The Weekly British Colonist.

Wednesday March 30. 1870.

The Tariff Difficulty.

There can be little doubt that what we may be permitted to designate as the tariff difficulty is the greatest that can be urged against Confederation. It is not surprising, therefore, that the friends of union should look grave and the enemies of union should look jubilant over the question which has occupied the Legislative Council during its last two sittings. Both parties would do well to believe it impossible for the Dominion Government either to frame a special tariff for British Columbia or permit us to frame our own custom tariff under Confederation. To do so would simply be to inaugurate a policy which would result in each Province having a different customs tariff; for it cannot be thought that British Columbia would be permitted to enjoy so important a privilege alone. Each Province would urge its claims; each would think its own case the strongest; and what might be conceded to one could not well be withheld from any. The result would be a condition of things wholly incompatible with union. It we look at the United States of America we shall find in the history of that country the strongest circumstantial evidence in support of our proposition that the customs tariff must of very necessity be a Federal and a uniform measure. In truth, excepting slavery itself, this question of tariff constituted the severest test to which the Constitution of the United States was ever submitted. Did that Constitution ever yield to the enormous pressure of either Southern or Pacific States? Did American statesmen ever flinch? Never. All knew that a uniform Federal tariff meant union, and that a departure from it meant complication and ultimate disruption. Not only does the Constitution of the United States resemble that of the Dominion in this respect, but the circumstances of that country present a striking similarity. In so far as the application of the customs tariff is concerned, British Columbia will occupy very much the position California occupied. Now, if American statesmen, when sorely tried, felt it impossible to yield one jot of the Federal prerogative to deal with the customs tariff, why should we expect that British Columbia can hope to enjoy the right to frame its own tariff under Confederation? Upon a matter of such vital importance it would be cruel, as it would be unwise to deceive the people. Depend upon it, as a Province of the Dominion British Columbia will have to be content with the Dominion tariff in its uniformity and integrity. That the tariff will be framed and altered from time to time with a view to its adaptation to the wants and interests of British Columbia in common with every other part of the Dominion, is simply to say that Federal legislation will have in view the good of all parts; but to say that the tariff will be dealt with in the special interest of this Colony would be to assume injustice to other parts. There is no reason to doubt that the interests of British Columbia will have their due weight in dealing with the tariff; but to give them more would be to inflict a wrong elsewhere, and thus violate the fundamental principles of right and justice upon which union must securely rest. The proposition to ask Canada to withhold the application of its customs tariff until the establishment of railway communication appears to us the most feasible way of meeting the difficulty, if, indeed, it can be met. With the opening of railway communication will, in a great measure, disappear those exceptional conditions which render a tariff adapted to the other Provinces unsuited to our wants. Nor is the proposition necessarily inconsistent with Federal prerogative. A temporary delay in the extension of the Dominion customs laws to this Colony, and the surrender of the Federal prerogative to deal with these laws, are two very different affairs. The idea is something like this: We express our willingness to confederation with Canada upon certain specific terms, but we, at the same time, point out the fact that, owing to distance and the absence of facile communication, the customs tariff of the Dominion is at present unsuited to our wants, and we ask that its application may be delayed for a little, until those conditions which render it inapplicable shall have been removed. But while frankly admitting the importance of this subject and the difficulties with which it is surrounded we must be permitted to think that some persons appear to attach undue importance to protection. In looking at protection they are apt to lose sight of what protection costs. There are two sides to this, as to most subjects. Protection has its dark side as well as its bright side. There are others, again, who appear to run away with the idea that agricultural interests are the only interests to be thought of. But it must be clear that if all other interests are sacrificed to this one, it, too, must in turn be sacrificed—hoist by its own petard. It is alone by seeking to promote a unity and community of interest and prosperity that general wellbeing can be attained. The farmers have protection now—but what about commerce? Of what avail will protection be to the farmers if they have no markets? We want consumers, capital, expansion.

TAKE WARNING.—Martin McCarthy, for using threatening language in front of the theatre, has been put under bonds.

Legislative Council.

Tuesday, March 22.

LOCAL TARIFF.

