

TO-DAY'S SITTINGS
SELECT COMMITTEE

ADJOURNMENT UNTIL
TUESDAY MORNING

Mr. Belyea Decided Not to Call Mr. Grahame as There Was Nothing to Be Met.

The select committee of the House on the Grahame inquiry held another session this morning, after which an adjournment was taken until next Tuesday. The committee were anxious to conclude their task today, and several members had remained in the city for the purpose. When the cross-examination of Mr. Bickel by Mr. Sawers was terminated, Mr. Belyea intimated that he did not consider it necessary to call Mr. Grahame, as there was nothing in the evidence adduced by the complainant to be met. Of course, if the committee desired they could call Mr. Grahame; he was there and ready to take the stand. He pointed out, however, that Mr. Grahame could throw no more light on the material points of the case than had already been brought out. He could clear up a few minor details having no bearing on the question under inquiry, but he did not propose to further delay the committee by dealing with them. If Mr. Sawers desired to call Mr. Grahame as his witness.

This the complainant refused to do. If Mr. Grahame, he said, was tendered for cross-examination he was prepared to cross-examine him. He had some rebuttal witnesses to call and assured the committee that their examination would occupy but very little time. The committee were very tired of the proceedings, and showed it. It was possible to close them today if they were willing to sit this afternoon. Mr. Sawers again said that he was prepared to cross-examine Mr. Grahame if he had the opportunity. Mr. Belyea intimated that you would cross-examine the great Gabriel if you had the opportunity. Ultimately the committee adjourned to another room to decide what course to pursue. After some minutes' conference they returned and stated that they had decided to adjourn until next Tuesday, and in the meantime counsel could determine their own line of action—as to whether Mr. Grahame shall be called or not.

In this connection Mr. Belyea pointed out during the discussion that if Mr. Grahame was subjected to cross-examination as exhaustive as that of Mr. Bickel it would be several days before the inquiry would be finished. When the inquiry was opened this morning the cross-examination of Mr. Bickel by the complainant was resumed. He was questioned regarding his business transactions with Mr. Grahame and a number of other matters, nothing new with any direct bearing on the case being brought out. In regard to the building in question, Mr. Grahame told witness he was going to take it. The witness objected, but he knew what he was to receive for it. The building was taken before it was appraised. The chairman the witness said it was urgent that the building should be moved as soon as possible for the accommodation of the fever patients. He assisted to move the building himself. Mr. Sawers—And you got paid for it. Witness—No, I did not. Mr. Sawers then proceeded to question the witness about the building, inquiring when the chairman handed him up. Such questions were very irrelevant and he was sorry the committee had not been stricter from the start.

In reply to Mr. Belyea, the witness said that the fever patient was in the building taken by the government when the hospital tent was being erected. In the summer of 1901 witness was employed by G. Christopher and E. G. Hawkins in the construction of a road on McKee creek. As the road was being generally used by the public the government was asked for compensation, and Mr. Cameron was sent to examine it by Commissioner Grahame. After his report had been made the government wanted \$200. The witness objected with witness on behalf of Messrs. Christopher and Hawkins. Witness signed the voucher. The statement was made several times by Mr. Sawers during the morning, and the witness was around the commissioner's office a great part of his time. In this connection Mr. Bickel explained that he was busy securing data for a complete abstract of title to property on McKee creek for Messrs. Christopher and Hawkins. Mr. Grahame had given him permission to search the records provided he furnished his own clerk. After Mr. Belyea had finished with the witness the committee and counsel then discussed their further course as mentioned above, after which an adjournment was taken until Tuesday.

PELTED WITH SUGAR. Vienna, May 5.—The congress of the German people's party, held here yesterday evening, was broken up by the followers of Herr Schoenerer, Pan-German, who immediately after Herr Wolff, the Pan-German leader, commenced the opening address, bombarded the platform with lumps of sugar and paper balls. A fight ensued between the different factions, and the police with difficulty cleared the hall.

Cook's Cotton Root Compound. It is especially used monthly by over 100,000 ladies. Safe, effective. Ladies use your druggist for Cook's Cotton Root Compound. Take no other. Beware of cheap imitations are dangerous. Price, No. 1, 50c per box; No. 2, 10c per box. For sale by all druggists. The Cook Company, Windsor, Ont. For 25c, 1 and 2 sold and recommended by all responsible druggists in Canada.

No. 1 and No. 2 are sold in Victoria at all responsible Drug Stores.

