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SEMI-WEEKLY.

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C. F. HAYES,
Business Manager

THURSDAY, MARCH 10, 1909.

THE "SEPARATISTS."

Certain newspapers with more partizanship than sense of humor, speak of Sir Wilfrid Laurier as advocating separation from the Empire. No doubt there are certain public men in Canada today who are advocating separation. But who are they? Readers of the newspapers will at once reply, Mr. Monk and Mr. Bourassa. And what are the political affiliations of these gentlemen? Are they followers or supporters of Sir Wilfrid Laurier? Are they even neutrals so far as he is concerned?

Mr. Monk is the leader of the Conservative party for the Province of Quebec in Federal affairs. He has been such for years. No man has attacked Sir Wilfrid more vigorously or more persistently on account of his naval policy than Mr. Monk. And the whole argument of Mr. Monk has been and is that Sir Wilfrid is altogether too Imperialistic for him; that his policy involves Canada accepting more responsibilities in connection with the Empire than she should assume; that it involves us in future wars of the Empire wherever they may be fought or on whatever issues. Our position under that policy he graphically compared to that of subjects from the Roman provinces in the days of Rome's greatness, who were brought to the capital city to amuse its crowds by gladiatorial combats in the arena, "butchered to make a Roman holiday." And so far Mr. Monk has not been read out of the Conservative party for advocating these views. He continues to sit with Mr. Borden, to speak with the authority of leader for Quebec, and supposedly, to exercise that authority in matters of party management and discipline. Upon his utterances Mr. Borden has set the seal of the party by a scrupulous refusal to say anything which could be construed as imperilling Mr. Monk's position in the party or of expressing Mr. Borden's dissatisfaction that such views should be advanced as those of the party to the electors in the Province of Quebec.

Mr. Bourassa, though not a member of the House of Commons, speaks almost as authoritatively for the Conservative party. He was a member of the House of commons until he, too, became convinced that Sir Wilfrid was too British for him. He cherished, and made no hesitation to avow, the notion that Canada should hold strictly aloof from participation in any external affairs of the Empire, that in short, though Canada might or might not remain in the Empire she should not be of it, a participant in its struggles and a sharer in its life. He had to part with these views or with his party. He chose the latter course. He resigned from the House of Commons and ran as an opponent of the Quebec Provincial Government. In constituencies in which his supporters ran no Conservative candidate was nominated. Conservative members of the House of Commons stumped the Province in behalf of his candidates and the machinery of the Federal party was placed at his disposal. All that seemed necessary to number him among the members of the party was his formal admission at a party convention, and there has been no party convention held since that time. So far as recognition, aid and counsel by the leaders of the party goes to acknowledge that relationship, Mr. Bourassa is a full-fledged member in the best of standing. And with the prestige he enjoys as such he is orating in his own virile fashion to the French-speaking people of Montreal and the neighboring constituencies, denouncing the malicious imperialism of the Government as reflected and embodied in the proposal to build a navy which may some day fight battles for the Empire in distant waters.

These are the gentlemen who are speaking to the people of Quebec, apparently for and with the consent of Mr. Borden. They are the gentlemen who, when they speak for Quebec Conservatives to the rest of the country do not apparently by so doing prejudice their standing with the leader. And it is papers supporting Mr. Borden in his tacit recognition of these gentlemen which have the audacity to assail Sir Wilfrid Laurier for holding "separatist" views touching the relations of Canada to Britain, to denounce his naval policy as at once displaying his disloyal sentiments and providing the first step toward their accomplishment. It requires steadiness of nerve to preach disunion in Quebec and Imperialism outside Quebec, but it requires a something more than nerve to preach disunion in Quebec and outside Quebec to represent one's opponent as doing the preaching.

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"VINDICATION."

While the Winnipeg Telegram says Mr. Foster was wronged by the judge, the Mail and Empire says he was vindicated by the jury. Both compromise the truth. The jury found that Mr. Foster acted in good faith, but in what or whom the good faith existed or in what direction or for whose benefit he acted they did not say. What they did say was that he was not entitled to recover damages because Mr. Macdonald had drawn some pretty uncomplimentary conclusions from his actions. By plain people this will be construed as a declaration that the actions merited all that was said about them. If this is vindicating Mr. Foster it is vindication of the kind that most people would not want. Mr. Foster clearly does not want it, for he is appealing the case.

