The Colonist.

TUESDAY JULY 18, 1905

The Colonist Printing & Publishing Company, Limited Liability.

No. 27 Broad Street, Victoria, B.C.

A. G. SARGISON, Managing Director.

THE DAILY COLONIST

Delivered by carrier at 20 cents per week, or mailed, postpaid, to any part of Canada (except the city) United Kingdom and the United States, at the following rates:

One year	$5 00
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SEMI-WEEKLY COLONIST

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THE SEWERAGE BY-LAW.

Mayor Barnard writes a letter in this issue calling attention to the desirability of passing the by-law to be voted on the 21st inst. It was not necessary to more than refer to it here by asking our readers to read and carefully consider what His Worship has to say on the subject. He has included all the arguments, in a clear, concise and business-like way, that we could suggest. He emphasizes one or two facts that are important to keep in mind. One is that to the sewerage already accomplished are due the splendid health record the city now has and the substantial reduction in the expenditure by the Board of Health. The other is that the passing of the by-law does not involve the increase of taxation by a single cent. Two such considerations as these ought to be sufficient to carry the by-law by an unanimous vote.

NO WEAK HEARTS.

Dr. James Goodhart, LL.D. (mark the name)in a recent address to the West London Medico-Chirurgical Society, warned the public and the medical profession against the evils of treating healthy hearts as diseased. "It is a harmful thing," said Dr. Goodhart, "for anyone to coddle his heart when there is no disease, and I think we (the medical profession) are far too instrumental in aiding and abetting this."

Commenting on the way the terms "dilated heart" and "heart strain" were abused, he said the last case to come under his observation was that of a young man who complained that he had strained his heart while rowing three years ago, and that that organ still "ran away" if he did anything violent. The truth, however, was that the man was a weakling, with no disease of the heart. The treatment for it, if it could be adopted, would be to send him roughriding over a cattle ranch for a year or two, for his heart and muscular system needed more work, and not less.

"One may well deal a little less extravagantly with the principle of rest. I often see, as I think, this treatment pushed too far. I see people absolutely forbidden to walk uphill, or 'exercised' in a bath chair, or carried up and down stairs."

Far more good would be done, in Dr. Goodhart's opinion, if doctors would pronounce people sound, even if out of health, and thus sending them forth with renewed hope, than by keeping them in the chains of uncertainty and nervous dread, than which nothing can be more crushing to the utility of a life or more harmful to the chance of regaining health.

"I know of no symptoms of a weak heart," said he. "Yet how often the use of that term leads either to a state of nervous dread, from which recovery is most difficult, or else to a life of absolute idleness, which, by causing enervation, is likely sooner or later to lead to the very evil which it was intended to combat."

THE CANADIAN GOVERNMENT AND ESQUIMALT.

We publish elsewhere for the information of readers some particulars of the negotiations which have taken place between the Imperial and Dominion authorities with respect to the taking over by Canada of the military establishments and forts at Esquimalt and Halifax. The correspondence is interesting as affording an explanation of delay. As we anticipated, it has been occasioned by certain peculiar views held by the Canadian government as expressed through Sir Frederick Borden, head of the militia department. They are opposed to the paying of a lump sum to the War Office and leaving the whole control for the time being with that body, notwithstanding that a certain dependence upon the officers of the Imperial force, the benefit of whose experience and advice is considered very desirable, is admitted. The objection raised by Sir Frederick Borden to complying with the suggestions of the War Office is based on the lack of constitutional authority. It would be presumptuous, perhaps, to question the position taken by the Dominion government, which is no doubt advised by its law officers, but why it should be unconstitutional to vote a lump sum to be handed over out of the control of the Dominion government is certainly not clear to our mind. The Dominion government has absolute control over its finances. If parliament voted to throw several million dollars into the Rideau Canal, or pay an annual pension to the Shah of Persia, it has the power to do so. It was decided years ago that the parliament of Canada could increase the subsidies to the provinces indefinitely without any amendment to the B. N. A. Act. When it was proposed that British Columbia should take stock in the Pacific Cable to the extent of $1,000,000, the power of the province to do so was questioned. Sir John Bourinot, however, submitted it as his opinion that under the section of the B. N. A. Act which gave the provinces exclusive authority to deal with their own revenues in their own way, there was no constitutional bar to the course proposed. If the province has the power, the authority of the Dominion cannot be less.