LAID AT REST.

Several Funerals Took Place on Saturday and Sunday.

On Saturday afternoon the remains of the late Mrs. Helen Segurina Johnson were laid at rest at Ross Bay cemetery. The funeral took place from the family residence, No. 80, North Chatham street, at 2:30 p. m., and from the St. John's church at 3 o'clock. Rev. P. Jenms conducted appropriate religious services at the church and grave. There was a large attendance of sympathizing friends, and many beautiful floral designs were presented. The following acted as pallbearers: Messrs. W. Wittington, P. Christianson, J. H. Griffiths, T. K. Anderson, O. Johnston and W. J. Cameron. The funeral of the late John Wentz took place on Saturday afternoon from the late residence, No. 7 Robert street, at 2:30 p. m. Rev. D. McKee conducted the religious services at the residence and grave. Many friends showed their respect and esteem for the deceased by being present at the last rites were solemnized at the graveside. The pallbearers were as follows: Messrs. W. McDowell, P. Everett, J. Gibson, G. Paracholous, H. E. Edwards and N. Cunningham, H. E. Edwards and N. Cunningham.

The remains of the late Samuel Dale Harris was laid at rest on Saturday afternoon, the funeral taking place from the family residence, Mary Street, Victoria West, at 2 p. m., and later at St. Saviour's church. Rev. W. D. Barker conducted services at the church and grave. There was a large attendance and many floral offerings. The following acted as pallbearers: Messrs. W. Mable, C. E. Revills, R. J. Russell, J. C. Stratford, C. Kirk and J. Muirhead.

VICTORIA'S VOLUNTEERS.

The remains of the late Charles B. Victoria's Volunteers. The funeral took place at 2 p. m. from the residence, No. 20 James street. The house was crowded with friends, who showed their sympathy with the widow and the members of the bereaved family by beautiful floral offerings. Appropriate hymns were rendered by members of the James Bay Methodist church choir, and the religious services were conducted at the residence and grave by Rev. B. H. Salders. The following acted as pallbearers: D. Spencer, Sr., D. Ballestrine, A. Duncan, J. Meston, C. McMann and Capt. McCulloch.

FRISH WRECKAGE FOUND. Spars, deck beams and other wreckage belonging to some sailing vessel has washed ashore on a small island some sixty-fours from the shore. The report of the new discoveries was brought to Skidegate, and until investigated further it is impossible to state whether any of the boats is identifiable. Part of it is said to correspond with the timbers in the schooner Nellie Thurston, the little vessel which fitted out at Nanaimo on a halibut fishing expedition some six weeks ago, and fears for the continued absence of the craft will in consequence be greatly intensified. Since Captain Johnson, who came south on the last down trip of the steamer "Fest", quit the schooner, nothing has been heard of her, and fears that something has happened here have been entertained for some time. There is a possibility, however, that the wreckage now found comes from the "Fest", the lumber laden ship from which a name board was found some short time ago, and which was recently placed on the re-insurance list. Wreckage from the "Fest" will be remembered, was also cast up on the coast of the Queen Charlotte Islands, and when that now found has been examined some new ray of light may be shed upon some of the many disasters which occurred during the severe storms of the past winter.

The Nell, which is engaged in the coasting trade between this and Northern ports, has been carrying lumber from the Georgetown mills to the Skeena for the construction of a new dam on that river to be built for Louis Gossell, of Port Simpson. She also took a large amount of lumber to the Naas, and has been towing logs for the Georgetown mills. She reports that the steamer Hazelton did not return from the Skeena when she left for Victoria. The Monte Christo Strathcona and Caledonia, the other craft employed on the river, had not yet been launched, and there it was said that the two latter would not be given the water for some time yet. The Monte Christo will only be used to relieve the Hazelton when that steamer is requiring an overhaul. At all the canneries along the Skeena preparations were advancing for the beginning of the salmon run. This had been made for the canning of the fish, and the Indians were profiting large runs.

SALT RHEUM, NETTER, BOZEMA.—These distressing skin diseases relieved by one application. Dr. Aeneas Ointment is a sure cure for all eruptions of the skin. Jas. Gaston, Wilkesbarre, says: "For nine years I was disfigured with Netter and was cured by Dr. Aeneas' Ointment cured it." 25 cents. Sold by Jackson & Co. and Hall & Co.—31.

COMMUNICATIONS.

SOME POLITICAL QUESTIONS.

