

PROVINCIAL LEGISLATURE.

THIRTY-THIRD DAY.

Monday, March 29, 1897.

The Speaker took the chair at 2 o'clock.

Prayer by Rev. W. D. Barber.

Mr. Kellee presented a petition from the inhabitants of Trail asking for bridges, roads and other improvements.

Mr. Speaker said the petition was out of order as calling for the expenditure of public funds.

Major Mutter presented the ninth report of the printing committee, recommending the printing of certain papers already presented to the house. Report received.

Hon. Premier Turner rose to a question of privilege. He said: "It is very seldom that I rise to a question of privilege on a personal matter in this house. I think, however, I am called upon to do so at the present time in reference to an item which appears in the Times of Saturday. That item runs as follows: 'Mr. H. C. Beaton was treated rather shabbily by his old partner in the house yesterday.' And it goes on to say that he had some strong personal motives for asking the house to refuse the petition. His sense of public duty would never allow him to take such a course. Now, sir, in a few words, that is a very cruel lie, and what I mean by that, sir, is this, that it is evidently produced with a view to injure me personally. It is a false suggestion which is worse than a straightforward lie. It is a great deal more than a suggestion in the mind of gentlemen away from this province of a statement forward treatment of them, and I call that a very cruel lie. (Hear, hear.) I may give in a few words the facts. When I came into the house on Friday the petition had almost been read. I had no idea what the petition was about, but I heard the name of Wilkinson. The Premier then went on to state that he had not the slightest idea that Mr. Beaton's name was on the petition at the time he was objecting to it, and if he had known that his action would have been precisely the same. (Hear, hear.) There was a regulation that bills must be received by a certain time and he considered that if the house had a bill which description they should have the courage of their convictions and carry it out. (Hear, hear.) Several members had complained to him of the time for private bills being continually carried forward. He could quite see that there should be a time fixed for the presentation of bills, and he kept for receiving private bills, and thought that the whole house should join with him in repudiating such a suggestion as that put forward by the private bills he had tried to burke that special bill. (Hear, hear.) It was under the peculiar circumstances a very cruel thing to say, and he was very intensely. His connection with Mr. Beaton had been a long and a cordial one, and he deeply regretted that a newspaper published lies in reference to him. He did not suppose he had anything to do with the matter. What he believed was that possibly some individual who had been cruelly disappointed of late, and who had been in the habit of being evidently desirous, felt sore and had tried to have a thrust at one whom he thought an opponent by endeavoring to stir up strife between old and tried friends. Further on in the article which he complained was the following: "Mr. Speaker Higgins very properly took the Premier to task for trying to place the responsibility for the delay in transacting public business on the shoulders of those presenting petitions. The Speaker pointed out that if the business had been expeditiously conducted the members could have gone home two weeks ago. He pointed out that the legislature of Quebec transacted a business amount of business in six weeks. The Speaker might have gone further. The legislatures of Ontario, Manitoba and Nova Scotia have been in session for weeks ago, although they were not opened until after the opening of the British Columbia legislature. The British Columbia parliament is earning a reputation for the ease with which it can waste time and do nothing."

He did not hear the Speaker say what was here implied to the Speaker and was convinced the statement must be wrong. He only heard the Speaker say that he thought it was an important bill and should pass the house. He knew that the Speaker's dignity, and he felt confident that neither he, nor any other speaker, could ever try to bulldoze the house into passing a bill. (Hear, hear.) He declared that the house could have completed its business a fortnight ago, every gentleman must know that that was absolute nonsense. The Premier had called up the example of Manitoba. That legislature had passed thirty-six private bills in six weeks. The Speaker's remarks were very lengthy ones, and they required very careful consideration. He thought that the remarks must be inaccurate. There was, however, no comparison between the two provinces. British Columbia as compared with Manitoba was a new province, and required a great deal of legislation. There was one public bill (the companies bill), now in the hands of a special committee, which took a vast amount of consideration and discussion. They knew that bills like that could not have been disposed of a fortnight ago. He regretted that the Speaker had dogged into these false statements. (Hear, hear.)

Mr. Speaker said he had no reference to Manitoba at all. What he said was that if they had followed the example of Quebec and had night sittings before, there would be no complaints of this kind because they would have finished their business before this. (Hear, hear.)

Dr. Walkem moved for a return of a copy of the list report of the auditor of the books of the land registry office, Victoria.

Mr. McGregor moved and Mr. Huff seconded the following resolution: "That the House do resolve that the Hon. the Lieutenant-Governor, in reply to a resolution passed by the corporation of Nanaimo with reference to the question of the dismission of J. H. Simpson, police and stipendiary magistrate; of the evidence taken at the police inquiry on the charges laid by Rev. D. A. McRae against the Chief of Police Crossan and Constable Thompson; of the resolution passed by the Nanaimo police commissioners on Feb. 8, 1897, of the complaint of Crossan, Brose, and of W. Ross, of Nanaimo, with reference to the question of the practice of the Small Debt Act, and the answers

from the judge of the Small Debt Court. The resolution carried.

Mr. Helmecken moved and Mr. Braden seconded the following resolution: "Whereas, on the 1st day of April, A.D. 1896, the government of the Dominion of Canada expressed its willingness (without prejudice to its claim to all other reserves in the province of British Columbia, and that the title of the land may be accepted as a reserve for the Songhees Indians in lieu of their present reserve, be conveyed in fee simple to the Dominion government) to assent to the terms of the resolution passed by the legislative assembly of the province of British Columbia on the 28th day of January, 1896, relative to the removal of the Songhees tribe of Indians from the reserve to some suitable locality:

"And whereas, on the 1st day of June, A.D. 1896, the government of the province of British Columbia expressed its willingness to accept the aforesaid proposition of the government of the Dominion of Canada:

"And whereas, by an order-in-council dated the 23rd day of January, A.D. 1897, the government of the Dominion of Canada desires to insert an additional tract of land as a new reserve for the Songhees Indians, and to value such land and the land comprised in the present reserve, assessing the same for taxation, such difference to be made good by the province, either by a money payment to the Dominion government, or by the addition of land to the satisfaction of the superintendent-general of Indian Affairs, being understood that such land as the province may set apart for the Indians, will be conveyed in fee simple to the Dominion government, and that the land comprised in the Songhees reserve will revert to the province."