Altogether, the position taken by the Minister of Militia is incomprehensible so far as it is disclosed in the papers brought down to parliament, and suggests the pedlar's tactics of haggling over terms, rather than those of a statesman. The government is confessedly at the mercy of the Imperial authorities in the matter. Sir Frederick Borden finds himself unable to take over the defences in the way he himself proposed, and at the same time hesitates to trust the Imperial authorities with the control of expenditure of money necessary for keeping up the military establishments at Esquimalt and Halifax until Canada is in a position to assume complete responsibility. His attitude has placed Canada in a very undignified relation with the War Office. If he were prepared to make good the part he wishes the country to play in military matters, it would be quite consistent and proper to take the position he does; but as he is not, and is dependent upon the Imperial forces for many things necessary to success, it would be a much more dignified and manly course to vote the money without conditions to the War Office. The honor and honesty of the Imperial government are not less than the honor and honesty of the officials of the Dominion government. At least, in the circumstances, it would be an act of courtesy on the part of Sir Frederick, who owes the distinction of a title to His Majesty, to proceed upon that assumption.

DEVELOPING THE DISTRICT.

A short time ago the Colonist announced that it would undertake to discuss at intervals the question of local development in the way of fruit-growing, poultry-raising, dairying, bee-keeping and the like, for the purpose of creating interest in the importance of small farming, for which the province is so well adapted, and especially this portion of the Island of Vancouver. This is important, more particularly in view of the plan of development which has been announced by the Canadian Pacific Railway Company in connection with the E. & N. land grant. If it can be demonstrated by actual experience that land already under cultivation on the small-holding principle has been made to pay, and pay handsomely, it follows that the land which the Canadian Pacific Railway has in prospect to be brought into cultivaton, much of it fertile after being cleared, will materially add to the producing capacity and importance of the Island. It will also serve as a valuable object lesson for those parts of the province where conditions are similar to what they are in the E. & N. land grant. If it can be shown by actual results that from $100 to $200 an acre, and in some instances even more, in profit can be realized from the soil under intelligent and intensive cultivation, it means that there is a great future for the country tributary to Victoria, even if the anticipations in regard to other resources were not realized at all. But outside of the land grant altogether, in close proximity to this and other settled communities, there is much land that can be utilized, which is lying waste at the present time. If we travel around through the districts on the southern end of this island, we shall find clearing going on, and small farms blocked out, with possibilities that are surprising. Timbered land that looks unpromising and even barren in appearance reveals soil when the surface is cleared and cultivated that will afford a profitable living for the industrious occupiers. It requires only a fair knowledge of land to make selections for fruit and poultry raising that will well repay the labor and expense involved in reclamation, providing it can be demonstrated that more modern methods of clearing can be adopted to reduce the expense in a fair proportion to the value of the land when cleared. In this respect we are looking to the experiments to be undertaken by the E. & N. land department to be of immense value in proving the agricultural capabilities of land that has heretofore been neglected on account of the lack of capital necessary to make it available under present methods. We would not recommend farmers spending from $100 to $150 per acre in making land ready for the plough. Farming is a business proposition like any other industry, and if more capital is invested at the outset than can be made to pay a dividend, it must be a losing game; but if, by the use of modern machinery, it is possible to reduce the cost of clearing to $30 or even $50 an acre, then there is every reason to warrant enterprise on an extensive basis being carried on. It is impossible to say just what proportion of lands might be profitably made amenable to such treatment. There are undoubtedly considerable areas that would not be worth the trouble and expense of clearing under any system. There are, however, to any observing man who has tramped the forests of Vancouver Island, either in quest of game or as a prospector for timber or land or minerals, many small areas admirably adapted for profitable cultivation. There are many rich spots, easily cleared as well, that are off the beaten line of travel. When a detailed report has been made by the exploring parties now in the field, we shall be in a position to judge more accurately of the extent of arable land. In the meantime we know enough of the result of ordinary observation to justify strong hopes for future development.

