Full Court Declared the Coal Mines' Regulation Act Constitutional

Judgment of Hon. Mr. Justice Walkem in Which Hon. Mr. McColl Concurs.

Short Judgment of Hon. Mr. Justice Drake, Who Also Concurs.

The Full Court this morning declared the Coal Mines' Regulation Act to be constitutional. This means that unless an appeal to higher tribunals succeeds, Chinese cannot be employed underground in the coal mines of the province. The Act, which has been the cause of many legal discussions, was ton and Union Colliery Companies, contending that the act was ultra vires. Charles Wilson, Q.C., representing the Nanaimo miners' protective association and the provincial government and H. D. Helmeken, Q.C., on behalf of the New Vancouver Coal Company upheld the constitutionality of the act.

lumbia re the Coal Mines Regulation gulations, whether for gold or coal, Amendment Act, 1890. Judgment; Mr.

Justice Walkem. The question referred to this court by His Honor the Lieutenant-Governor in Council is as to whether the Coal Mines Regulation Amendment Act, 1890, is constitutional or not.

The act consists of two short clauses, namely, the Short Title clause, and the clause impeached, which is as follows: Section 4 of the Coal Mines Regulation Act is hereby amended by insertbetween the words "age" and 'shall," on the second line, the words

"and no Chinaman." With the amendment, as shown in brackets, Section 4 will read thus: "4. No boy under the age of twelve years, and no woman or girl of any age, (and no Chinaman), shall be employed in, or allowed to be for the purof employment in, any mine to

which the act applies, below ground." Thus, the employment underground of any of the persons specified is prohibited. Part only of this prohibition is objected to, viz., that referring to China-The objection is based on two constitutional grounds, viz., that the prohibition trenches upon the "Regulation of Trade and Commerce," and also deals with "Aliens,"-two matters assigned to the control of the Dominion. by section 91, (S.s. 2, 25) of the B.N. A.

With respect to the first ground, it is said that the exclusion of Chinamen is not only unjust and oppressive in their case, but is equally so in the case of mine-owners, mine-owners, materially lessens competition in labor, and thereby increases the of the production of their with it as a trade or business.

The exclusion of the women and boys, although not complained of, would obviously, be open to the same objec. on that ground, the constitutionality of tion. The exclusion of women is in their interests, as it is evidently done on moral grounds; and the exclusion of boys is for their benefit on account of their youth, as well as for the protectivas a matter of local nature, involvtion of others who might suffer from their inexperience. Sections 5 to 19 show this to be the case, for they place a limit on the womens' working hours above ground, (where they may be employed), so as to save them from being over-worked, and fix a scale of working hours for boys of varying ages be tween twelve and eighteen; and more over, define the class of work which

the latter may, or may not, be put to Section 97 consists of thirty-five rules, intended for the protection of life and property, such as rules regulating ventilation, fencing, signalling, blasting, and other matters; and, amongst them, rule 34 provides that, "No Chinaman, or person unable to speak English shall be appointed to, or shall occupy any position of trust or responsibility or about a mine subject to this Act, whereby through his ignorance, carelessness or negligence, he might endanger the life or limb of any person employed in or about a mine, viz., s banksman, onsetter, signalman, brakesman, pointsman, furnaceman, engineer. or to be employed at the windlass of a

sinking pit.'

This is the only enactment, save that under discussion, where Chinamen are specially mentioned; and I refer to it. as well as to sections 5 to 19, as affordin some explanation of the reasons of the legislature for prohibiting Chinamen from being employed below ground. There are also other sections of the act, from section 80 onwards, which provide for the adoption by any mine proprietor of what are termed "special rules," after they have been posted up in a conspicuous place, and approved of, in amended form or otherwise, by the miners, and sanctioned by the government inspector. As a matter of notoriety, exceedingly few Chinese laborers understand English, and this may account for Chinamen being bracketed in rule 34 with persons "who do not speak English." Special rules would. therefore, be unintelligible to them: and any orders or warnings requiring instant attention, by reason, for instance,

of danger, would be equally so. In construing the enactment under discussion, I must be guided by the foregoing sections, as they are part of principal act in which that enactment has been incorporated. "It is beyoud dispute," observes Lord Herschell, in Colquhon v. Brooks, 14 Appeal Cases, at page 506, "that we are entitled, and indeed bound, when con struing the terms of any provision found in a statute, to consider any other parts of the act which throw light upon the intention of the legislature, and which may serve to show that the particular provision ought not to be construed as

apart from the rest of the act."