To the Editor:—No person understands better than I the penalty attaching in Victoria to an attempt made by one not associated with a certain element in the community to deal with public matters. It is to have his motives called in question, and he will be fortunate if the hostility which he excites does not find expression in other and more practical directions. But there are times when one must dismiss such considerations and take a position regardless of the consequences which it involves. Such a time has, I think, arrived in British Columbia, and with your permission I will present to the public in a few letters some matters which, in my humble judgment, seem to call for immediate and earnest consideration.

It is the boast of British Columbians that they have a province of vast resources, and all of us cherish the hope that, sooner or later, these will be developed so as to bring about a period of great and lasting prosperity. But we are all conscious that something is amiss. "There is something rotten in the state of Denmark." Confidence has been badly shaken. Enterprise has grown timid. Doubt and uncertainty are everywhere manifest. And yet in the natural conditions of the province there is everything upon which intelligent faith, courageous effort and a feeling of security for the future may be based. Our mines, our forests, our farm lands, our fisheries, our geographical position, all combine to make a foundation for rapid and broad development such as cannot anywhere be surpassed. Why is it then that whereas in every other part of Canada a spirit of hopeful enterprise is not only here in British Columbia, a land pregnant with opportunities, clouds of uncertainty overshadow us, and the people, instead of feeling their pulses stirred by the matchless possibilities awaiting exploitation, are harassed with doubt as to what the immediate future has in store? Surely this question, if it is based upon facts—and this, I fancy, few will be found to deny—is worthy of investigation. For my own part I believe the discouraging conditions existing in this province are due to a departure from sound principles of government. No matter what Nature may have done, a country is no better than its people, and if they depart from tried principles, its resources little how much wealth bonifit Nature may have showered upon their land, they must be prepared to see their progress retarded. The history of South America proves this. No part of the world is as rich in resources as that continent, but it lags behind less favored lands, and for no other reason than that its people are incapable of self-government. A statement like this has been made in an influential quarter regard to British Columbia. It is not true, and it is, among other things, to prevent any more reason being afforded for any one to pretend it is true, that I venture to enter upon a discussion of some of the recent incidents in provincial politics. I am chiefly influenced to do so, however, by the hope that those who, like myself, depend upon the future prosperity of the province for the welfare of themselves and their families, may realize the urgent necessity for action to secure a reform in the conduct of the government.

First, as to respect for law. Mr. Neill, during the course of the debate on the budget, said he had heard that the people of North Victoria contemplated refusing to pay their taxes until they were given their legal representation in the legislature, and the Attorney-General is reported by the Colonist to have interrupted him with the remark: "If that were said out of the House it would be a threat of rebellion."

What if it would? There are worse things than threats of rebellion. Indeed, if my reading of history teaches me anything, it is that most of the features of British liberty worth preserving were secured, not merely by the threat, but by the exercise of the divine right of rebellion. A constituency has been illegally deprived of its vote in parliament, a cardinal principle of our constitution, that there shall be no taxation without representation, is ruthlessly violated, and the chief law officer of the Crown himself one of those by whom this constitutional outrage has been committed, declares that to make a practical protest against it is to threaten rebellion. The people will refuse to be frightened by a word, although it confesses "rebellion" has, in these latter days, an unpleasant sound. But it is not rebellion to stand upon our constitutional rights. I am far from advising the people of North Victoria to proceed to extremes, but I do most strongly urge that they discover some means of marking their displeasure with a government whose chief law officer ventures to assert that they will be rebels if they refuse to submit to the franchise. We may have rebels in British Columbia, but they are not those who protest against being robbed of their constitutional rights. The excruciating who severed the head of the first Charles from his body held it aloft and exclaimed: "This is the head of a traitor." This language was put in his mouth by the men responsible for that extreme assertion of the sovereign power of the people, and the verdict of their posterity, if it does not justify the nature of the punishment, unquestionably approves of the definition of the crime for which the King was condemned. It was treason. And thus was established, for the guidance of the British people for all time, the fundamental principle of our constitution, namely, that no man, no matter how exalted his position may be, is above the law, and that there may be treason by the king against the people as well as treason by the people against the king. This was no new doctrine, although during the confusion resulting from the Wars of the Roses and restless activity of the Elizabethan Age it had been somewhat obscured. Tacitus tells that this was the guiding principle of government among the Teutonic races, of which the Anglo-Saxon communities were the most progressive and aggressive. The Crown is not the fountain of law in British lands, but it is absolutely subject to the law as is the humblest citizen.