In Manitoba and the Northwest Territories one of the successful methods employed by the government and the Canadian Pacific Railway was the collection of experiences on the part of the settlers, and their publication in pamphlet form. Their impressions of and success in the country had a decided effect in inducing others to follow their example in taking up land. The method can well be adopted in this country. The proof of the pudding is in the eating, and what a few men have accomplished is possible in the case of numbers of others. The Colonist has, therefore, decided to interview farmers in the districts about Victoria with the object of obtaining their views, their experiences, and the results they have achieved. This, together with a more or less detailed description of the field of their operations, will, we trust, have the effect of calling attention to the widespread opportunities afforded in this section of country for the small holder to do well. As we have pointed out on previous occasions, the small industry is not to be despised as a factor. In the multiplication of small industries the greatest prosperity exists. Horticulture is one of the industries in which combinations and monopoly cannot interfere with the interest of the small man. It is practically the only field where he is not likely to ever be crowded to the wall by the large operator. It is, therefore, not only the field of greatest independence, but the most attractive under modern conditions of industrial life. For the city of Victoria, the populating of the districts contiguous to it, and the development of the land to its fullest and best extent, means a source of great wealth.

The first of the articles so suggested appears in this issue, and will be followed by a number of others. An effort has been made to give results in a practical way, in as concise form as possible, eliminating all unnecessary elaboration or useless details. It is entitled "Chickens for Profit."

A MOMENTOUS DISCOVERY.

In the Nineteenth Century, of January, 1878, John Tyndall wrote as follows: "The checks which experience alone can furnish being absent, the spontaneous generation of creatures quite as high as the frog in the scale of being was assumed for ages to be a fact. Here, as elsewhere, the dominant mind of Aristotle stamped its notions on the world at large. For nearly twenty centuries after him men found no difficulty in believing in cases of spontaneous generation which would now be rejected as monstrous by the most fanatical supporter of the doctrine. Shell-fish of all kinds were supposed to be without parental origin. Eels were supposed to spring spontaneously from the fat ooze of the Nile. Caterpillars were the spontaneous products of the leaves on which they fed; while winged insects, serpents, rats and mice were all thought capable of being generated without sexual intervention."

Tyndall further refers to his own impressions, when he saw as a child an imperfectly salted roll of beef cut into and coils of maggots laid bare, that beef had certain generative powers. We can all doubtless recall when we believed that horse hairs turned into the little white wiggling thread-like forms revealed in the spring from which we drank as boys. Strange to say, as Tyndall expresses it, the childhood of the individual typifies that of the race, and the belief enunciated was that of the world for nearly two thousand years. Philosophers both before and after Aristotle were observers, and the conclusion they came to without our present day knowledge of the existence of bacteria, was a most natural one. Water that was sealed up from contact with the air became alive with living forms. Tadpoles had no visible ancestors; the sprightly mite developed in the heart of the cheese apparently without cause; worms consumed the body that lay boxed and shrouded; Phillip II. of Spain was afflicted with a plague of vermin that exuded from under the skin and died a death more horrible than any for which his cruel instrument, the Inquisition, was responsible. Without microscopes, and without the accumulated aids of modern science, there was no way to account for life in such forms, except by a theory of spontaneous generation. The greater mystery still existed that life could spring from where there was no life, but like our own belief in a First Cause, the philosopher was bound to accept it. The first question in theology that suggests itself to the mind of the child is: "If God is our creator, who made God?" And back of that simple proposition no man has yet been able to go. There are many such problems unsolved and unsolvable. We cannot conceive of space that is endless, and it is still more incomprehensible that it should not end somewhere. It is quite inconceivable that time should have been always. No greater problem exists, however, than the origin of life. We can imagine, it is true, that all living things could have emanated from a single atom of protoplasm. We can imagine, if we accept the theory of evolution as sufficient to account for the varied forms of living things, how that a single 'chance' germ could have multiplied by division, and in time become differentiated into many permanent types and thus populated the earth, the air and the sea. But the great question arises: "Whence that germ?" How could an inorganic atom have become vitalized? If we accept the explanation that life was conveyed to this planet through meteoric dust, we have still to go back to the source of the dust, to the sun of our solar system, and to the sun of our sun, and we are still no nearer the solution.

