THE TABLES TURNED.

Public Meeting Endorses Action of the Provincial Government.

Songhees Reserve Must Revert to the Province when the Indians Are Removed.

Hon. Mr. Beaven and Other Old Opponents Favor the Action Taken by the Premier.

A representative meeting of citizens last evening endorsed the action of the provincial government in declining the offers of the Dominion government for the removal of the Songhees reserve and calling upon the government to preserve provincial rights. The meeting was an adjourned one, having been called to protest against the action of the provincial government in refusing the offers of the Dominion government. The tables were completely turned and an amendment was passed suggesting the appointment of a commission to bring about the removal of the Indians.

His Worship upon taking the chair read a letter from Hon. Mr. Turner, regretting his inability to attend on account of the very important legislation demanding his whole attention at present.

The chairman also read the resolution introduced at the last meeting, asking the government to agree to the proposition of the Dominion government respecting the Songhees reserve and announced that the subject was again open for discussion.

Mr. H. D. Helmcken, M.P.P., was the first speaker and said that it was not reasonable to expect the Premier to be present after the long session through which he had sat. He wished it distinctly understood that he was not speaking to the resolution; the matter was one, he held, that politics should not enter into. The speaker went through the correspondence at some length, starting with the agreement entered into with the Indians by the Colonial government, reserving certain lands for their use. He quoted from a number of letters from the Imperial authorities, pointing out the desirability of dealing liberally with the Indians, particularly in respect to their reserves. The early legislatures had taken the same view of the matter, taking measures to prevent the encroachment upon the reserves by the white settlers. The speaker pointed out a case where in the Dominion government had disallowed an act, which dealt unfairly with the Indians. Sir John Thompson also had disallowed an act dealing with the game laws of the Northwest, as it was an infringement of the rights of the Indians. Many other cases were quoted, showing the solicitude of the authorities for the welfare of the Indians.

There was no one who was more disappointed at the failure of the negotiations for the settlement of the Songhees reserve question. The only way he could see out of the difficulty was to give the commission a trial and he had introduced a resolution in the house asking that the commission be allowed to go on with their work. It also gave the government an opportunity of explaining their position. Most of the negotiations were carried on in person and no doubt much transpired at the meetings that has not come out in the correspondence. The land had been set apart for the Indians and because the number of Indians had decreased it was no reason why it should be taken away from them. The government contended that the value of the land had been enhanced by others than Indians. If so it was by the citizens of Victoria and he was sure the citizens did not wish to deal with them unfairly. He also contended that the Indians had done much for the city, the Indians obtaining their supplies from the Victoria merchants. A settlement, he held, could be obtained without going into the title of the Indians. The first point was to obtain the consent of the Indians and he was sure there would be no trouble in treating with them if they are fairly dealt with. The Indians knew the value of the land and they want its equivalent and getting that they are willing to leave. They are perfectly satisfied as long as they know that they are being fairly treated. Knowing this a commission of three men could easily make an honorable and equitable settlement of the question. The Indians must be placed in the same condition on the new reserve as they are at present on the Songhees reserve. Very often Indians called on him to complain that they could not get the few articles that they needed, but these were always supplied upon request. It seemed hard, however, that the members of a tribe to whose credit $11,000 stood, should be forced to beg for what they were entitled to.

Mr. Helmcken said he could not be expected to discuss the resolution, anticipating the stand that the government would take. All he desired was that the Indians should be fairly dealt with. He would have liked to have seen the question settled when Mr. McKenna was here. The Dominion government showed by their actions that they were anxious to settle the question and with Senators Macdonald and Templeman taking an interest in it there should be no difficulty in reaching a solution. He would do all in his power to bring about a settlement. (Applause.)

Mr. Belyea asked Mr. Helmcken if he out prejudicing the local government's could say why the provincial government had refused the offer of Mr. McKenna to remove the Idians within a year without perjudicing the local government's right to the land.

Mr. Helmcken could not say. He had given notice of a motion to bring the matter up in the house when the government would no doubt explain their position.