The Attorney-General has seen fit to define a threat to refuse to pay taxes rebellion. I shall not discuss that definition, but an content for the purposes of the argument to accept it as accurate, and I ask: Why is it treason? There is surely nothing specially sacred in the obligation to pay taxes which puts a

refusal to do so in a class by itself. The act would be rebellious only because it would be a refusal on the part of those committing it to perform their legal obligation as members of the body politic. If this holds true of the taxpayer in his relation to the state, it must of necessity hold good in respect to those individuals who for the time being are charged with the duty of carrying out the positive enactments of the legislature, passed for the purpose of declaring how the government of the province shall be carried on. I shall in a subsequent letter discuss the discretionary powers of the Crown, but for the present will only say that it has no discretion whatever in the matter of parliamentary representation.

I have said that we may have rebels in British Columbia, if it is rebellion to refuse to recognize positive obligations connected with the government of the province. They sit on the government benches in the legislature. They advise the Lieut.-Governor. They have declared, in direct defiance of law, that the constitution remains in force, and that during a whole session of the legislature, although no legal or practical obstacle to the holding of an election exists, for the Attorney-General must be taken to have advised his Honor that there is no legal obligation resting upon him to see that constituencies are not disfranchised. By so doing he has most grossly misled the representatives of the Crown as to his duty in the premises. Surely if it is a crime to talk of refusing to pay taxes, it is an infinitely greater crime to mislead the Crown as to its legal obligations, and the doors of the legislature in the face of any man, who declines to vote as the government dictates. Let it not be forgotten that the Crown and its ministers are only the trustees of our rights. They are not the grantors of them. They are the creatures of law, not the creators of it.

CHARLES H. LUGRIN. Victoria, May 1st, 1902.

(Second Letter.)

To the Editor:—In pursuing the discussion begun in my last letter I shall today deal with executive discretion. Every lawyer knows that, when it is said that a judge may exercise his discretion in it or his discretion, what is meant is not a mere whim, or fancy or notion or arbitrary determination, but what is described as "legal discretion." This means that the exercise of the discretion shall only be exercised in accordance with the law and so as to give effect to it. It may never be employed to defeat the law. So in the government of a country under the British constitution a certain degree of discretion is vested in the crown or its representative only, and may never be employed to deprive the people of their legal or constitutional rights. The exercise of discretion in a manner to defeat the object of the law is a usurpation of authority, quite as much so as if the crown sought to exercise new or unusual powers, without legislative sanction having been first obtained. Applying this principle to the case of the North Victoria vacancy, we have a constituency forming an integral part of the province, and entitled to be represented in the legislature, and the Attorney-General is reported by the Colonist to have interrupted him with the remark: "If that were said out of the House it would be a threat of rebellion."

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BRITISH COLUMBIA LEGISLATORS



THOMAS TAYLOR, M. P., WEST KOOTENAY.

ment, retaining the office of mining recorder in March, 1900, a candidate for the legislature, to which he was elected. He was married in 1887 to Miss George Larson. In religion he is an Anglican, and in federal politics a Conservative.



J. F. GARDEN, M. P., VANCOUVER.

is an Anglican and a Conservative and is unmarried.

Mr. Garden is a most valued member of the legislature, his municipal experience being turned to good account, especially on the municipal committee. He is blessed, too, with an equable and pleasant temper, which is soothing to contemplate in the somewhat strenuous life of the present parliament. When obliged to flatter contradict an opponent, as he did the Premier a short time since, it is in sorrow rather than anger. Personally, he is a prince of good fellows, frank and generous in his dealings with those with whom he comes in contact, and liked by almost all of his colleagues.

A very common error is to ignore the Lieut.-Governor and to set up in his stead "the Lieut.-Governor-in-Council," which body is popularly supposed to consist of the members of the executive council and to have the last word in all matters affecting the exercise of the prerogative. There never was a more serious error. The functions of the Lieut.-Governor-in-Council are purely executive. Its power is limited to the carrying out of the law, and the coming into force of the law. It has no original jurisdiction over anything. It has no prerogative rights. It is simply the machine for the administration of the government. It is to the Lieut.-Governor that the people have the right to look for the preservation of their constitutional rights from encroachment on the part of those whom he has summoned to his council.