It is needless to refer to the series of experiments that were carried on from the days of Redi up to the time of Tyndall by means of sterilized infusions in sealed tubes and bottles, whereby it was shown to the satisfaction of our most eminent scientists that spontaneous generation was a physical impossibility and did not exist or take place in nature. However, when the scientific world had just settled down to a comfortable conviction, the result of the most thorough investigation, it has been rudely disturbed by the somewhat startling discovery made by Mr. John Butler Burke, who by means of radium and bouillon placed together in a test tube has succeeded in getting cultures which present many of the appearances of vitality, such as growth and subdivision. The results of his experiments in Cavendish Laboratory, Cambridge, are told today in the supplement to the Colonist, and will be read with the keenest interest by all who have made the subject one of study to any extent.

Mr. Burke is not a sensationalist, and his standing is a recognized one. He is an Irishman in the prime of life, and according to the Daily Chronicle of London he went to Trinity College, Dublin, when he was sixteen, and there worked, after taking his degree, with Professor Fitzgerald in scientific research.

Afterwards he went to Mason's College, Birmingham, as a lecturer, and subsequently gained a fellowship at Owens College, Manchester, where he was a colleague of Professor Schuster. He went to Cambridge and took a degree in research some three years ago, after working with Professor Thomson for some time.

Latterly he has been giving popular lectures in various parts of the country on the latest discoveries in connection with radium, though not on the discovery which is likely to make his name famous. Mr. Burke will shortly publish a volume dealing with his experiments in phosphorescence during the last ten years.

The Daily Chronicle very properly refers to the discovery as "momentous" and to the results as promising to have "the most startling and far-reaching influence on the trend of scientific thought." If we may accept his experiments as demonstrated, it is hard to compare their importance with any other in modern times. Mr. Burke is getting quite close to the solution of nature's greatest problem. He is reversing and upsetting theories, which have been regarded for some years by eminent scientists as absolutely confirmed.

"If my conclusions and those of the scientists who have examined them are correct," Mr. Burke remarks, "they fit in exactly with the definition of life which Herbert Spencer framed—'The continuous adjustment of internal to external relations, and the consistent emphasis on the need of adapting the organism to its environment.' That is the broadest definition of life there is."

The very first question will arise in the ordinary mind as to how the discovery affects theology and the higher criticism. Upon that point we shall permit Mr. Burke to speak:

"Well, I have always taken a profound interest in the theological aspect of this question. We must leave it, however, to theologists to decide. To me it seems to add further evidence for the continuity of nature.

"We cannot attempt to discuss the original cause—that is beyond the scope of science altogether. But to explain things on the principle of continuity of nature seems to me to reveal the harmony of the universe in the works of the Almighty. Should my experiments prove the possibility of 'spontaneous generation,' it is a principle not in the least destructive of the deistic conception of the universe. In fact, if it can be shown that dust and earth can produce life on account of radio-activity, it would only confirm the truth of Biblical teaching.

"That, it is obvious, cannot be proved in our time, because the radio-activity of the earth is so small that it might take thousands of years to produce life."

We must not conclude, however, that the experiments dispose finally of the all-important question as to the origin of life. We have still to account for the influence, the life-giving principle, of radium, upon the sterile culture medium. Since the discovery of radium, and the many experiments that have been made with it to test its qualities, it has been held that it is the source of the sun's continuous heat. It has long been a problem how the sun, a molten mass, radiating heat in an incalculable measure hourly, and daily, and monthly and yearly and for eons of years, could, so to speak, consume itself as fuel and at the same time retain its own mass and its caloric force practically without diminishment even for the ages within the memory of man, which period is but an atom in the eternity of its existence as a source of life and light to the universe of which it is the centre. If this theory be correct we have yet to enquire: What is radium? Whence the source of its activity? Is it life in its most concentrated form? How is it related to the all-pervading essence? In getting back to radium are we now just reaching the threshold of a new world, etherealized, sublimated, spiritualized—the great shadow land of the supremest mysteries of existence?

MORE "MACHINE" WORK.

Mr. Justice Walker, while holding a court of revision of the voters' list in North Winnipeg, has unearthed a most scandalous plot to stuff the lists on the part of the Liberals.

The facts so far as ascertained are that the officials of the Grit Club and a C.P.R. employee in the yards of the C. P.R. corralled a large number of Austrians, took them to a house on Fonseca street and got them to sign affidavits, under the Naturalization Act, that they had been three years in Canada (this is the required qualification) and also to the other qualifications necessary under the Naturalization Act. No explanation was made to the Austrians as to the required residence and they, for the most part, signed the affidavits in ignorance, not knowing the contents.