QUEBEC'S LOYALTY.

The Ottawa Citizen says: "Only Quebec stands aloof and is represented "by its leaders on both sides of the "House to be opposed to spending a "dollar on the defence of the Empire." Meantime, La Presse and La Patrie, two of the leading Canadian dailies published in the French language, are sturdily supporting the policy of building a Canadian navy. It is clear that the leaders who represent Quebec as disloyal are misrepresenting the people of that Province or that the Citizen is misrepresenting the leaders in declaring them to express any such views. It does not take much scrutoiny of Hansard to determine which is the offending party. With the exception of Mr. Monk, no one chosen by Quebec to represent its people in Parliament has either charged them with disloyalty or left them open to such charge. If the Citizen considers Mr. Monk "the leaders" of Quebec it may claim to be telling the truth. On any other hypothesis it is telling something different.

HOLDING A PISTOL TO THE JUDGE'S HEAD.

The Winnipeg Telegram assaults the trial judge because a jury of his peers decided that Hon. Geo. E. Foster had not been libelled by the editor of the Toronto Globe. It amplifies to the extent of a column the assertion that:

"Hon. Geo. E. Foster seems to have failed in his libel case against Dr. J. A. Macdonald, editor of the Toronto Globe, because the latter was represented by too many advocates, including the judge."

It was scarcely to be expected that the judge in this case would escape the fate which awaits members of the judiciary who happen to preside at trials which result other than the Telegram would have them result. To its other duties the Telegram has added during recent years that of disciplining the judges of the land, or so many of them as happen to preside over courts in which prominent members of its own party fail in their suits or in which actions launched against members of the opposing political persuasion do not result in convictions. To do it credit it has discharged this self-appointed duty with vigor and consistency, regarding neither talent, character or circumstance. No matter how eminent the abilities, nor how irreproachable the record of a judge, if he presides at a trial which might but does not result in advantage to the Telegram's party or to a prominent member thereof, he need not look for mercy at the hands of the censor. Neither learning, virtue nor piety shall save him, nor does it matter whether he has anything much to do with the trial of the case or not. As in the present instance, the judge occupied the necessary but inactive position of supervisor of the court's proceedings. The trying was done by twelve good men and true, chosen with the consent of Mr. Foster and sworn to find a verdict alone on the evidence before them, uninfluenced by others and unswayed by prejudice. Yet it is upon the judge and upon him alone that the Telegram wields the lash. The judge, it seems, made a "charge" to the jury, hardly an unheard-of thing for a judge to do. And in the charge he analysed the evidence and exposed the law, as in duty bound. But he did not and could not give the verdict or dictate what the verdict should be. That lay with the jury, and with them alone. The more frequently and fiercely the Telegram assails the judge the more often will it remind its readers that a dozen unprejudiced men gave the verdict against Mr. Foster.

In this present case, however, the Telegram does much more and much worse than attack the judge who presided over the trial already held. It also in effect, whether in purpose or not, puts a pistol to the heads of the judges who are yet to hear the case. For the case is not ended yet. Mr. Foster has appealed it. The Telegram printed the article cited with knowledge of this fact, and the tenor of the article allows the assumption that it was in view of the appeal quite as much as in a spirit of revenge that it was printed. However this be, the fact is that notice has been duly served by the Telegram on the judges of the Court of Appeal that if they dare to sustain the decision of the lower court they may expect treatment from it similar to that meted out to Judge Mabee. Either that or the Telegram must back down before the judgment of the Appeal court from the position it has taken on the judgment of the lower court. To suppose this is not in accord with its record in the bullying role it has set for itself toward the courts, and it must be assumed that what it has done to one judge in this case and to many judges in other cases it stands equally ready to do the presiding officers of the Court of Appeal if they do not exculpate Mr. Foster and punish Mr. Macdonald. Whether that is its purpose or not it is absolutely unquestionable that the Telegram takes a position which can be fairly construed as one of intimidation to the judges of the Court of Appeal. How the judges may regard this or whether they regard it at all is another matter. The point at the moment is that the Telegram takes the position that if the courts do not "whitewash" Mr. Foster and blacken Mr. Macdonald they will be denounced before a considerable section of the public as prejudiced by political considerations or influenced by personal ambitions.