Rule 34 is, as I have said, one of a group of thirty-five rules which are esigned to protect life and property; and the present impeached provision, as well as the section it amends, and the fourteen sections which follow, are apparently regulations in the same direct

Admitting, for the sake of argument, that any one of them is unjust and oppressive, that is no ground for declaring the act in question invalid, if the subject matter is within the jurisdiction of the legislature. A court cannot "declare," I am quoting from Cooley's Constitutional Limitations, Chap. 7, Sec. 4, "a statute unconstitutional and void solely on the ground of unjust and

oppressive provisions.' The act in question comes within subsections 13 and 16 of Section 92 of the B. N. A. Act, by which the legislature is empowered to "exclusively make laws in relation to * * * * 13. Property and civil rights in the province; and 16, generally all matters of a merely loca

or private nature in the province. "The object of the British North America Act," as Lord Watson points out in the case of the Liquidators of the Maritime Bank of Canada vs. Receiver-General of New Brunswick, 61. L. J., P. C., at page 77, "was neither submitted by the provincial government to weld the provinces into one, nor to to the supreme court and the result is subordinate provincial governments to as mentioned above. Hon. C. E. Pooley, a central authority, but to create a fed-Q.C., appeared on behalf of the Welling-tor and Union Colliery Companies, conexclusive administration of affairs in which they had a common interest, each province retaining its independence and autonomy.'

What possible "common interest" could the other provinces have with us in a set of coal mining regulations such as those before us? And yet it is only that common interest which would give In the Supreme Court of British Co- them a federal character. Mining remust be merely a matter of local con-

The contention with respect to the impeached regulation is, in effect, that the Dominion parliament can alone prohibit an alien from working at any particular place in a coal mine here, or holding any of the positions, such as that of sig nalman, banksman, etc., that are men tioned in Rule 34, as such a prohibition would, in an indirect way, be a regulation of trade and commerce, inasmuch as it would trench on that sub-

The meaning of the term "regulation f trade and commerce" is explained in the Citizens Insurance Company vs. Parsons, I Cart. at page 278, (or App. Cas., 96), to be a term which would include political arrangements in regard to trade requiring the sanction of parliament, regulation of trade in matters of inter-provincial concern, and * * * * * a general regulation of trade affecting the whole Dominion *

* * * but not * * * the power to regulate the contracts of a particular business or trade in any province so as conflict or compete with the power over property and civil 'rights,' or mat ters of a merely local nature, 'assigned to the provincial legislatures."

This would seem to settle the question; for the employment of laborers or others in the mines is necessarily a matter of contract, and therefore a matter which, in view of the above authority. is under the jurisdiction of the provincial legislature.

what simila coal, thus, in a measure, regulating its | Quebec. Both acts restrict the right price, and to that extent interfering of selling drugs to persons possessing certain specified qualifications. To some extent this restriction must necessarily affect trade and commerce; yet, when, the Quebec Act was questioned, Act was upheld, on the ground that it did not deal directly with trade and commerce, but with pharmacy, which ing civil rights. Bennett vs. Pharmaceutical Association of Quebec, 2 Cart.,

251. The case of the Citizens Insurance Company, and that of Russell vs. the Queen, 7 App. Cas. 829, illustrate the 'that subjects which in one aspect and for one purpose fall within Sec. 92, may, in another aspect and for another purpose, fall within Cect. 91.' See Hodge vs. The Queen, 9 App. 117. In this last case it was also held that in relation the subjects enumerated Sec. 92, the provincial legislature has 'authority as plenary and as ample * * * "as the imperial parliament in the "plenitude of its powers" possesses, within these limts of subjects and area, the local legislature is supreme and has the same authority as the imperial parliament, or the parliament of the Dominion." Within the same limits the legislation of each province continues to be free from the control of the Dominion and as supreme as it was mine; section 4 prohibits the employ before confederation, as stated by Lord ment of women and girls and also Chi-Watson in the case of the Maritime Bank of Canada, supra.