Mr. Belyea wanted to know whether Mr. Helmcken considered the offer a fair one. It provided for the removal of the Indians within twelve month, the question of the ownership of the land to be settled afterwards.

Mr. Helmcken considered the offer a satisfactory one, if the question could be settled on that basis.

Hon. Robert Beaven thought all were agreed that it was desirable in the interest of the Indians and the pepole of Victoria that the Indians should have a more suitable home, but when they are removed it should be on terms satisfactory to the Indians. The question commenced with the license given to the Hudson Bay Company to trade exclusively with the Indians of Vancouver Island. Later all the land on the island was given to the company with the understanding that they should settle whites on the land. Still later the island was taken from the company and a governor was appointed. At that time most of the Indians resided at Cadboro Bay, but Governor Douglas induced many of them to move to the Songhees reserve, so that the company could better trade with them. One of the first acts of the legislative assembly was to address the Governor in respect to the Indian reserve, asking that the Indians be removed to a more suitable place, the proceeds of the sale of the present reserve to be devoted to the improvement of Victoria harbor and city. Governor Douglas thought the better plan was to put the revenue in the hands of commissioners and lease sections of the land. This was done, those holding the leases being given to understand that the monies paid by them should be devoted to improving the harbor. The lands of the province finally passed into the hands of the crown as represented by the provincial legislature. The Indian reserves were vested in the crown in the same way, the Dominion government simply holding them in trust for the Indians. An agreement made between the two governments and made law by the legislature provides that if more land is required for the Indians it should be provided by the province and if the reserves are decreased the land shall revert to the province, the province to pay for any improvements made. The Dominion government ask that the province hand the reserve over to the Dominion; 19 acres to be sold and the proceeds to be used to pay the expense of removing the Indians, the balance of the proceeds of the sale of the reserve to be provided for the use of the Indians. This he did not consider a fair proposition as the land if the reserve was removed would revert to the province, who had never disposed of their right to it. The Indians should certainly be removed for the benefit of the Indians and the city of Victoria. It was a strange fact that when he first brought the question up the strongest opposition came from the pepole of Victoria. The Dominion government derives a large income from the Indians, the Indians being large consumers of dutiable goods and the duty of caring for them devolved upon the Dominion government. He opposed the resolution contending that the province was well able to take care of their own affairs. The land had never passed out of the hands of the province and should not be allowed to. If the Indians are removed the land should be leased and not sold. The $11,000 standing to the credit of the Songhees reserve he contended belonged rightly to the provincial government.

Colonel Gregory held that the question of importance was whether the Indians should be removed, the history which had been related being in his opinion aside from the question. There was no doubt that the reserve was vested in the province. The Indians could not alienate it, the Dominion government could not do so and the provincial government could not do so until the Indians have been removed. He contended that the local government would not carry out the negotiations as they were desirous of dealing with the land. It did not matter who had the selling of the land as the money would be deposited in court and the courts would decide who was entitled to it.

Mr. A. L. Belyea was anxious to have the Indians removed and the land thrown into the city, but the Indians should be fairly dealt with. He dissented from the resolution and the proposition of Mr. McKenna, for in doing so the people practically said to the Dominion goverment you sell the land and give us the rest. The land belonged to the provincial government and they should stand up for their rights. The local government should remove the Indians and then take the land. He moved the following amendment to the original resolution: "That this meeting favors a commissioner to consider the whole question of the removal of Songhess Indians from the reserve within the limits of the City of Victoria, and to the best method in the public interests of disposing of the lands in question."

Mr. Belyea said, as to the 19 acres said to have been given to the E. & N. Co., if it was a fact, the men who had given the company the land, should be made to answer to the people. He was bound to agree with the local government in declining to allow the Dominion government to deal with lands belonging to the province.

Mr. J. S. Yates seconded the amendment, and it was carried on a vote of 45 to 28, many not voting.

THE DARGAI PIPING.

Piper Findlater Played "The Haughs of Cromdale."