PARTIALITY?

In Ontario it seems to be considered a worse offence to tear a man's trousers than to carve his face with a stiletto. At any rate they are muzzling the dogs while the hat-pin continues to mutilate with immunity.

THE B. C. TRAGEDY.

Those who dwell among the hills hold life by a more slender thread than the dwellers on the plains. The horror which overtook an Alberta mountain town several years ago is recalled by the avalanche in British Columbia. It would be highly fitting for Alberta to tender any assistance possible to sufferers from the catastrophe.

TREKKING NORTH.

The trek to the Peace River country has begun and the prospects are that during the spring a very large number of settlers with their families and effects will toil over the long trail to the fertile northland. The days is fast approaching when a railway must be built into that country. The settlers already there need and deserve the accommodation and those going in are going in expectation that the need will be supplied. The faith of the pioneers must not be disappointed.

REGULATIONS REGARDING TAR SAND.

The current number of the Canada Gazette contains new regulations regarding tar sand deposits in Alberta north of Township 80 and between the fourth and fifth meridians. The regulations were adopted by order-in-council of February 14th and come into effect after four successive publications in the Gazette. The regulations are:

"Minister" shall mean the Minister of the Interior of Canada.

"Tar-sands" shall mean the sands and other material impregnated with tar, bitumen, petroleum, oil and other like substance, found in deposit in the northerly portion of the province of Alberta.

"Locator" shall mean the person who stakes out in the manner prescribed in these regulations a tar-sand location in unsurveyed territory.

1. The tar-sand deposits which are the property of the Crown in that portion of the province of Alberta lying north of Township 80, and between the 4th and 5th initial meridians, may be leased to applicants for a term of twenty-one years at an annual rental of fifty cents an acre, payable yearly in advance. The term of the lease shall be twenty-one years, renewable for a further term of 21 years, provided the lessee can furnish evidence satisfactory to the minister to show that during the term of the lease he has complied fully with the conditions of such lease, and with the provisions of the regulations, under which it was granted. In case the surface rights of the lands have been disposed of application for a lease of the tar-sand rights will not be entertained.

2. No applicant shall be allowed to lease more than an area of 1920 acres.

3. The tract applied for, if situated in surveyed territory, shall consist of sections, or legal subdivisions of sections, but the several parcels comprising the tract must be contiguous, and the whole area applied for shall not exceed three miles in its greatest dimension. In unsurveyed territory if the tract applied for is so situated as to admit of a definite description by sections, and legal subdivisions of sections, being furnished, that is, if at least one line bounding each section or part of a section applied for has been surveyed, and such survey duly approved, an application for the tar-sand rights may be considered under the provisions of this section.

4. Applications for such tar-sand rights shall be filed by the applicant in person with the Agent of Dominion Lands for the district in which the rights applied for are situated, or with a sub-agent for such district, for transmission by the agent to the department of the interior, but priority of application shall be based upon the date of the receipt of such application in the office of the agent of Dominion lands for the district. The application shall contain a description by section, part of section, township and range of the tract applied for.

5. If the tar-sand rights which an applicant desires to lease are situated in unsurveyed territory, application therefor shall be filed with the agent of Dominion lands for the district in which the rights applied for are situated, or with a sub-agent for such district, for transmission by the agent to the department of the interior.

6. The application shall contain a description by metes and bounds of the tract applied for and shall be accompanied by a plan showing the position of such tract in its relation to some prominent topographical feature or other known point. The plan shall contain sufficient data to admit of the position of the tract applied for being definitely shown in the records of the department. Such tract must be rectangular in form, except where a boundary of a previously located tract is adopted as common to both locations, the length not to exceed three times the breadth.

The application shall be accompanied by evidence supported affidavit to show that the following requirements have been fully complied with by the applicant in person, and not through another.—

(a) That the tract applied for has been duly defined on the ground by planting a wooden post at least four inches square, and standing not less than four feet above the ground, at an angle or corner of the said tract.

(b) Upon such post shall be inscribed the name of the applicant, the date of the location, the angle represented by the posts, the length and direction of the boundaries of the tract applied for. Thus A. B.'s tar-sand location N. E. corner (meaning the north-east corner), this claim extends three miles west and one mile south from this post, or as the case may be.