The case of the Quebec Pharmacy Act which I have referred to, is an in stance, as I have pointed out, of provincial legislation trenching upon a subject assigned to the Dominion; and Valin vs. Langlois, 1 Cart. at page 177, is an instance of the converse, that is to say, of Dominion legislation on subjects matter reserved to the provinces, viz. rocedure in civil matters in our courts. Numerous instances are given in that case, in the judgment of Ritchie, C. J. of Dominion legislation upon subjects within its control, in which rules of civil procedure are enacted to meet the exigencies of the case. The legislation as to the Canadian Pacific Railway which, as an inter-provincial line, is un der the jurisdiction of the Dominion parliament, includes a system of civil procedure which is to apply throughout the several provinces of the Dominion in any litigation which the railway company may be involved in. The which these encroachprinciple upon ments of jurisdiction by both legislatures are permitted is that when an act such, for instance, as the B. N. A. tract. It is a clear principle of law tract. It is a clear principle of law that the employer of labor may engage Leod, D. McKay and Capt. J. Thompson, Gus tract. It is a clear principle of law that the employer of labor may engage Leod, D. McKay and Capt. J. Thompson, Gus tract. tures are permitted is that when an act essentially necessary to its execution."

the decisions of the privy council in the cases I have referred to, and in the further cases of the Bank of Toronto vs. to embrace in their fair and ordinary Lambe, 12 App. Cas. 575; L'Union St. meaning rights arising from contracts Jacques de Montreal vs. Belisle, L. R. 6 not included in section 91. But if this P. C.31; and Cushing vs. Dupuy, 5 App. is a matter affecting property and civil Cas., 409, namely;

"2. The enactment should be as to bring it within the legislative authority. (McLeod vs. Government, of New South Wales, 1891, A. C. 455.

"3. The true nature and construction of the enactment must be determined in order to ascertain if the subject falls within section 92, and if so, whether the court is compelled by section 91 or other sections to cut down the full meaning of section 92 so that it shall not include the subject of the impugned act.

"5. Subjects which in one aspect fall within section 92, may, in another aspect and for another purpose, fall within section 91."

Applying the passage which I have quoted from Hodge, vs. the Queen to the present case, the legislature could, in my pinion, if it had been considered expedient so to do, have excluded any particular class of British subjects from mine is tituated. A. fortiori, it could have excluded aliens, as it has done. If

A treaty between China and Great Bri- Dominion but do not include the tain was spoken of by Mr. Pooley, but to regulate contracts of a particular was not produced. If one exists it can business or trade. The subject was connot affect this question. Inasmuch as it is Chinaman in any of the British pos- 255 Dovion, C. J., said: sessions has been placed by it on a higher plane than that occupied by a British cations required by those residing in the subject.

Dominion Naturalization Act. The Cap. 113, Rev. Stat. Can., Is the only ed with danger or risk to the public are authority we have before us with re- local subjects in the nature of internal and personal property and dispose of it incidentally affect trade and commerce subject; "but nothing in this section shall power is included in the right to deal an alien to any right or privilege as a hereby expressly conferred upon him."

The section, although liberal, clearly shows that aliens in Canada are not placed on the same footing as British subjects. In this province, they are prohibited from acquiring Crown lands by pre-emption, from voting for or being members of the legislative assembly, and from being members of the legal profession. These circumstances are, of course, no authority one way or the other on the question before us; but, a's Ritchie. C. J., observes in Valin vs. Langlois, this class of legislation is evidence of the opinion of the Legislature on questions affecting aliens.