Dr Helmcken said this was an open question in which, as a member of the government, he was at liberty to vote as he pleased. He said if there was not in the Terms of Confederation a condition which gave protection to our agricultural interests, he would answer for it that there would be no Confederation.

The Chief Commissioner wanted to know what the hon member meant by an open question.

Dr Helmcken said he meant that every member of the government was free to vote as he pleased on this question of encouragement to the agricultural interest of the colony. He said Confederation should not come as an eclipse, but its introduction should be gradual. He believed if the Terms were adopted without some condition guarding the agricultural interest, it would do a great deal of harm to the colony. The principal interest of the country was its agriculture. Without protection to this interest the country would become depopulated. This was a colony that afforded better inducements for settlement than any other colony. He showed by a carefully prepared estimate how much additional land required to be cultivated to provide all the produce imported, showing what a good field this colony was for emigrants, with such protection as should be obtained. 140 people, cultivating 50 acres of land each, would supply all the produce now imported. He thought it would be doing those farmers who had commenced farming under a protecting tariff a great injustice to now withdraw protection from them. It was not altogether clear how the local government under Confederation could collect its own tariff. According to the Organic Act the local government did not have the power, but if that Act was for our acceptance then the case was clear. He thought the government might introduce a clause in the Terms reserving this right and leave it to the Canadian Government to find fault with it. He believed the Organic Act did not apply to this colony unless we made it so. He believed Confederation would not be accepted by the people of this colony unless there was a guarantee of protection to the agricultural interest. He was in favor of protecting agricultural interests and making other articles of importation as free as possible.

The Collector of Customs said there were other interests besides the agricultural which needed protection. He would say to hon gentlemen that a committee appointed by the late Governor had reported to lower the duties on agricultural produce and make Victoria almost a free port. He thought the question of tariff should be left entirely with the Dominion Government. What would our representative members do sitting in the Canadian Parliament except they looked after our interests? There was no obstacle to there being a different tariff to suit the interests of this or any particular Province of the Dominion.

Dr Helmcken said we must go into the Dominion with power to regulate our own tariff or not go at all.

WEDNESDAY, March 23.

Mr Wood said he considered this question the most important of any that we had to consider in connection with Confederation, and one that should be definitely settled before union. He went into a long and exhaustive explanation of the application and effects of a protective tariff. He said it was the interest of every new country to have protection. It was the interest of England to have free trade, for with England free trade was protection. America had adopted the protective policy, and whether true or false he believed every new country required protection. Without agriculture we can never get a localized population. There were many ways, he said, by which the farmer could be protected without a high tariff: by free implements, good roads, and free male and female immigration. The miners can be protected by giving them roads and trails, and reducing their mining licences. Our fisheries can be protected by supplying cheap salt. Our saw mills and ship yards can be protected by free machinery and material. Our agricultural interests are here protected by a moderate tariff and free agricultural implements. The Canadian tariff is just the opposite. There was no reason however why Canada would not grant us protection. If you want to create discontent amongst the people, give us the Canadian tariff. He thought there should be a distinct understanding that this Colony should control its own tariff, for it was not likely that Canada would alter her tariff for so paltry a people as we of this Colony.

The Chief Commissioner said after the able abstract reasoning of the hon gentleman who had just spoken, he would not attempt to add anything to what had been said. He would however call the attention of House to the material point of what was under consideration. He thought we were now dealing with the most important matter in connection with the subject of Confederation, and it might be asked why this topic was not touched in the Terms sent down by the government. It was not because they had not considered the matter, but it was because the Organic Act puts it out of our power to prescribe what tariff we shall have under Confederation. The scheme is based upon the transfer of our tariff to Canada. It is left open for this Council to make suggestions as to what form of tariff would be advisable under the Dominion. He would explain the meaning of the liberty spoken of by the hon member for Victoria city which the government members had in this matter. It was not open for them to complicate the scheme by any *sine qua non* of protection. It is left for us to suggest what system was best for the colony. He felt obliged to the hon Mr Wood for the way in which he had treated this question—on the abstract principle. It was for us to arrive at an intelligent conclusion as to what was best for the colony, but not to make it a condition of Confederation. We have placed the control of this matter completely out of our power. The agricultural interests were the best and first interests of the colony. We can point out in what respect our tariff should differ—but there are those in the government of the Dominion much better fitted to find the cure than any one here. He was willing to give his reasons on the abstract question on all the points respecting free trade and protection—but we should leave the remedy with those who know how to deal with the matter much better than we do. It would be the duty as well as the interest of Canada to adopt means for the advantage of the colony in tariff as well as in many other respects. He desired to hear the opinions of hon members, after which he would offer a resolution embodying the views of this Council, and the Dominion Government might be urged to adopt measures for the furtherance of these views.