Acting on the information furnished by Justice Walker the Attorney-General's department has issued warrants for the arrest of several Liberal workers. One of these men, who was employed in the Immigration Department, has been promoted recently to a better position in the Customs. He had been specially appointed by the Dominion government to take oaths under the Naturalization Act, and it appears that he was the chief offender, as he is said to have administered the oath without explaining the contents of the affidavits, and issued certificates that he knew the applicants possessed the necessary qualifications to become British subjects. Then other Liberal workers are said to have taken these fraudulent and untrue papers before the County court and misled the court, and, pursuant to the Naturalization Act, certificates of full naturalization were issued to the parties thus dealt with. The cases on which the information is made are that the parties naturalized have only been in Canada nine months and left Austria nine and a half months ago.

If the charges are proven the perpetrators of this outrage should be severely dealt with, as nothing more serious to the welfare of the country can be imagined than enfranchising a lot of ignorant foreigners, who can be driven like sheep to the polls to subvert the will of the people and render representative government a sham and a delusion.

Tiring of his long imprisonment in Tsarskoe Selo, the Czar decided to move to one of his country palaces, but the trip is postponed. Beneath the apartments intended to be occupied by the imperial family 200 pounds of dynamite were found—material for a warm reception. Poor Czar, one would think he would come out in the open and be shot and end it all, rather than "dwell in the midst of alarms."

LETTERS TO THE EDITOR.

[The Editor does not hold himself responsible for views expressed by correspondents.]

PROVINCIAL LAND SURVEYORS ACT.

Sir—The legislature of this province during the session recently closed repealed the Provincial Land Surveyors Act and enacted the British Columbia Land Surveyors Act, 1905.

The preamble to the new act states that "it is deemed expedient to provide for the advancement of the profession of land surveying in this province and for the greater professional efficiency and usefulness of the British Columbia land surveyors and for the better protection of the interests of the public who may require their services." In other words, our surveyors are pronounced inefficient for the requirements of the province and the interests of the public are prejudicially affected by their practices.

This criticism of a body of men holding a responsible position is somewhat startling. Owners of land, holders of land securities, and all interested in transfers of land are denendent upon the efficiency with which surveyors execute the duties entrusted to them by the government for the means of identifying their holdings. They, as well as surveyors, should be deeply interested in, and should demand legislation that will guarantee reliability in surveys. I cannot do better than quote from the instructions issued by the land department of the Canadian Pacific Railway Company to surveyors employed by it, as to the importance of this matter. They say: "The object of a survey is to mark on the ground . . . the limits of the parcel and to portray it in the notes, so that there could be no trouble in re-locating it in whole or in part therefrom. It is also absolutely necessary, in a country situated as British Columbia is, without any defined or systematic surveys, that particular care should be taken; otherwise there is danger of litigation, causing financial loss and worry. If the crown, shielded as it is by its prerogative against loss by reason of its mistakes, or issues of title through same, requires care in surveys, it is certainly much more necessary for any corporation not so protected, in dealing with large blocks of land, and while such care may occasionally add slightly to the cost of the surveys, it is in the interest of the public and the profession that it should be exercised."

In connection with this subject and the value of the new act as an effective measure of reform, the following notes, jotted down while reading the new act, may be of interest to your readers:

A survey is legal when made by a provincial land surveyor in accordance with the statutory provision that govern surveys in question. If of crown lands it consists in marking the boundaries on the ground in the manner provided by law, and of notes and plans known as returns, which are indorsed, in an affidavit of the surveyor, as representing the survey. These documents are inspected by the department of lands and works. If the survey, as set forth in the returns has been made according to the law, and if the returns have been properly prepared the survey is accepted. After a notice to that effect appears in the Gazette both the work done on the ground and the returns have a legal status.

When the transfer is between individuals the returns consist of a plan certified, but not sworn to, by the surveyor as representing the survey. This is examined by the registrar of titles. If it is prepared according to law he files it. Survey and plan have then a legal status, inferior, however, in effectiveness to a survey accepted by the department of lands and works.

In an accepted survey we have legal means of identifying a parcel of land, while the returns supply the information from which we should be able to make a re-survey.