The London correspondent of the Aberdeen Journal had an interview with Piper Findlater, the hero of Dargai, who arrived on Wednesday at Netley Hospital from the Northwestern frontier in a helpless condition. The correspondent found Findlater in the ward sitting on a low bench at the fireplace, with his wounded right foot resting upon the coal box. The bone, the correspondent says, was broken in two places at Dargai, but after the wound had healed over it festered, with the result that Findlater cannot now put his foot to the floor without great pain. I asked if he thought he would be permanently crippled, and thus disabled from completing his remaining two years of service. He shook his head. "I don't know," he replied; "the doctors did not examine the wound closely to day, but the board will decide soon, I expect, whether I will be fit to finish my time. But I am afraid I will not be fit." With much modesty, and even reluctance, Findlater afterwards told me about his part in the famous charge. At first he attempted to belittle the whole affair.

"Piper Milne," he said, "did a lot."

"I have no doubt he did; but I would like you to tell me about yourself. By the way, how many Gordon pipers were present?"

"Six, I think. There were Kidd, Milne, Wills, Fraser, Walker and myself. We were all together when the Colonel made the speech in which he said the Gordons were to take the hill. It was immediately after that that the Colonel ordered the pipers to the front. Milne, who was in front of us all, turned back and asked if we were ready to go. We were ready, and we rushed up playing—

"Playing what?" I interrupted with a smile. "You know the doubt that has existed as to the tune?"

"There need be no doubt," he answered. "In the excitement of the moment I did not pay much heed to the tunes the others were playing. Some, I know, were playing the 'Cock of the North,' but I was playing the 'Haughs of Cromdale,'"

"That is one matter cleared up forever," I commented; "but now tell me what happened just after you started?"

"Milne was shot down and rendered helpless."

"Then he did not play at all after he was wounded?"

"He could not. He was shot through the lung. I got about half across when I was struck on the left foot, but as the bullet only grazed my toes that did not matter. Then a stray shot broke my chanter."

"Surely that would not stop your playing."

"No; it did not, because the break did not make it impossible to play. I had not gone much further when a third bullet went through my right ankle—just there were you see the dressing."

"I was that shot that brought you down, then?"

"Yes, I could not stand. My legs went under me, and as a result my pipes slid off my shoulder. But I managed to keep on playing so as to cheer on the other fellows. I got my back against a stone, and that helped me wonderfully."

"Have you any idea of the length of time you played after you fell? Would it be 10 minutes?"

"I could not tell you exactly, but I think I played about five minutes. Then I sickened with the pain and had to stop."

"You lay there, I suppose, till the charge was over, with the Afridi bullets flying about you?"

"Yes; but I was not thinking about the bullets or anything else. I was faint. After the hill was taken I was carried to the field hospital with the other wounded, and later on we were conveyed to the base."

"When did you hear of the stir your conduct had caused?"

"Oh, it was about ten days after the charge. Some of the officers spoke to me about it, and some time before the New Year Colonel Mathias came to me and said he was going to put me in for the Victoria Cross."

Before leaving, I asked a question or two about the kind of bullet which the Afridis used at Dargai.

"Were they Dum-Dum bullets?"

Findlater replied that he for one was not wounded by a Dum-Dum bullet. Had it been a Dum-Dum, part of his leg would have been torn away. He believed the tribesmen were using Sniders. It was only when they cut up the Northamptons that they obtained the Dum-Dums, and that was after Dargai was stormed.

In all probability Findlater will be an inmate of Netley for several months.

THE PROVINCIAL PROTEST.

Return of Papers Relating to the Lease of Coal Measures Under Indian Reserves.