(c) That a written or printed notice has been posted on a conspicuous part of the tract applied for, setting out the intention of the applicant to apply, within thirty days from the date of such notice, for a lease of the tar-sands upon or under the said tract.

In case the tract applied for is located on the margin of a river or lake, it shall not include more than one mile in direct distance along such water frontage, and shall be marked on the ground by two legal posts firmly fixed in the ground, one at each end of such front boundary. Parellel lines shall be drawn from each end of the front boundary at right angles thereto if possible, and extended back as far as may be necessary to include a total area of not more 1920 acres. The posts shall be numbered 1 and 2 respectively. It shall not be lawful to move post No. 1, but No. 2 post may be moved by a Dominion Lands surveyor if the distance between the post exceeds the length prescribed by these regulations, but not otherwise. The required notice of application shall, in such case, be posted conspicuously on the location near the margin of the river or lake on which it fronts.

7. Application for a lease of the tar-sand rights under lands situation in unsurveyed territory shall be made by the locator in person to the Agent of Dominion Lands for the district in which the tract applied for it situated, or with the sub-agent for such district, within thirty days from the date upon which the tract applied for was located, if it is situated within 100 miles of the office of the agent, otherwise it will not be considered. One extra day, however, shall be allowed for every additional ten miles or fraction thereof that the location is distant more than 100 miles from the office of the agent.

8. Where two or more persons lay claim to the same location, or to portions of the same locations, the right to acquire a lease shall be in him who can prove to the satisfaction of the minister that he was the first to take possession of the tract in dispute by demarcation in the manner prescribed in these regulations, and that he made application for a lease thereof within the specified time.

9. The lease shall bear date the day upon which the application was filed in the office of the Agent of Dominion Lands, and the rental for the first year shall be paid within thirty days from such date, otherwise the application will absolutely lapse and the rights applied for shall become available for other disposition. If during the term of the lease the lessee shall fail to pay the rental in advance within thirty days from the date upon which the same becomes due, the lease shall be subject to cancellation in the discretion of the minister, and to the immediate forfeiture of all the rights which the lessee had in the said lease.

10. As soon as the survey of a township has been confirmed, all tar-sand leases embracing any portion of such township so surveyed and confirmed shall be made to conform to the Dominion land system of survey if the minister so decides, by the substitution of a new lease describing by sections, legal subdivisions of sections, or regular portion of legal subdivisions, as nearly as may be, the tract embraced in the leasehold in so far as the township so surveyed is concerned. If any part of the leasehold is in territory which remains unsurveyed, it shall continue to be described as in the lease originally issued, until such portion is included in a confirmed survey.

11. The lease shall include the tar-sand rights only, but the lessee may, upon application, be permitted to purchase at the rate of ten ($10.00) dollars an acre whatever area of the available surface rights thereof the minister may consider necessary for the efficient and economical working of the tar-sand rights granted under such lease.

No portion of the surface rights of a tar-sand location shall be granted to any person other than the lessee thereof until such lessee has been given an opportunity of acquiring the said rights, by notice in writing from the proper officer of the department.

12. The lessee shall commence active operations on his leasehold within one year from the date upon which he may be notified by the proper officer of the Department of the Interior to do so, and shall produce, from such operations, the quantity of material specified in the said notification. Such notification shall not be given until the expiration of at least one year from the date of the lease, and shall set out the quantity of tar-sand which the lessee is required to excavate and produce ready for shipment or treatment, which quantity, however, may be increased by notification from time to time, but in no case shall the maximum quantity required to be excavated exceed ten tons per annum for each acre leased. In case operations are not commenced within the time specified in the notice, or if the required quantity of material is not mined during each year, the lease shall be subject to cancellation in the discretion of the minister.

13. During each of the first three years of the term of the lease, however, the lessee shall be required to make such expenditure in the development of his leasehold, and in the installation of a plant and other appliances and equipment necessary for its efficient operation as may be prescribed in the lease, and he shall furnish evidence, at the end of each such year to the satisfaction of the minister that such expenditure has been incurred for the purpose and in the manner specified. In case satisfactory evidence is not furnished to show conclusively that the required expenditure has been incurred during each of the first three years, the lease shall be subject to immediate cancellation in the discretion of the minister.