The examining processes, while capable of improvement, give a fair guarantee that the returns are sufficient for their intended purposes. If they are a truthful record the same may be said of the survey; but we have no guarantee of this, as the following will show:

In April, 1904, Mr. W. S. Gore, acting surveyor general, issued a circular to surveyors which stated that "There appears to be a growing practice among surveyors of sending in to this department field notes of surveys which have been very insufficiently defined on the ground, only part of the lines being run and the remainder shown as impassible, and no traverse or other information being given to close the survey. In many of these cases, little more trouble had been taken by the surveyors, these lines could have been run. . . . Lines not run on the ground must not be returned in the field notes; the surveyor must state distinctly in the field book that such line was not run and give his reasons for not doing so."

It is clear from this that we have no efficient guarantee for the proper performance of field work; that advantage is being taken of this legislative enactment; and that legislation on this subject, to be effective, should provide a guarantee to cover this point. We have therefore a test to apply to the legislation of last session.

Before examining its provisions I would point out that all the blame for existing practice must not be attributed to the surveyors, but part of it, in my opinion the major part, belongs to the dear, misoplasticated public that the legislature is so solicitous about. In the innocence of their hearts this guileless folk care nothing about the way in which field work is done. They want accepted returns so that they can get their titles and dispose of their interests.

Why should they when the law is adapted to meet their point of view? So they look for the surveyor who will get accepted returns for the least money. The conscientious surveyor with a reputation who cannot compete for this class of work naturally goes to the wall. Apparently the surveyor as well as the public needs protection by remedial legislation.

Under the repealed Provincial Land Surveyors Act a board of examiners, appointed by the government, granted commissions to practice as provincial land surveyors to those having a stated theoretical and practical knowledge of surveying. It was also given certain disciplinary or judicial powers over those holding such commissions.

The new act creates a corporation composed of certain surveyors. From among their number a board of eight members is elected by voters who are not necessarily members of the corporation. But this peculiarity is only one of many to be found in the act. The elected board has similar powers to those formerly exercised by the appointed board.

We naturally expect that an act of parliament will clearly and logically set forth its enactments; and that all details necessary for effectiveness will be supplied. I regret to say that in this law clauses are often obscure and sometimes contradictory, while the omission of important details tends to make it inoperative.

Membership in the corporation is limited to those surveyors "who within six months of the passing of this act shall become duly registered members."

As no provision is made for the registration referred to, it is difficult to see how the corporation can legally organize. The importance of stringent regulations governing registration—such, for instance as the appointment of a registrar, the information to be recorded in the register, the conditions under which registrations are made, and their legal value—will be manifest when the extraordinary powers conferred on this corporation are understood. In Ontario, where surveyors are a corporate body, the law governing registration covers eight sections of the Surveyors Act, none of which are unnecessary. A peculiar feature of the British Columbia enactation is that it can exist only during the life of those who become registered members within six months of the passing of the act.

Assuming that organization can be legally effected. The corporation is to be maintained "by levying contributions otherwise." It is entitled to "all fees, fines and penalties receivable and recoverable under this act or any bylaw passed by the corporation." Necessary expenditure will include salary of secretary, pay for services of eight board members preparing examination papers, attending semi-annual meetings at Victoria—which will take not less than sixteen days, with travelling expenses, time and expenses of board when attending to its judicial functions, hire of rooms, etc. To meet this expenditure the charges for surveys will have to be increased. I wonder how the public will like that kind of protection.

Apart from the elective feature the board is under the "guidance" of the corporation as expressed in "resolutions."

One of its functions is the examination of candidates—already referred to. The standards of qualification are similar to those heretofore in force. In a general way they are suitable, but some of them are absurd; while there are important omissions. A new provision is that before being authorized to practice the candidate "shall have become registered . . . under the provisions of this act." This is the part of the act where we would expect to see provision made for "greater professional efficiency and usefulness." Unless the substitution of an elective for an appointed board is intended to effect this purpose, the promised reform has certainly been omitted.