Mr Robson said it was vain for us to suppose we could have the control of our own tariff—that was the province of the Dominion Government. If such a right were given to British Columbia every other Province would claim the same privilege. In the United States the tariff is entirely a Federal question. In no instance have they allowed any State to deal with the question of tariff. There were no concessions made to California. They complained of the inadaptability of the tariff to that State—but they never asked for power to deal with it. The idea of British Columbia having power to regulate its customs tariff is not to be entertained. The difficulty might be dealt with at Ottawa. The representatives from this colony would have great weight, and the tariff might be made to suit our interests. He did not attach so much importance to protection as some non members did. That which is saved by protection is paid for in some other way. They pay a very large price for everything they eat, drink and wear, and for the labor they employ. Protection stands in opposition to cheap labor and cheap living. We should not run away with the idea that it is an unmixed good. Nature had given the Mainland protection, and he did not believe Vancouver Island would ever owe its greatness to agricultural development. He did not believe in impeding Confederation by raising expectations that the principle asked for in the resolution should be conceded. We might go so far as to ask the Dominion to withhold the extension of their tariff to this colony until after we had railway communication. The application of the Dominion tariff might be injurious to this colony until then. Immediately after the opening of the Pacific railway California was set down virtually among the Eastern States and the unfair operation of the tariff was removed. The same result will follow the opening of the Canadian and British Columbia road. All will then be placed on an even footing. He believed the Dominion government would consent to this. He would propose that we revise our tariff before we enter the union, with a view of asking its continuance under Confederation. He would move a resolution asking that the tariff of the Dominion be not extended over the colony until the railroad should be completed.

Mr DeCosmos related the different schemes suggested by the original delegates in founding the scheme of Confederation. The Organic Act gave power to impose direct taxation for local purposes, and he thought we should be more likely to succeed by acting in harmony with that Act. His resolution proposed a tax on foreign goods which did not conflict with the Dominion tariff. He explained the nature and working of the scheme proposed by his resolution. The tariff of Canada was subject to sudden changes. Suppose they had to raise fifty millions for the railway. They will have to raise the tariff. In regard to manufactures he said they should be protected. A revolution in values would soon affect the agricultural interests in the upper country, and they needed protection. It was necessary to enter the Dominion with as little friction as possible. There is a large class of people who believe in protection, and it will be found that unless their desires are granted a strong resistance will be offered to union. Take into consideration these interests and you take away that friction. The best way of keeping up a loyal and cordial feeling in the colony is to grant this protection.

Mr Humphreys said he would support the resolution of the hon member for Victoria District. There was a great difference between an old and a new country in regard to the operation of a tariff. A free trade policy might suit an old country, when it might act very perniciously in a new one. And even in those countries where free trade was adopted those who it proposed to benefit found fault with it. It is said by some hon gentlemen that the farming interest in the upper country needed no greater protection than nature had given them. He could tell of an instance where flour had been taken from the coast and sold at a less price than the manufacturers there could produce it. He thought this colony might be allowed to regulate its own tariff. He thought it but just and right to protect the farmers above all other interests. This he looked upon, next to responsible government, as the greatest question before the Council.