The following is the substance of the return presented yesterday by Hon. Col. Baker, relating to the protest of the provincial government against the issue of a lease by the department of Indian affairs to T. D. Jones, of the coal measures under the Indian reservation at Nanaimo. A communication from E. Dewdney, then Lieut.-Governor, dated March 6, 1895, to the secretary of state at Ottawa, encloses the following report of the executive council of British Columbia, dated February 20, 1895:

"On a memo from the Hon. the Attorney-General, dated February 18, 1895, drawing attention to information which had been received by the department of the Attorney-General, to the effect that the Dominion government, acting through the agency of the Minister of the Interior, or some other department, had granted a lease for mining purposes to one T. D. Jones of the coal measures in and under the Indian reserve situate at Nanaimo, the minister views this action on the part of the Dominion government as a distinct usurpation of provincial rights, and appropriation of provincial property, and recommends that notice be given to the said T. D. Jones, and that the Dominion government be notified that the province refuses to recognize the said lease, and that with a view to avoid complications in the matter the Dominion government be requested to take steps to recall the lease so granted by them, or if it is the intention of the Dominion government to insist upon the right to grant such leases that the Governor-General in Council be requested to refer the question of the right to give such lease forthwith to the Supreme Court of Canada for adjudication and termination."

A reply from the under secretary of state at Ottawa, of June 21, 1895, encloses a certified copy of an extract from a report of the Privy Council, approved by the Governor-General on June 10, 1895, consenting to a reference to the Supreme court of the question in dispute.

AN ORGANIZED PROTEST

Gold Hunters From the United States, Auslralia and Africa Object to Rates.

They Praise Victoria and Want to Go to Klondike by the Stikine Route.

At a meeting held in the dining room of the Dominion hotel last evening and attended by about fifty Klondikers, the Stikine transportation companies' were loudly condemned.

The meeting was the result of a general feeling among a large number of gold hunters who have been in the city for some time past awaiting the opening of navigation on the Stikine to proceed on their way North.

These men believe that the Stikine route is the best and assert that they will go that way unless driven by exorbitant rates to take a less desirable one. They wish to interest the merchants of Victoria in their behalf, claiming to have a common ground of complaint with them. They say that this city offers to outfitters every inducement, but that many will pass by it unless some attention is paid to their protest against the rates.

On the 19th inst. an embryo organization for the mutual protection of gold seekers against transportation companies was formed and a committee was appointed. That committee had since been busy enlisting members and conferring with managers of companies. When the gathering was called to order last night the committee reported an enrolled membership of sixty-four, but also that they had received very little satisfaction from the transportation companies. Several informal speeches were made, during which there was a good deal of enthusiasm. The Gold Hunters' Mutual Protection society was formed and another meeting will be held at the Dominion next Saturday night.

Mr. F. B. Zanazzi, chairman of the meeting, was interviewed by a Colonist reporter after the business was over. He said:

"We are not organized for the purpose of bulldozing transportation companies, but to further our own interests by conferences with them. We desire to go to Klondike by the Stikine route, believing it to be the best and we will go that way if we can get a reasonable concession on rates. The sixty-four men already enrolled in the society own altogether 46 tons of general freight, most of which has been purchased in Victoria, and 30 oxen. We have a representative in Vancouver who has enlisted a number of sympathizers and we also have a representative in Seattle. The latter informs us that a party of fifty men have left for Dyea and Skagway who would have made this their outfitting and starting point had we been able to get any satisfaction from the companies."

Being asked by the reporter if the men who were interested in the society were all from the same vicintiy Mr. Zanazzi replied that they were not. There were some Australians among the number, tko men from Africa and the others represented many different parts of the United States. There was not one man who had anything but the best feelings for the city of Victoria, all being thoroughly satisfied that they could not have outfitted to better advantage any where else.

In conclusion Mr. Zanazzi said he hoped the society would be successful in its purpose and that if it was the merchants of Victoria might expect to reap great benefit from it, as a large number of people would in that event come here under the advice of the society to prepare for their trip.

LEGISLATIVE ASSEMBLY

Opposition Attempt to Justify Their Desertion of Their Posts on Wednesday.

Truck Bill in Committee—Master and Servant Bill Passes Their Reading.

THURSDAY, April 28.