The board is authorized to "prevent and conciliate all misunderstandings between land surveyors, to hear and decide all complaints and accusations preferred by third parties against them in relation to their professional conduct, and to punish any land surveyor found guilty of the facts alleged in said complaint or accusation according to the gravity of the offence, by censure, by depriving him of the right of voting or by cancelling or suspending his commission as a land surveyor of the province of British Columbia. "The board may in its discretion suspend for such a time as it shall think fit, or cancel the commission of any provincial land surveyor whom it finds guilty of gross negligence or corruption in the execution of the duties of his office; but such action shall not be taken without such surveyor having been previously summoned in order to be heard in his defence, nor until the board has heard the evidence offered, both in support of the complainant and on behalf of such surveyor." The board has the power "to order any land surveyor practicing in this province to appear before the board when the same is deemed necessary." Devisions of the board are subject to appeal to the Full court.

Here we have virtually a criminal court, for its office is to punish. Those subject to its jurisdiction may innocently—there being no schedule of offences—be guilty in the eyes of the board of a serious offence.

This extraordinary power is given to an elected court, sensitive to the small and irresponsible body of men who put its members in office, without authority to take evidence under oath—to summon witnesses or compel their attendance; to hears whatever may be offered to it in the way of evidence; determines what are and what are not offences; and inflicts what it considers suitable penalties, ranging from simple censure to taking away the defendant's means of earning a livelihood.

An ordinary individual accused of an offence is arraigned before a court held in the neighborhood in which he resides, while he is assured of protection from injustice. But a surveyor can be forced to go to Victoria from the most remote corner of this province to defend himself. Presumably he must pay his own expenses and those of his witnesses. And he must perforce submit to the idiosyncracies of untrained judges given as "decisions" after hearing unsworn testimony.

It will be interesting to note who will be willing to assume the responsibilities of membership on this board.

It is difficult to see how the compilers of this act expected such provisions to affect the points at issue. No one will prosecute a surveyor before this board for purposes of revenge, when what he wants is redress. In a word, the act is so much waste paper so far as its power to effect needed reform is concerned.

A guarantee of proper performance of field work is after all a simple matter if we follow the law of other parts of the country.

The Ontario Land Surveyors Act provides that surveyors shall enter into bonds with two sufficient sureties for the due performance of their work—said bond to ensure to the benefit of any party sustaining damage.

Section 121 of the Dominion Land Act provides that "The surveyor general shall require every Dominion or topographical surveyor . . . to take and subscribe an oath, or make and subscribe an affirmation on the return of his surveys of Dominion lands, that the same have been faithfully and correctly executed according to law and the instructions of the surveyor general; and if it is proved, on satisfactory evidence, before any court of competent jurisdiction, that such surveys, or any part thereof, have not been so executed, the attorney general of Canada shall, upon the application of the surveyor general, immediately institute a suit upon the bond of such surveyor.

But some may say that it is unfair to place the responsibility of a bondsman upon an uninterested party. To this I may say that there are guarantee companies that make a business of carrying responsibility of this kind. I need not enlarge. It is an easy matter to work out the details that will effectually secure a high standard in our surveys.

My letter has been confined to the prominent points of the new act. Although now too long, it would not be half-written were I to go into its other crudities, with their power for working harm. The act was obviously compiled by some one not conversant with his subject, and without the training necessary for a lucid expression of his ideas.

It is to be hoped that it will be consigned to the company of other repealed acts, and that not only an act relating to surveyors, but a thorough revision of those existing acts which form instructions to surveyors will meet with attention from our legislature in the near future.

J. A. KIRK.

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LAND REGISTRY ACT.

In the matter of an application for a Duplicate Certificate of Title to Subdivision 4 of Lot 1, Block 16, of part of Section 17, Range VI., Quamichan District (Map 209).

NOTICE IS HEREBY GIVEN that it is my intention at the expiration of one month from the first publication hereof to issue a Duplicate of the Certificate of Title to the above lands issued to James Sumner on the 6th July, 1898, No. 2158c.

S. Y. WOOTTON,
Registrar-General.

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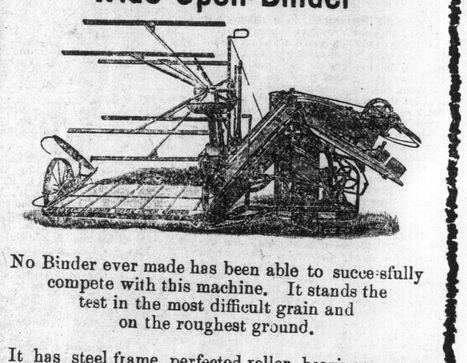

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