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CURE OF A COUGH
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September 7th, 1868.
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THE WEEKLY BRITISH COLONIST.

VOL. II. VICTORIA, VANCOUVER ISLAND, WEDNESDAY, MARCH 16, 1870. NO. 12.

THE BRITISH COLONIST
PUBLISHED DAILY BY
DAVID W. HIGGINS

TERMS:

One Year, (in advance)	$12 00
Six Months, do	6 00
Three Months do	3 00
One Week	0 25

WEEKLY BRITISH COLONIST
PUBLISHED WEDNESDAY MORNING.

TERMS:

One Year	$3 00
Six Months	1 50
Three Months	0 75
One Week	0 25

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The Great Question.

The Legislative Council having pronounced—it may be said unanimously—in favor of Confederation with terms—who ever dreamed of Confederation without terms?—the question of Terms alone remains to be dealt with. We have already stated our belief that the terms submitted by the Executive are unexceptionable, as far as they go, and it is extremely improbable that they will meet with any formidable opposition in Committee. That additional terms will be insisted upon by the bulk of the unofficial members may be regarded as equally certain. Perhaps the question of Tariff will present the chief difficulties, and although perhaps too much stress is laid upon this question of the unfitness of the Dominion Tariff, we are ready to admit that the subject is at once sufficiently important to demand earnest attention, and sufficiently delicate and critical to require careful handling. In arranging a schedule of terms to be submitted to the Cabinet at Ottawa, the first object should be to obtain the greatest good for British Columbia; the second, to include nothing in that schedule calculated to seriously obstruct the great work of union. Questions touching the Customs Tariff, essentially a Federal matter, are, of all others, the most likely to involve complications and impede the progress of events. While, therefore, the importance of this part of the subject forbids silence, its delicacy demands the exercise of very great caution. A disposition is apparent in certain quarters to regard the Dominion Tariff in a narrow and false spirit, and to view its application to this colony from an entirely sectional standpoint. Whatever claim to protection the farmers on Vancouver Island may have, they are not the only class entitled to consideration. Indeed, it may well be doubted whether the agricultural interests of the Island may not be justly regarded as subordinate to some others in this connection. That Vancouver Island has a great destiny before it can hardly be doubted. That it will ever owe its greatness to agriculture it is impossible to believe. While, therefore, the influence of the Dominion Tariff upon the agricultural interests presents a fitting subject for earnest thought, it must not be overlooked that there are other and greater interests the influence of the Dominion Tariff upon which demands at least equal attention. It is highly problematical whether, by the time it reaches us, the Canadian Tariff will prove detrimental to the agricultural interests. The question of meeting American productions with a protective duty, in the absence of a reciprocity treaty, is at the present moment engaging the attention of the Dominion Government; and there is every reason to believe that if such a treaty is not established the tariff will come to us so revised as to meet to a very great extent the wants of the agricultural classes. The commercial interests of this Island would appear to be not altogether unworthy of consideration; and the bearing of the Dominion Tariff upon these interests should not be overlooked. It is no secret that the commercial mind has pronounced our local tariff so high as to paralyze trade—to render trade with surrounding peoples almost impossible. So keenly was the fact felt that during last year a Commission was appointed by the late Governor for the express purpose of revising that tariff, with a view to adapting it to the commercial wants and interests. The rates of duty recommended by that Commission are almost nominal upon such articles as might be presumed to enter most largely into the foreign trade of the colony. Textile fabrics, comprising all those innumerable articles falling under the more comprehensive and general denomination of dry goods, are recommended to be admitted at five per cent, *ad valorem*. Hardware, comprising ironmongery generally, is put down at 10 per cent *ad valorem*. Under the present British Columbian tariff these articles are subject to an *ad valorem* duty of 12½ per cent. Under the Dominion tariff they would have to a question which presents far more important considerations than those involved in the agricultural view of the case. If our foreign trade has been all but extinguished under the present tariff, what will become of it under the Dominion tariff? If the commercial interests of the place imperatively demand the reduction of the rate of duty upon these leading articles from 12½ to 5 per cent, and 10 per cent respectively, how will these interests thrive under 15 per cent? But the Commission appointed to revise the tariff did not confine themselves to the work of mere revision. They also reported in favour of the establishment of a free port, as presenting a preferable and more effective means of building up the commercial interests of the colony; and, however practicable and desirable a free port might be to British Columbia as a separate colony, it must be regarded as greatly more to be desired under Confederation. That there is a growing feeling in favor of a free port under Confederation cannot be concealed. There is no risk in asserting that a scheme for erecting this Island into a free port, and protecting local industry by a landing tax upon foreign produce, would meet with universal acceptance. Who does not believe that such a policy would, under Confederation, make this the great emporium of commerce on the North Pacific?