The chief feature of the day in the legislature was the moving of a resolution by the leader of the opposition upon the incident which resulted in his and a number of his followers leaving the house in a body the previous day. The resolution was ruled out of order. Most of the sitting was spent in committee on the Truck act and just before the house rose there was brought down by message from the Lieutenant-Governor a bill to incorporate the Cariboo-Omineca Chartered company.

The house was opened with prayer by Rev. Percival Jenns.

NEW BILLS.

Hon. Mr. Eberts introduced a bill to amend the Quesnelle Lake Dam Co. act, and the bill was read a first time.

RETURNS WANTED.

Mr. Higgins moved for returns of amounts due the government on land sales, and on account of lands pre-empted: amount of municipal and railway indebtedness guaranteed by the government: and amount of land set apart for subsidizing railways in the province. This was carried.

Mr. Higgins also moved for returns showing the total cost to the government of the Bella Coola, Cape Scott and Quatsino Scandinavian settlements, and the population of each settlement. Agreed to.

Mr. Higgins asked for copies of petitions praying for the division of Vancouver City into ridings.

Hon. Mr. Turner answered that, as stated on the previous day, there was no petition.

QUESTIONS.

Mr. Forster asked: "What services did D. R. Harris render the provincial government in connection with the Songhees Indians for the sum of $250 paid to him as per public accounts reports for the year ending June 30, 1897?"

Hon. Mr. Turner replied: "Mr. Harris was appointed a commissioner by order-in-council on the 10th of April, 1896, to represent the government of British Columbia in the settlement of the Songhees reserve matters, in accordance with the understanding previously arrived at with the Dominion government, Hon. Peter O'Reilly being the commissioner appointed by the latter. Mr. Harris' duties were of an important nature. He was for some time engaged in preparing the case for the government, and in making the preliminary arrangements necessary for removal."

In answer to Mr. Kennedy the Premier stated that it was not the intention of the government this session to introduce further legislation as to the care of explosives.

Mr. Forster asked: "1. The amount of taxed cost allowed the province in the precious metals case; 2, amount allowed the government for solicitors' and counsel fees and to whom paid; 3, whether the E. & N. Ry. Co. had paid the full amount.

Hon. Mr. Turner replied: 1. Total amount of taxed costs in the Bainbridge precious metals case, allowed to the province, was £254 8s. 8d. or $1,234. 2. $652.08 paid to H. E. A. Robertson and to Gard, Hall & Rook, solicitors; $1,159.89 paid to Gard, Hall & Rook for fees of senior counsel,—Bingham, and junior counsel, C. A. Russell. 3. Yes."

MASTER AND SERVANT.

Mr. Macpherson on the third reading of the Master and Servant bill, wished to insert an amendment making the provisions invalidating contracts with workingmen apply not only to people brought from outside Canada, but to all the Dominion outside of British Columbia.

The amendment was lost on the following division:

For—Messrs. Sword, Kennedy, Hume, Forster, Macpherson, Kidd, Vedder, Semlin, Cotton, Graham, Kellie, Helmcken.—12.

Against—Messrs. Huff, Williams, Smith, Mutter, Baker, Turner, Adams, Higgins, Stoddart, Eberts, Bryden, Rogers, Hunter, McGregor.—14.

The bill was read a third time and passed.

PRIVILEGE.

Mr. Semlin rose to a question of privilege and said that there were omissions from the record of the proceedings of the previous day. Attempts had been made by certain newspapers to put the opposition in a false position upon what had occurred and it was incumbent upon the opposition therefore to set themselves right. In committee of the whole on the Redistribution bill there was an appeal to the house from the Chair, and the result of that appeal to the house did not appear on the minutes. He moved, seconded by Mr. Williams, "That it be entered in the journals of the house that on April 27 the correctness of the ruling of the chairman pro tem of the committee of the whole on the Redistribution bill having been appealed to the house, the opposition held that the chairman in his report to the house misrepresented the question, and as Mr. Speaker refused to consider anything but the chairman's report and did not give those objecting the opportunity of showing that such report was not correct, and as the house by allowing the motion to be put and voting that the Chair be sustained, approved of the action of Mr. Speaker, and thereby made itself a party to his refusal to hear the complaint of those objecting to the chairman's report, the following members withdrew from the house: Messrs. Semlin, Williams, Graham, Cotton, Sword, Kennedy, Hume, Macpherson, Kidd and Vedder, and refused to take their places upon the resumption of the committee as they considered that the temporary chairman of the committee had taken advantage of his position to put the question contrary to the rules of the house, and that their privileges as members had been disregarded without their being able to obtain redress."

