chattels and credits of Thomas Moffit, late of Barkerville, deceased. Dated March 9th, 1894.

DAVE, POOLEY & LUXTON, Solicitors for Thomas F. Reed, mar15-2t

The Improved Royal Incubator

Simple and reliable, hatches all kinds of eggs. Hundreds in successful operation. Sent for circular. Price. Address: J. SMITH, Incubator Works, Chilivack, B. C.

PANTS

Sydney, N. S. W., March 17.—The Canadian Australian shiping today sailed from here for Victoria to-day, Saturday, March 17th.

Relief in Six Hours.—Distressing kidney and bladder troubles relieved in hours by the "New Great South American Kidney Cure." This new remedy is a great surprise in that it relieves in a few minutes of its excessive uric acid in relieving pain in the bladder, back and even a part of the urinary passages in male or female. It relieves retention of water and builds up the stomach. Immediate relief. Sent by Langley & Co.

The Fonthill Nurseries,

Largest in the Dominion, over 700 acres, offer a Superior Line of Stock in general at prices that are right.

Before placing your orders submit your list to us for figures. Catalogues free on application.

STONE & WELLINGTON, Toronto, Ont.

Don't Lose Heart.

PLANT PEARL SEEDS. This year, and make up for lost time. Paine's Seed Annual for 1894, tells you about what to raise and how to raise it. Contains information of what to be had from no other source. Price 5c. Sent by D. M. Ferry & Co., Windsor, Ont.

WANTED.—Pushing canvasser of good address. Liberal salary and expenses paid weekly. permanent position. Brown Bros., Co., Nurserymen, Portland, Ore. Join us.

OUR OTTAWA

The Royal Commission Great THE LIQUOR INT

A Long and Lively most of scandals—Inter

From our own Ottawa, March 11. On question set for a few past week in Ottawa, number of witnesses, evidence which was a passing of a prohibitive this commission will ever it does report, one of the most of long-suffering community were When the house of ago was well right containing the view of the government that be taken of the matter the whole subject a perambulating con license to do mostly the troublesome mat from parliament. been all over the Map, and the tax fixed just to the have the bills to pay. Parliament has since the commission each session the tioned in the house set up that nothing the report of the co ceived. Indeed, it will be received that it will be seen that pointing the commiss ing the matter, has The temperance peo for the commission, and that they will have m it may report. Cons Reformers, who are men, are of this opi that whoever the Con Conservative, has spoken in this denun mission.

The liquor people fair. In Montreal, General Curran, a prohibition, yet he in Ottawa the tempo to put in the evidenc E. Foster and Hon. for the motor of a commission decided it ticable to receive the me. That was all was given. Just wv are agreed upon, ac left out cannot be ground than that the posed to be in favor Mr. Curran was well

Everything is in ex of cabinet is busy deal the committee appoi the manufacturers of their duties. Of on the standard, no imagine. At an needless discussing weeks will see some government will exa manufacturers will a well known that the control of the thing both Conserva will vote the se session will be tott Some say it will last others say it may la quite willing to believe the first knoww defeated in the house likely. That there sions in the cabinet as long as their e they will vote the the government scandals loomng up is apparent. For in strong likelihood of the supreme court of being impeached. D he was superannuat this. An inquiry w some accusations a Inspector Bawrick, too has been lavy, ever, cannot be disp and the result of th this.