14. The lessee shall not assign, transfer, or sub-let the rights described in his lease, or any part thereof without the consent in writing of the minister being first had and obtained.

15. The boundaries beneath the surface of a location shall be the vertical planes or lines in which their surface boundaries lie.

16. A fee of five ($5.00) dollars shall accompany each application for a lease, which will be refunded if the rights applied for are not available, but not otherwise.

17. The lease shall be in such form as may be determined by the Minister of the Interior, in accordance with the provisions of these regulations.

18. No royalty shall be charged upon the products of any tar-sand location granted under these regulations, or on the sales of the products of such location up to the 1st day of January, 1909; but provision shall be made in the lease issued for such location that after the above date, the products of the location shall be subject to whatever regulations in respect to the payment of royalty may then or thereafter be made.

PROTEST AGAINST RATES

Winnipeg Business Men do not Want Existing Rates Officially Approved.

Winnipeg, Mar. 7.—The Winnipeg board of trade and the Winnipeg grain exchange, acting together, have formally filed with the board of railway commissioners at Ottawa a protest against the official approval by the commissioners of any telegraph tariffs now in existence which affect Winnipeg.

The conviction of William E. F. Howell, on January 6, made by Police Magistrate Daly on the charge of indecent assault, was quashed this morning by the court of appeal. Howell was sentenced to the penitentiary and received fifteen lashes. He must now stand trial as if he had never faced the court.

The prisoner was taken to Stony Mountain penitentiary and a flogging has already been inflicted in pursuance of the conviction.

GREAT BRITAIN'S WEALTH.

Death Duties in Twelve Years Were $1,055,208,450.

London, March 7—Some idea of the enormous wealth of the United Kingdom may be obtained from an official return just issued. It shows that during the twelve fiscal years 1897-8 to 1908-9 death duties to the amount of $1,055,208,450 were paid on 758,824 estates oof the aggregate net capital value of $16,338,360,000, with an average income of $1,361,530,000 per annum. The average value of these estates was $21,665 each. The valuation for the first year of the period named, with 54,991 estates was $1,236,710,000, and the average value of the estates was $22,500 each. The valuation of the last year was, $1,354,515,000 for 76,524 estates, with an average of $20,060 each.

The largest total of net capital value in the twelve years' period was reached in 1906-7, $1,492,300,000 for 66,080 estates, an average capital of $22,575 each.

Kicked to Death by Horse.

Saskatoon, Sask., Mar. 6.—Word was received here today of a nasty accident at Cavet, about twenty miles from here on the G.T.P., when Mrs. Pike was kicked to death by a horse. Mr. and Mrs. Pike were transferring chickens and Pike on returning to the stable found his wife lying under a horse with her skull split open.

Modification of Concordat.

Madrid, Mar. 6—Senor De Ojeda, Spanish ambassador to the vatican, has arrived here in response to a summons from the government to give instructions in connection with the contemplated modification of the concordat. The ministerial papers say the government intends to settle the question promptly.

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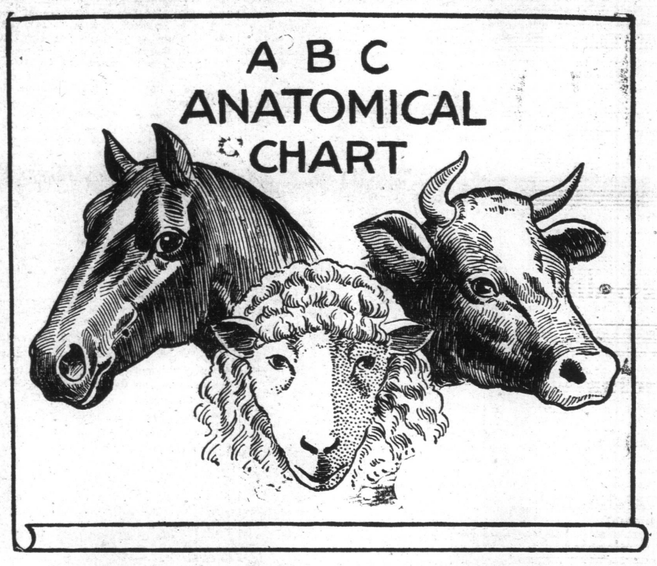

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