The hon Collector of Customs said no one was contending that we could not have a tariff differing from that of Canada. It was admitted that the Canadian Parliament had the power to do so, and that after Confederation they would see as we do, and frame a separate tariff for this colony. It was not a differential duty. It came altogether under another head. We should not lose sight of the fact that if the Canadian Tariff was in operation here no doubt taxation would be lessened to the extent of $100,000. He had tried one quarter of our imports at the Canadian rates and found that to be the difference. There were some portions of the Canadian Tariff even now too high for this colony. He thought $15 on a horse and $10 on cattle would be a great hardship for this colony. We are told that 40,000 lbs of butter is imported annually from the other side. Could anybody suppose any larger amount would be imported under the Canadian Tariff of 4 cents. He thought the advocates of protection overlooked altogether the interest of the people in the upper country, who would feel the weight of the protecting tariff without receiving any of its benefits. They did not receive any more protection from 10 cents on butter than they would at 4. There was a feeling in favor of reciprocity, and in that feeling he hoped this colony would share. The American ports would be thrown open to our lumber and coal, which would more than counterbalance the loss of protection on produce. It would increase trade, make more ships, more men, more money, and cheaper living. He thought this question had better be left entirely in the hands of the Canadian Government and our representatives to Ottawa.

The Chief Commissioner suggested that the Council give an expression of opinion by vote on each abstract proposition, after which he would propose a single resolution embodying the views of the Council as expressed by their votes on the several questions.

Dr Helmcken moved the following:—'That in the opinion of this Council it is highly desirable that the agricultural, horticultural and dairy interests of British Columbia be protected.' He said great stress was laid on the observation of the Collector of Customs that the colony would be taxed $100,000 by the Canadian Tariff. He denied that the people would save that much. The revenue, it is true, would be that much less, but the people would have to pay as large a price for Canadian goods which would come in free and displace foreign goods. The hon member spoke at some length, mainly reiterating his arguments in a former speech, and concluded by saying that if this protection was not granted the farmers would vote against Confederation when the Terms were submitted at the polls.

Dr DeCosmos said he was a protectionist and he would make protection a 'sine qua non' with his constituency. He was not so ready to go into the Confederacy as to sacrifice the interests of the colony. He was one of those who ever believed in reciprocity, but such reciprocity should be based on existing industries. Except you have a market for coal it is no matter how much capital you employ, you cannot increase the exportation. He believed reciprocity would destroy the agricultural interest. He would go for protection to our home industries, even if there was a reciprocity treaty. He would, therefore, move that in the opinion of this Council it is expedient that the manufacturing interest of the colony be protected.

The Chief Commissioner said he was in favor of protecting those interests, but he did not think it a matter of so much importance as some gentlemen seemed to think. He thought Canada could provide the ways and means for such protection in a manner more practicable than we can suggest. The protection asked could in any case only benefit Vancouver Island. The people in the upper country don't require it. And when the produce of the upper country came in competition down here, the whole question of Tariff will have been modified, and remodified over and again. He believed it quite supposable that Canada would give us separate tariff regulations, but we had put the control of the matter out of our hands by the adoption of the terms of union. He believed in all cases of a protective tariff that when one portion of the people are protected the other portion pays for it.

Mr Alston said it was simply ridiculous to believe that the agricultural interests were the only interest in the colony. He did not think the Organic Act prevented us making such conditions as we pleased. He thought we could have the framing of our own tariff.

The motion of Dr Helmcken was put and carried.

The motion of Mr DeCosmos was also put and lost.

Thursday, March 24th, 1870.

Council met at 1 p m.

The Council went into Committee of the Whole on Confederation, Mr Ball in the Chair.

LOCAL TARIFF.

Mr DeCosmos—That in the opinion of this Council it is expedient, in order to foster commerce, to admit duty free, into this colony or some portions thereof certain articles of foreign merchandise not provided in the Dominion or this colony, and that provision for the admission of the same be made in the terms of union with Canada.

To which Mr Robson offered the following amendment:—That a respectful address be presented to His Excellency the Governor recommending that the following may be included in the conditions of the proposed Terms of union with Canada; If at any time after the admission, the legislature of British Columbia shall pass an address to the Governor-General of Canada declaring that it is expedient to establish a free port on the Pacific in order to advance the interests of British commerce in the North Pacific, the Parliament of the Dominion to make provision for the establishment of the same.

Dr Helmcken moved an amendment to the amendment as follows:—That in the opinion of this Council it is advisable that all foreign manufactured articles in which trade can be carried on with neighboring countries shall be admitted to this colony at a low nominal rate of duty, and, generally, the tariff should be made to suit the commercial condition of the colony.