Mr. Speaker, upon looking over the resolution, said it was a question whether a resolution of this kind should come up without notice and besides it did not seem as if the Speaker could notice what had taken place in committee.

Hon. Mr. Pooley questioned whether such a motion was in order. It seemed to him that the regular two days' notice should be given.

Mr. Semlin argued that it was a question of privilege, and as such was always in order.

Hon. Col. Baker pointed out that the gentlemen opposite and especially Mr. Higgins had got into the habit of using a question of privilege to get resolutions before the house without notice. If this were allowed it would give opportunities of springing resolutions on the house without the members knowing what was coming up. The only way to get a resolution before the house without notice was by first obtaining the consent of the house.

Mr. Semlin thought that knowing what had occurred yesterday the members had full opportunity to obtain information in the matter.

Mr. Cotton held that the resolution was for the purpose of correcting the votes and proceedings, and therefore it was quite proper to bring it in at the first opportunity.

Hon. Col. Baker did not see that it was necessary to put in the journal the fact that a member had left the house.

Mr. Sword replied that was not the question. There had been an appeal taken from the ruling of the Chair in committee and this appeal had come before the house and was decided on division. The fact that the appeal was decided by the house was not given in the minutes.

Mr. Williams said that questions of privilege could come up without notice.

Mr. Higgins wa sof opinion that any correction might be made to the minutes without a resolution. Mr. Speaker and

Mr. Higgins was of opinion that any omission was corrected. No cognizance, however, could be taken of what had passed in committee unless such had been reported to the house.

Hon. Col. Baker had no objection to any one rising to a question of privilige, but what he did object to was the moving of a resolution without notice.

Mr. Cotton thought it would be absurd to have to give two days' notice to get the minutes corrected.

Mr. Speaker remarked that there was no doubt that a member had the right to have the minutes corrected, but there was very much more in that resolution than a mere correction.

Hon. Mr. Turner said that the resolution went much further than correcting an omission in the report of the proceedings. If there was an omission it could be corrected.

Hon. Col. Baker agreed that it was right that the proceedings should be accurately given, but it was not proper to attempt to base a resolution upon that without the permission of the house.

Mr. Speaker pointed out that the resolution called attention to something that had happened in committee and that was never reported to the house. It was quite right to say an appeal was taken to the house and that the house had sustained the Chair.

Mr. Sword claimed that the Speaker had not given the opposition a chance to prove their case when the chairman had reported.

Hon. Mr. Pooley held that the resolution was entirely out of order. It was a reflection on the vote of the house and also a reflection on Mr. Speaker.

Hon. Mr. Eberts: "And is not correct."

Mr. Pooley, continuing, said it was not a question of privilege to enter in the the minutes the fact that members had walked out of the house. Any member might walk out of the house when he liked, but that never was entered on the minutes. If there was an omission in the minutes, however, it might be set right.

Mr. Speaker remarked that the chairman had reported to him and the house on that report had sustained the Chair. It was perhaps an oversight that he had not taken a report in writing from the chairman.

Mr. Sword argued that the question was that the chairman did not correctly report to the house. He did not dispute Mr. Speaker's ruling that cognizance could only be taken of the chairman's report; but it was the incorrectness of that report that was complained of. There was no doubt that Mr. Speaker had put the question correctly. There was no other way to bring this question up than upon a question of privilege.

Mr. Speaker said that the proper thing to do was to correct the minutes as far as to state that the chairman had reported and that the house had sustained the chairman.

Hon. Col. Baker said it was plainly seen that the opposition by their resolution had tried to override the house. The house had sustained the report and now the minority were trying to override this decision.