Tuesday, March 15

FROM SAN FRANCISCO.—The S S Active Capt Sherwood, arrived at her wharf at 11½ o'clock on Sunday night with 29 cabin and 99 steerage passengers and 101 tons of freight. She left San Francisco on the 5th of March. During the trip she encountered head winds which increased in violence as she sailed northward. The seas are described as having at times been appalling. The cabin passengers yesterday testified their appreciation of the urbanity and seamanlike ability of the Captain by presenting him with a very valuable diamond ring. An appropriate address was made upon the occasion, to which Capt Sherwood replied by stating that the gift was wholly unexpected as he had simply done his duty and he hoped that the donors—one and all—would accept his sincere thanks for their good opinions thus substantially expressed. The passengers in their consider in their duty to state through this medium that much of their comfort and safety is also attributable to the kind attention and watchful care of the other officers of the ship. The Active put in at Crescent City, for six hours as shelter from the blow. Hail, storms and heavy seas were frequent the last few days.

THE WEATHER on Saturday night and Sunday was colder than at any time during the previous two years, and colder than, after a twelve years' residence, we remember to have before experienced in March. At four o'clock on Sunday morning the thermometer stood only six degrees above zero. During the night water in tumblers placed within six feet of a fire froze solid. Ewers and basins in which water had been left overnight were cracked. Out-door ponds and lakes were covered with a thick skin of ice and all Sunday the surface was powded with skaters. Yesterday the mercury rose to freezing and fell a little in the evening. We await with some anxiety the intelligence from the upper country.

AT SAN FRANCISCO.—Frase River continue to attract attention at San Francisco among Cariboo and other miners. There are several thousand unemployed men at San Francisco and the distress is very great among the commercial as well as the working class. White Pine is scarcely spoken of now in the Bay, for what little trade that section does is with Chicago by rail. About 80 of the passengers who arrived on Sunday night are bound for the upper country.

ST. JOHN'S CHURCH.—The anticipated sermon by the Rector was not delivered on Sunday evening, the new gentleman's pulpit being filled by Dean Cridge. The church was crowded, and many who had not seen the inside of a place of worship for some years were present. So the notice was perfected in two ways: It brought a goodly number of sinners within earshot of the Gospel, and created a large Offertory.

ICE-PACKING.—Some provident parties have gone into the business of packing ice for local consumption during the coming summer. Several ponds were visited yesterday and the ice was removed in carts.

FULL.—The Hon G A Walkem yesterday took his seat at the Legislative Council. The roll of members is now complete.

THE sinking of the U S steamer Oneida by collision with the P & O steamship Bombay, near the port of Calcutta, is undergoing investigation. The Bombay tendered no assistance to the sinking ship. The Captain of the Oneida with 120 of his officers and men went down in the ship, after placing in the boats the sick and some of the men. The officers refused to leave the ship while a man remained on board.

DONATION.—The Bank of British Columbia, following the munificent example of the Bank of British North America, has generously contributed the handsome sum of five hundred dollars to the Cathedral Building Fund.

Among the British Columbians by the Active yesterday were Hon G A Walkem, J Graham, Esq, Chief Factor H B Co, B W Pearse, Esq, and wife and Miss Pemberton.

SHIPPING FROM SAN FRANCISCO.—The schr. consigned to Millard & Beedy, sailed on the 19th February.....The ship Shooting Star, in ballast for Nanaimo, sailed March 2d.....The Mary Belle Roberts is on the berth for Millard & Beedy.

TEN THOUSAND THANKS.—Mr O'Connor, Wells, Fargo & Co.'s messenger, will please accept ten thousand thanks for the generous file of late papers and the list of passengers per Active. Our thanks are also due Mr Emerson, purser, for the customary favors.