But some may ask: What becomes of responsible government under this constitution? I shall not be surprised if some of those who have followed me thus far feel that such a question calls for an answer. My answer is that this view of the power of the Lieut.-Governor is at the very foundation of responsible government. Let no one confound the existence of an executive council with the existence of responsible government. They have executive councils in the United States, and the duties of the incumbents of the several offices are substantially the same as those of the members of our executive council, but responsible government, as we understand the term, does not apply to anything in the United States system. Responsible government implies that the crown or its representative cannot act without the advice of ministers, who in their turn are responsible to the legislature. But this does not extend the power of the crown. Responsible government cannot be invoked to justify a disregard of the law. Nor is the ministry that acts by the crown. It will surely not be contended that this system, invented to

prevent wrong, shall be used as a cloak for wrong. It is the Lieut.-Governor who holds the North Victoria election. His ministers are responsible for his act in the premises, but it is none the less his act and not theirs. I do not wish to be understood as suggesting that Sir Henri Joly de Loebiniere is personally responsible to the legislature, and his refusal to bring on the election for North Victoria is an act for which, not the legislature, nor the members of the executive council are answerable, but is due to failure on the part of the Lieut.-Governor to insist that the positive enactments of the legislature in regard to the constitution of that body should be observed. He would be fully justified in refusing to assent to any bills passed while that constituency is vacant. The people would sustain him, and the Ottawa authorities would be obliged to sanction his act, for it would be strictly in accordance with the letter and the spirit of the law.

CHARLES H. LUGRIN. W. W. B. AND HIS PHILANTHROPIST.

To the Editor:—I have before me a paper giving statements made by W. W. B. McInnes during Tuesday's debate, and I wish to give emphatic denial to them through your paper. The working men of Victoria are not made acquainted with half of what is going on up this way. The paper says McInnes applauded Premier Dunsmuir as the best employer of labor on the Pacific Coast, that he pays the best wages and gave the best treatment to his employees. These statements are a gross libel on a great many employers of labor on the Coast. Mr. McInnes made such statements during the recent campaign in Victoria. He is talking to the galleries. He has not the courage to repeat these things on any platform at the north end of the island, because any minor would call him to time instantly. He says Mr. Dunsmuir pays the best wages; this is a deliberate falsi-

hood, as he well knows. The rival company to the north of us has paid better wages for years and is still doing so. He also said Mr. Dunsmuir gives the best treatment to his employees. Does he forget a few short months ago when Mr. Dunsmuir drove his own employees from the mouth of the tunnel and called them scabbers? Does he also forget the little town of Alexandria, where there are still quite a number of families who can't sell their property, while Mr. Dunsmuir is trying to starve them out? And what about the number of families who can't sell their property, while Mr. Dunsmuir is trying to starve them out? And what about the number of good Canadians and staunch citizens that Mr. Dunsmuir has driven away and scattered all over the continent because they were true Britishers and had the manhood to ask for justice? Mr. McInnes has strayed a long way from the truth since he was elected to represent North Vancouver. No doubt he would like to forget all the hard things he said against his present master (Mr. Dunsmuir), and all the abuse he heaped on Messrs. Dunsmuir, Turner, Elverts and McPhail. It seems only a short time ago since he charged these men in Wellington with holding office with their teeth and toes nails. The question that is troubling the mind of the people is: Why this change? There is certainly no change for the better in Mr. Dunsmuir's attitude to his employees. Rather for the worse. Can we be blamed for thinking that he is working the golden calf? Mr. McInnes was elected in what was the bitterest campaign ever fought in North Vancouver. He was elected to fight the Dunsmuir government to the death. In fact, he stated numbers of times that was his sole object in leaving Ottawa, but, oh, what a difference. He is a prince now with all the wealth. If not all the wisdom of Solomon. Mr. Dunsmuir and Mr. McInnes will get a warm reception if ever they contest a seat where the former's employees are registered. We are anxious, and waiting for the better. If Mr. McInnes was standing on the side of the House that he belongs and that he was elected to Mr. Dunsmuir would go to the coronation as ex-Premier of British Columbia, and if he was not a wealthy man he would have suffered defeat long ago, for he has a living proof to the saying that "Man's inhumanity to man makes countless thousands mourn."

MINIERS.

W. Williams & Co. High-Class Ready-to-Wear "20th Century Brand" and "Royal Brand," in tweeds, Flannels and Worsted, \$5.75, \$6.75, \$7.75, \$8.75, \$10.00 Upwards. B. Williams & Co. Clothiers and Hatters, 68-70 Yates Street.