Mr. Sword replied tha tthe complaint went further back; it was that the chairman did not report correctly.

Hon. Col. Baker: "Give notice of a motion, then."

Major Mutter remarked that the opposition had got an opportunity to explain when the chairman's report was presented to the house. It was simply a question of evidence against evidence.

Hon. Mr. Turner said both sides had explained their position fully and the house had decided that the report given by the chairman was correct.

Mr. Speaker said that he was quite willing to have the chairman write out his report and it could be submitted to the house before being printed in the minutes.

Mr. Williams: "It will be very interesting reading."

Hon. Mr. Turner (laughingly): "Not for you."

Hon. Col. Baker: "Do they want to have it entered on the minutes: 'We won't play any more'"? (Laughter).

Mr. Speaker ruled that certainly the resolution of Mr. Semlin was out of order; for it exceeded the limits of privilege and referred to proceedings which took place in the committee of the whole, which were not reported to the house and of which the house could not take cognizance. The proper way if it was sought to bring in a resolution was by two days' notice.

RETURN PRESENTED.

Hon. Col. Baker presented a return relating to the protest of the provincial government against the issue of a lease by the department of Indian affairs to T. D. Jones, of the coal measures under the Indian reserve at Nanaimo.

Hon. Mr. Martin presented returns of Mr. Tytler's reports on lower Fraser river dyking schemes and the Sumas protection works.

TRUCK ACT.

The house went into committee of the whole on the Truck act, Mr. Huff in the chair.

On the motion of Mr. Kellie an amendment was introduced making the bill apply:

(a.) To any workman employed altogether or in part, or on works or undertakings situated wholly or in part, in any city or town, or within three miles thereof: or

(b.) To any goods, board or lodging supplied, or contracted to be supplied, to any workman in any city or town, or within three miles thereof.

(2.) Nothing contained in the preceding sections of the act shall in any part of the province prevent any employer of any workman, or agent of any such employer, from contracting to supply to any such workman any medicine or medical attendance, or any fuel, or any provender for any working animal employed by such workman in his trade or occupation; or from demising to any workmen the whole or any part of any tenement at any rent to be thereon reserved: or, if the workman be employed in mining, fishing or logging, from contracting to supply any materials, tools or implements to be used by such workman in such mining; nor shall prevent any railway company from contracting to supply any workman employed by them upon the construction and repair of the permanent works and way board and lodging at the company's boarding cars; nor shall prevent any such employer or agent from making, or contracting to make, any deduction from the wages of any such workman for or in respect of any such rent; or for or in respect of any such fuel, provender, materials, tools, implements, or any such board or lodging.

A number of amendments were put in and the bill was reported complete with amendments.

GAME ACT.

Mr. Helmcken asked leave to introduce a bill to amend the Game act.

This was received with laughter and cries of "yes" and "no." Consequently Mr. Speaker had to put the question. The motion was carried.

Upon the motion for the first reading there was again diversity of opinion.

Mr. Semlin thought it was late in the session to bring in the Game bill and several other members seemed reluctant to have it taken up. However, the first reading was carried.

CARIBOO-OMINECA COMPANY.

Hon. Mr. Turner presented a message from the Lieutenant-Governor with a bill "To confirm an agreement between Her Majesty in right of her province of British Columbia and Frank Owen and Wm. Stokes and to incorporate the Cariboo-Omineca Chartered Co."

Mr. Sword wanted the bill read, claiming it was a part of the message.

Hon. Mr. Turner said that the usual practice in the house was first to introduce a bill and have it read a first time before the bill was handed round. This bill was in exactly the same position.

Mr. Semlin thought the bill should be read at once and a short dicussion took place on the subject.

Hon. Mr. Turner said that he only proposed to have the message received then and to defer submitting it to committee till to-morrow.

This was done, and the house adjourned.