A long debate ensued on the above resolution in which all the questions relating to protection, free trade, reciprocity and commerce generally were discussed and the last amendment was carried.

Mr Humphreys moved his free trade resolution as an amendment to Mr Robson's free port resolution. Lost, 15 to 4.

Mr Robson's resolution was also lost, 10 to 8. Yeas—Drake, O'Reilly, Holbrook, Barnard, Robson, Helmcken, Walkem, Dewdney. Noes—Rankin, Sanders, Carrall, Humphreys, DeCosmos, Wood, Pemberton, Bushby, Hamley, Crease. Mr Alston did not vote.

EXCISE.

Mr Drake—That in the opinion of this Council the duties of excise levied upon malsters and brewers under the excise laws of Canada would be detrimental if made applicable to British Columbia, and that His Excellency be requested to take such steps as he may deem advisable for the interest of this colony, and further to take care that no export duties shall be charged on spars exported from British Columbia. Carried.

The Committee then passed unanimously the following resolution, proposed by the Chief Commissioner and seconded by the Atty General:

RESOLVED, That this Council respectfully represent to His Excellency the Governor that in negotiating the terms of Union of British Columbia with Canada it is of the first importance to point out to the Government of the Dominion that the circumstances of this colony are in many respects so different from those of the Eastern Provinces that the application of the present Canadian tariff to this colony, while reducing the aggregate burden of taxation, would injuriously affect the agricultural and commercial interests of this community, and that it be therefore urgently impressed upon that Government that it is absolutely necessary to our wellbeing under Confederation that special rates of Customs duties and special Customs regulations be arranged for this colony in such manner as may be found practically most advisable, so as to secure (while our requirements in this respect remain as at present) an equal measure of protection to our agricultural products and of facility to commerce, as are provided under the existing British Columbia tariff.

The Council then rose and reported progress.

Adjourned to meet on Friday at 1 p m.

The Land Registry Ordinance.

EDITOR BRITISH COLONIST:—In a letter which appeared in your impression of the 15th instant, I endeavoured to show that the proposed Ordinance respecting the registration of titles is bad in principle.

1st, Because it makes registration essential to the validity of instruments affecting the title to land, and as a consequence opens a wide door to fraud.

2nd, Because the interests of beneficiaries will not appear on the Register, and thus one of two consequences may follow, that is to say, either such interests may be sacrificed, or if preserved their preservation it will be at the expense of the party who may purchase the land, and who will have no means of ascertaining beforehand the existence of such interests.

3rd, Because too much power is given to the Registrar. He is made a judicial, not merely a ministerial officer; he becomes a Registrar of Titles, not merely of deeds, and his mistakes are irremediable after the lapse of a certain time.

Your readers will remember that the hon Attorney General, in moving the first reading of the Ordinance in question, stated that it was based upon the recommendation of the Commissioners appointed by Her Majesty to consider the subject of the Registration of Titles with reference to the sale and transfer of land, and generally to inquire into the advantages and disadvantages of such a system. This circumstance naturally enough will commend the measure very strongly to the support of the Council, and it is because I am sensible of this that I desire before proceeding to suggest the scheme which, in my humble judgment, is adapted to the Colony, to show that the recommendation of the Commissioners was dictated by a state of things that does not, and in all human probability never will, exist here, and was designed to do away with certain great evils resulting from such a state of things. This will be apparent from the following brief statement of the difficulties in the way of investigating a title at the time the Commissioners made their report. There was then no such thing as a record in law of the derivation of a title, except title deeds and of course there was no security against such title deeds being suppressed or improperly withheld. A retrospective investigation of title was therefore necessary on every occasion of a sale or mortgage in order to satisfy the purchaser or mortgagee that the intending vendor or mortgagor was the owner, and that no qualifying rights existed. A vendor had to give a detailed account of every transaction that had affected the title at any time during half a century, and before he could clearly establish his title it might be necessary to prove every birth, marriage, settlement charge, conveyance or encumbrance that might possibly affect the title. The evils of such a state of things could scarcely be exaggerated, fraudulent titles might be made by the suppression of title deeds. The possibility of a title being impeached could never be excluded. Deeds might be lost and in such a case there was no permanent evidence of them.