THE BEST TIME ON RECORD.—The new iron British ship Golden Gate has arrived at San Francisco in 100 days from Liverpool. The passage is the shortest by several days ever made between the two ports.

FROM PUGET SOUND.—The steamer Eliza Anderson arrived from ports on Puget Sound last night, bringing 60 passengers. Watts, who killed Hebbard on San Juan Island, has been convicted of murder in the first degree.

RUMORS are rife at San Francisco that the unemployed white men there are organizing for a war of extermination upon the Chinese and that a general massacre is being arranged.

Legislative Council.

MONDAY, March 14, 1870.

Minutes of the last meeting read and confirmed.

COMMUNICATION.

The President read three messages from his Excellency the Governor. No 5 relating to returns of schools and roads; No 6 relating to the Officers Enabling Act; No 7 relating to a bill to provide for an additional revenue for the telegraph subsidy on the Mainland.

ORDER OF THE DAY.

The Council went into Committee of the Whole on the

CONFEDERATION RESOLUTIONS,

Mr Ball in the Chair.

The resolution containing the terms of union proposed by the Government were first read from the Chair and then taken up *seriatim*.

Clause 1st—Canada shall be liable for the debts and liabilities of British Columbia existing at the time of union. Passed without debate.

Clauses 2 and 3 read as follows: The population of British Columbia shall, for the purposes of financial arrangements, be estimated at 120,000. British Columbia, not having incurred debts equal to those of other Provinces now constituting the Dominion, shall be entitled to receive by half yearly payments in advance from the General Government, interest at the rate of 5 per cent per annum on the difference between the actual amount of its indebtedness at the date of union, and the proportion of the public debt of Canada (not 120,000 of its population as compared with Canada at the time of union.

The following shall be annually paid by Canada to British Columbia for the support of the local Legislature, viz: An annual grant of $35,000 and a further sum of 80 cents a head per annum of the population, both payable half yearly in advance, the population of British Columbia being estimated as aforesaid at $120,000. Such grant equal to 80 cents a head to be augmented in proportion to the increase of population, when such may be shown, until the population amounts to 400,000, at which rate such grant shall thereafter remain. These were upon the motion of Mr DeCosmos, taken as one clause, upon which there was a long discussion.

Mr. DeCosmos moved, an amendment to the effect that the basis of population be 40,000 instead of 120,000, and that the subsidy be $80,000 instead of $35,000, and that 87 cents per head on said population be substituted, increased *pro rata* until the population reaches one million, and a temporary subsidy of $150,000 per annum to be reduced from time to time when the population shall exceed 40,000.

The amendment was lost.

Yeas—Drake, DeCosmos, Humphreys, and Wood.

Mr. Drake moved, an amendment that the annual subsidy of 35,000 be increased to $75,000, and that the *per capita* subsidy of 80 cents continue to increase until the population attain one million. Amendment carried.

Clauses 2 and 3 were then carried as read.

The Committee rose and reported progress.

The Council adjourned to meet on Wednesday at 1 p. m.

A lady refused to relieve a beggar, but heard him say, in a deep tone, 'Then I must resort to my first resolution.' Thinking that this resolution must be a robbery or suicide, she turned back and gave him money, and asked what he meant to have done. 'Oh,' said he, 'I intended to go to work!'

'There is one kind o' *ship* I always steer clear of,' said an old bachelor sea captain; 'and that's courtship, 'cause on *that* ship there's always *two mates* and no captain.'

European Mail Summary.