Mr. F. C. Gamble, late Dominion government engineer has been appointed provincial public works engineer. The other appointments of which formal notice is given in the Gazette, are: T. B. Armstrong, Little Moyie river, East Kootenay, William Blakemore Fernie, East Kootenay, and E. W. Whalley, of Nelson, to be justices of the peace for the county of Kootenay; J. H. Lang, of Vancouver, notary public; W. M. McKay and W. E. Burritt, of Dawson, commissioners for taking affidavits for the courts of British Columbia; Samuel Shore, of Wellington, justice of the peace for Nanaimo county; W. G. Alcock, of South Vancouver, justice of the peace for Vancouver and Westminster counties; George Summer, of Comaplix, mining recorder for the Lardeau mining division of West Kootenay; Oscar C. Bass, to be stenographer in the office of the Attorney-General, vice R. E. Brett, resigned. Formal notice is also given of the appointment of Mr. Tom Kains, as a member of the board of examiners for Dominion land surveyors.

RIGHT OF STOPPAGE.

Delivery to a Carrying Company by Vendor Vests the Goods Delivered in Vendee.

Judgment of Mr. Justice Drake in the Beer v. Pacific Coast Steamship Company.

Mr. Justice Drake yesterday handed down his judgment in the case of Beer vs. the Pacific Coast Steamship Company, a County court action for the recovery of a sewing machine. While the amount involved is small, the decision is interesting as deciding whether a transportation company shall act on the instructions of the consignor or the consignee. The judgment is to the effect that a vendor having delivered the goods to a carrying company thereby vested the rights in the vendee.

The facts of the case were that Williamson Bros., of Los Angeles, shipped two packages of goods to Mrs. W. Beer, of this city. Upon the arrival of the goods Mrs. Beer produced a receipt for three packages, and the local agent of the steamship company, thinking there was an error, gave her a delivery order for three packages. Almost immediately the agent received a telegram instructing him only to deliver on the production of the original receipt. As she did not have the original receipt, this meant stoppage of delivery. Mrs. Beer gave up the delivery order and in a few days the goods complying with the receipt she had arrived and were delivered in due course. She desired possession of the sewing machine, but the company took the ground that the non-production of the shipping receipt justified him in refusing delivery and further held that Williamson Bros. claimed to own the goods. The plaintiff replevied the goods, thus preventing the defendants from interpleading in order to try the rights between Williamson Bros. and the plaintiff.

In giving judgment, Mr. Justice Drake said:

"When goods are sent by a vendor to a vendee the delivery to a carrier vests the property in the vendee, and he is the person entitled to sue the carrier for the loss. The only right which remained in the consignor was stoppage in transit, but this only arises when the consignee is bankrupt or insolvent. An unpaid vendor has no such right of stoppage; he can always protect himself by consigning the goods to his own order. In my opinion the defendants were entitled to full indemnity owing to there being no bill of lading or shipping receipt produced by the consignee and no such indemnity was offered to the defendants before the replevin proceedings were instituted. The plaintiff has therefore only proved a qualified right to the goods, that is subject to indemnifying the defendants and payment of freight. On this being done there will be judgment for the plaintiff, without costs. If the plaintiff had tendered the freight and a bond of indemnity and the defendants had refused the same, the plaintiff would be entitled to costs of action. If, on the other hand, the defendants had insisted on receiving a bond of indemnity and payment of freight and had not raised an untenable objection they would have been entitled to costs."

CHEMAINUS.

Chemainus, April 23.—The Methodists have resumed their work here. Evening services are held every Sunday, conducted by Rev. Mr. Winslow, of Maple Bay.

The Kickapoo Company gave concerts on the 13th and 14th inst. to introduce their medicines.

R. H. Allan attended the Teacher's Institute held in Vancouver. Mrs. Allan spent last week visiting friends in Victoria.

Mrs. Howell left on the 13th inst. on a visit to friends in Yarmouth, N. S.

Rev. Thomas Mulligan has resigned the pastorate of the Baptist church here and is now in Medicine Hat, N. W. T.

Mr. Pooley, representing Weller Bros., Victoria, has just filled a large order for bicycles.

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