The expense of examining and conveying intricate titles afflicted with all sorts of charges and encumbrances was oppressive in the extreme. These and a variety of other conditions so fettered and impeded the alienation of real estate that a new system seemed imperatively necessary. Accordingly the Commissioners sought to devise a scheme that would at once obviate these evils, simplify titles and conveyances and render retrospective inquiries into titles unnecessary. Among other plans that they had under consideration was that of Registering conveyances in full but as they show in their report such a system would not do in England,

1st, On account of the vast bulk and increasing quantities of deeds and instruments which have to be kept and searched and examined on the occasion of a transfer. These instruments it was estimated would amount to about 1000 per diem. It must be remembered that conveyances are larger and more intricate in England than here.

2nd, Because the general law of real property would have to be altered before the Registration of deeds etc., would tend to remove technicalities and anomalies.

3rd, Because the system of Registering deeds would not render unnecessary the retrospective investigation of title; and this was one of the chief requirements of a new system in the opinion of the Commissioners.

The Commissioners therefore disapproved of the plan in question, and decided upon another scheme, some of the principal features of which are embodied in the Ordinance now before the Council.

It is only right to notice the disclosures made in the Commissioners' report, to the effect that one of the number, the present Chief Justice of England, refused to concur in the recommendation and that several others qualified their assent thereto. It also appears that the scheme was contrary to the opinions of many eminent barristers and solicitors, whose views on the subject were elicited by a series of questions circulated among the legal profession of England and Ireland; and lastly I believe I am correct in saying that whatever may be the merits of the scheme, it was never carried out, although the report was made so long ago as 1857.

It is thus apparent that the special reasons which existed in England and dictated the recommendation of the Commissioners do not exist here, and also that the reasons assigned by them for their disapproval of a system of Registration in full of all instruments affecting land are inapplicable to British Columbia.

The Ordinance before the Council consequently loses all the advantage it would otherwise derive from the authority of the names of those who worked out the original plan upon which it is based, and hon members in considering it, will therefore, I believe, judge of it by its intrinsic merits (if it have any) and not adopt it unless they can see clearly that it is suited to the exigencies of British Columbia. I have already advanced a few arguments to show that it is not suited to British Columbia. I will, in concluding this letter, add to one of those reasons, viz, the inexpediency of making the Registrar a judicial officer, the weight of a well-known English conveyancer's opinion, cited with approbation by the Commissioners in their report:—'I feel sure,' says Mr Kettle, 'that there is no feeling more strongly rooted in the public mind than hatred of official interference with their private affairs, and any system is *practically impossible*, however theoretically perfect, which would render the approval or sanction of a Registrar necessary for the completion of transfers, or would give him any discretionary power to prevent them.'

In a subsequent letter, I will speak of such a scheme as, in my judgment, will be adapted to the colony. OBSERVER.

Letter from San Francisco.

SAN FRANCISCO, CAL.,
March 10th, 1870.

EDITOR BRITISH COLONIST:—Having seen an article in your paper on the question of Immigration to British Columbia, under date of February 11th, for your information I wish to state that a number of the ten thousand men now idle in this city would be glad to emigrate to British Columbia, or any other country to better their condition; even the most radical of the Irish, who are beginning to see they have been made tools of in this country, as they always have and will be. Now the Mongolians are doing well here, and are supplanting in every trade and branch of business, a certain class of white people that are so fond of parading their loyalty to the United States. Sir, by all means in your power, take this subject in hand and use your influence with the authorities to forward this humane object.

Hoping you will give publicity to this,

I remain, yours,
A READER.

THE NEW MINES.—We understand it is contemplated by the government to send a Gold Commissioner up to the Peace River mines this season, as it is confidently believed the population and mining operations in the new Eldorado will be of sufficient magnitude to justify the expenditure.

STATE OF THE RIVER.—The recent cold snap froze the Fraser river in several places between Yale and New Westminster, and canoe travel is consequently dangerous and uncomfortable. Barnard's express canoe was four days in reaching New Westminster from Yale.