The Active brings us dates to Feb 15th. Several war steamships are advertised to be sold by auction. Among them are two line-o'-battle ships, the Cæsar and the Algiers. The weather has again become quite wintry, with severe frost and biting N E wind. On the eastern coast there have been violent gales, which have caused many losses at sea. The heavy rains of last week have produced floods in the valleys of the south-western counties. The practice of sending threatening letters to landlords' agents is extending in Ireland. Mr Serjeant Dowse has been appointed Attorney General, but his re-election for Londonderry is disputed by Mr. Baxter, a London Solicitor, and a severe contest is expected. Mr. Bernal Osborne is against candidate for Waterford, and is opposed by Mr Smith, a 'Nationalist' land Sir J Ennis. A Conservative candidate is also spoken of. The Attorney-General (Sir R Collier) met with an accident while the charge of a friend's gun. In reply to an appeal made to him by Dr Rogers, Mr Gladstone has avowed his opinion that the exclusion of clergymen from Parliament could not now be defended, but would not undertake that the Government would deal with the subject during the present session. Convocation has held two lengthened sittings. The objections against the Bishop of Exeter (Dr Temple) were raised in each house, but were eventually disposed of by an amicable arrangement, the Bishop undertaking to withdraw his Essay from any new edition of *Essays and Reviews*. The Bishop of Winchester proposed, and the House assented to an inquiry into the propriety of revising the authorized versions of the Old and New Testaments. Canon Dale has been nominated Dean of Rochester, and the Rev Mr Liddon has been appointed a Canon of St Paul's. Sir W Gordon, an artillery officer who served with great distinction in the Crimea, has died from the effects of a wound inflicted by himself while in a state of mental aberration. The Cape mail brings news to Jan 4. The Local Parliament had assembled, and the Government was supported by a majority. Important coal discoveries are reported. From Natal the accounts as to the production of gold are still small, but diamonds were plentiful. An collecting clerk in the service of Messrs Barnett, Hoare & Co., bankers was robbed of nearly £1000 in notes on Saturday. A reward of £1 000 is offered for the recovery of the notes and apprehension of the thief, but thus far without result. Mr Whitmore, having resigned from the representation of Bridgenorth, Mr Foster, a Liberal, is the only candidate. Mr Bright has been ordered to abstain from mental work for a month, there are symptoms of a breaking up in his nerves. The *Echo* believes that Mr Childers will show further reduction in the naval estimates, amounting, with what he has already accomplished, to about £2 000 000. The Government, says the *Western Mail*, have decided to prosecute the father of the Welsh rioting gang at the forthcoming Carmarthenshire Assizes, and Mr Giffard, Q C, has received an intimation from the Attorney General that he will be required to conduct the prosecution on behalf of the Crown. The Tipton Slasher, once a noted member of the prize ring, is now an inmate of Gateshead Workhouse. Mr Whalley, M P, in a letter to the Rev C P M'Carthy, Cheltenham, says he is now convinced that 'there is no more important or urgent question than the abolition of the Church of England—meaning, of course, as a State Church. The *Times* says—Mr Lowe will have a pleasant surplus. The tariff may not improperly be relieved of the irksome duties, since it is certain the classes contributing to them will remain taxed as consumers of tea, coffee, and sugar. The license duties are open to considerable revision, and some of them may be dropped altogether. The payers of income tax will look to him for a reduction of that burden, and we are persuaded will not look in vain. The expiration of Bessemer's patent next month is likely to increase the general use of steel instead of iron. The London and North Western has already made arrangements for laying a considerable distance with steel rails in place of worn out iron ones.

Land Registry Ordinance.

EDITOR BRITISH COLONIST.—On Wednesday next the Council will go into Committee, for the purpose of considering this proposed Ordinance. Having examined it, I deem it advisable to call the attention of the public and particularly the attention of the members of the Council, to it. The Ordinance seems to me to be utterly bad in principle and otherwise replete with serious defects. As it contains 84 rather long sections it is impossible to examine the whole critically in this letter. I will answer my present purpose, however, in specially briefly some of its most objectionable features without quoting long sections from the Ordinance itself, in confirmation. Those who may feel an interest in the matter will refer to the Ordinance to see whether my views are founded in a true understanding of its scope and meaning.