"And whereas, the consent of the Dominion government of such terms as so altered will prevent the labors of a special commission being entered upon for some time, if not altogether, thus do an injustice to the city of Victoria, besides causing great uneasiness among the Indians on the said reserve;

"And whereas, it is highly desirable that the special commission should commence its sittings at an early date;

"Be it therefore resolved, that a resolution be passed to the effect that the Hon. the Lieutenant-Governor, requesting him inform the government of the Dominion of Canada that this house does not consider the terms of the said order-in-council, dated the 23rd day of January, A.D. 1897, satisfactory for the purpose of the consent of this province, but approves of the terms set forth in the order-in-council of the 15th day of March, A.D. 1897, as affording the best means for providing a prompt and final settlement of the important question of the Water Bill, Dr. Walkem in the chair. The clause remaining unpassed were then brought up and the clause specially referred to was passed. Mr. Helmecken moved and Mr. Skord had amendments on the paper to clause 147, which would give the municipal authorities might put forward a resolution which was being discussed when the committee rose at 5:30 and reported progress.

Mr. Speaker has drawn the following as to the rights and privileges of parliament: "The House has carefully compiled from recognized constitutional authorities the passages which seem to bear directly upon the right of the House of Commons to request the attendance of the speaker, in all matters affecting the assembling and proroguing of parliament and the royal assent to bills. It is to be seen that the House of Commons are secured by custom, the practice, which have been carefully observed for many years, have become a part of the constitution of the House of Commons, and the practice of the Canadian parliament is essentially the same as that of the British parliament, and no bill is ever assented to except in the presence of the speaker, and the opening of a new parliament until after the choice of a speaker has been announced and the choice approved. (See Bourinot.)"

The custom and practice of this parliament vary from that of the British and Canadian parliaments only in so far as they are affected by the existence of but one chamber here. As there is no upper chamber in British Columbia, the lieutenant-governor, when his arrival at the house to open or prorogue parliament, or to assent to bills, has been announced by the speaker, and the sergeant-at-arms bearing the mace, and the speaker, who has previously notified the house to order by taking the chair in front of the speaker, the lieutenant-governor approaches the throne. The mace is then taken by the lieutenant-governor, and the royal assent signified by the speaker, who then proceeds to the House of Lords, and on his return announced that the royal assent had been given to the local government (Election) bill. (London Times Parliamentary Report, Feb. 17, 1897.)"

The compiled passages referred to above all appear in many cases too lengthy to be given in full.

The Speaker left the chair at 6 o'clock.

After-Session.

The Speaker resumed the chair at 8:15. The house immediately went into committee again on the water bill and discussed Mr. Skord's amendment to the clause relating to the expropriation of water companies' works by municipalities. That amendment after long discussion was amended to read as follows: "Whereas a company has been incorporated under and in compliance with the provisions of the preceding sections of this act, for the supplying of any municipality with water, and has acquired a source of supply, by record or otherwise, and constructed in

whole or in part a waterworks system, such municipality may, on giving twelve months' notice in writing to the company, acquire the source of water supply and all the records of the company and lands and works connected with the waterworks system, and all appurtenances thereto, whether within or without the limits of the municipality, on payment therefor to the company of the value of such waterworks system, lands and works (without any reference to or payment for the value of the said records, except the actual cost thereof, if any, to the company) to be ascertained in manner hereinafter provided, for the ascertainment of the value of lands upon expropriation, with the following additions thereto:

1. If the waterworks system has been in operation less than five years, a thirty per cent. bonus upon such value; 2. If in operation more than five and less than ten years, a twenty-five per cent. bonus; 3. If in operation more than ten and less than fifteen years, a twenty per cent. bonus; 4. If in operation more than fifteen and less than twenty years, a fifteen per cent. bonus; 5. If in operation twenty years or more, no bonus.

The report on the water bill was then read and the clause was passed. Mr. Skord's amendment was also passed.

Mr. Williams asked the Chief Commissioner of Lands and Works: "Has the Dominion and Western Railway Company filed with the Chief Commissioner of Lands and Works a plan, in compliance with section 2 of the 'Columbia and Western Railway Subsidy Act, 1896'?"

Mr. Helmecken asked the Chief Commissioner of Lands and Works: "Have any lands been reserved from pre-emption under provisions of last year's act, which have been reserved, and description of lands?"

Mr. Helmecken asked the Chief Commissioner of Lands and Works the following questions: 1. Has any promise been made to the company, or its representative, who are now in the possession of the Pitt River Meadows, for any assistance? 2. If so, what are the particulars of the assistance asked for? 3. Has the company carried out any of the promises made to it? 4. If not, what are the reasons therefor? 5. Has the company carried out any of the promises made to it? 6. If not, what are the reasons therefor? 7. Has the company carried out any of the promises made to it? 8. If not, what are the reasons therefor? 9. Has the company carried out any of the promises made to it? 10. If not, what are the reasons therefor? 11. Has the company carried out any of the promises made to it? 12. If not, what are the reasons therefor? 13. Has the company carried out any of the promises made to it? 14. If not, what are the reasons therefor? 15. Has the company carried out any of the promises made to it? 16. 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