The Ordinance in question is bad in principle because it makes registration essential to the validity of an instrument affecting land, the title to which has once been registered. The mere statement of this fact will suggest to anyone how wide a door it thus throws open to fraud. A may sell to B, but B neglects to register his deed. Afterwards A sells to C, who does register. Under the Ordinance, C's title is preferred to B's, although C at the time of purchasing had *full knowledge* of B's title. See sec. 33. The registration of a lease for more than 3 years will become compulsory.—Sec. 39. Under sec. 41, the right of persons beneficially interested, under a trust deed, will not appear on the register. The trustees will appear to be the absolute owners of the estate. Some protection is afforded to beneficiaries, however, by giving them the right to require the Registrar to enter against the registration of the title of each trustee, the words 'no survivorship'—and all of the trustees must join in disposing of the land unless the Court make an order to the contrary. Now what protection is afforded by this provision? supposing every beneficiary availed himself of it, the beneficiary is still liable to be defrauded, provided all the trustees join in the act. The only effect is that an honest trustee is a check upon dishonest ones, and this leaves the interest of the beneficiary entirely at the mercy of the trustees. But when it is remembered that very often the beneficiary is a child we see that even the scanty protection which it is said the words 'no survivorship' give avails him nothing. The true theory of registration is to give all parties dealing with land an accurate idea of the rights of all parties interested. The provision I have referred to is calculated to mislead. A second and equally serious defect in the new ordinance is that it gives to the Registrar too much power—makes his mistake and protects him from responsibility to the party who may be injured. Under color of permitting only *prima facie* titles to be registered the Registrar is made scrutinizer of titles and he registers a deed according to the estate he may think it conveys.

Let us suppose a case and work the result: A is seized in fee of a valuable property. He sells a life interest to B. A executes a deed which he believes conveys such an interest only. It is B's duty to register, and he accordingly presents his deed to the Registrar for that purpose. The latter on examining the deed thinks it conveys the fee, and he, therefore, registers B as the owner of the fee. Now let us assume that the Registrar is wrong in his construction of the deed, and that in reality it conveys only a life estate. The Registrar, after the lapse of five years, gives a certificate of title to B, and his title is indefeasible against the whole world. B dies soon after and, according to the terms of the deed, A is owner of the whole. The certificate of title, however, bars him. He wants redress. His loss is attributable to the mistake of the Registrar—but the Act protects that officer. Result—A loses what he never parted with; B and his heirs get what B never purchased, and the Registrar's mistake is incurable and he irresponsible for it. There are many other points in the Ordinance under consideration worthy of notice, but I will not, out of consideration for your space, touch upon them at present. It may be thought by some that such a difficulty will have but a remote chance of occurring. I am very happy to admit that so long as the colony enjoys the services of the present very efficient Registrar the danger may be more speculative than real. Should a less able successor at any time undertake the duties of the office, the pernicious principle of the bill would, I fear, be made apparent by a series of most disastrous mistakes.

In a future letter I shall take the liberty of suggesting a scheme that will be free from the objections that I think fairly belong to the new Ordinance, and at the same time much simpler.

OBSERVER.

New Zealand.

We learn by advices from Auckland, New Zealand, that there is now a better prospect of peace in the North Island than there has been for the last three years. The Hon Mr McLean, native Minister, has had an interview with the principal chiefs of the rebels and an agreement has been entered into that fighting shall cease and a way be opened for the reestablishment of those friendly relations between the native and European races the interruption of which has been so disastrous to both.

Te Kooti, the notorious rebel leader, has been pursued into a most rugged and inaccessible country, in which he has to depend on roots and berries for food. He is closely followed by the colonial troops and is in great straits. Only about seventy of the escaped Chatham Island prisoners remain with him. The other followers have left him, and those of the natives who sympathize with him find it expedient to disavow him.

A large number of the rebel prisoners have been deported to Otago, in the South Island, to work on roads and other public works.

Roads are also to be constructed through the interior of the King's country, and the natives are eager to be set to work upon them. Large quantities of tools have been sent for that purpose, and the ex-rebels, being regularly and well paid for their labor, will doubtless find road making a more agreeable and remunerative occupation than bush fighting with no commissaries, and only roots and berries to subsist on.

THE POPE ON IRELAND.—The Cork *Examiner* says:—Mr Maguire, M. P. was honoured by the Pope with a special audience. The Pope entered freely into a conversation, speaking in French. He referred more than once to Ireland, and said that it was with great satisfaction he perceived that the Government and Parliament of England had of late evinced a real anxiety to deal in a wise and generous spirit with that country; and that he had learned with much pleasure that the Government were about introducing a measure to improve the condition of the cultivation of the land—an undertaking which had his best wishes for its success. He hoped that such a measure would be soon accomplished, and that it would be attended with good results in assuring the happiness and comfort of the people. God's blessing, he said, would to follow legislation conceived in a good spirit; he had reason to think that the intention was wise and good, which it must be when it was for the benefit of people and a country.