It will be observed that section 3 of the Naturalization Act merely states that it is not to be construed as giving aliens rights of office or franchise. It, in effect, leaves the Province free to deal with those rights. See Attorney General of Ontario vs. Attorney-General of Canada, (1894,) A. C., 192. The object. of the Act before us is to regulate the working of coal mines, and not to define the rights or disabilities of aliens. The latter subject as dealt with in the Act, is merely incidental to the main object We have a Pharmacy Act on our in view. In my opinion the Act is withstatute book, and there is one of some- in the competence of the Legislature.

Mr. Justice McColl concurs.

MR. JUSTICE DRAKE.

The question submitted to the court is whether the restriction against the employment of Chinamen underground coal mines is within the legislative authority of the province. The argument against its validity was

eo. A. Walkem, J.

presented under different heads: 1st. As being an interference with the rights of aliens.

2nd. As an interference with trade and commerce. 3rd. Class legislation.

4th. Infraction of British treaties. It is necessary to examine the act in which this restriction appears. The act is one making regulations with respect to coal mines and miners and is divided into parts under different captions. In first part we find regulations regarding the employment of women, young persons and children, then regulations as to the payment of wages. The constructions of shafts and so un. The act is strictly confined to regulating the manner in which coal mines are be worked, in the interests of the employes and their protection, as the occupation of a miner is one of danger and risk.

The first portion of the act is the one with which we are concerned. Section 3 prohibits the employment of boys under twelve years of age, in or about a namen below ground; sections 5, 6, 7, and 8 regulate the hours of labor for boys, women and young persons. Every of women and children is a subject, which every legislature is entitled to control, until such time as the Dominion parliament passes a law applicable to the whole Dominion. The protection is of dual character; in one sense it protects the women and children from being employed in work unsuited to their powers and sex, and in the other it protects the miners from the risk aris ng from the want of skill and knowledge of persons employed with them in a dangerous occupation. The legislature has thought fit to place Chinamen in the same category, the reason of which is not obvious for they are as able and as well fitted to work a mine below ground Chinese the wages of the white laborer were reduced and that involves the grants also the power of doing all such acts or employing such means as are free to contract for his labor, with whom and at what rate, and upon what terms he chooses. But the legislature

it would be if considered alone and sums up in five propositions the result of civil rights, the Privy Council (in the had taken place. The injury was at Citizens' Insurance Co. v. Parsons, 1 once attended to and Magistrate Macrae | Stearns bicycle, and the second prize, rights, then only so far as the Dominion "I. The presumption is in favor of an legislature has not under cognate powers affected the rights of the province, the province can legislate. The Dominion under the Naturalization Act, Chap 113, Con. Acts of 1888, has exercised a partial control over the rights of aliens by declaring that their rights to real and personal property shall be as free and unfettered as if they were natural born British subjects, and a naturalized alien shall, in Canada, be entitled to all political rights, powers and privileges statements as to the prospects of suc-of a natural born British subject. This cess, he lent them \$5000 for the specific

partial control does not, however, overlap the rights of the provincial legislature to deal with the subject as to who shall not be employed underground in a coal mine. What the meaning of the language used in the act is, or how it 's. to be construed, is not before us, but with regard to the question whether this is an infringement of the Dominion rights to deal with trade and commerce. The Privy Council in the Citizens' Insurance Co. v. Parsons, supra, working in the mines, for instance, non- laid down the principle upon which the residents of the district in which the words "regulation of trade and commerce" are to be construed. They mean political engagements as regards t could not do so, it would not have the foreign trade. Regulation of trade in plenary powers ascribed to it in Hodge's matters of inter-provincial concern or general regulations affecting the whole sidered in Bennett v. Pharmaceutical mpossible to conceive the status of a Association of Quebec, 2 Curt. at para. termining of the age or of other qualifiprovince to exercise certain professions of certain branches of business attendspect to aliens. And in Sect. 3 it states police regulations, and in passing laws that an alien may acquire and hold real upon those subjects even if those laws in all respects as if he were a British it must be held that this incidental qualify an alien for any office, or any with the subjects specially placed un had a severe cold, which, it is feared, municipal, parliamentary or other fran- der their control." Applying these prin- has developed into pneumonia. A specchise; nor shall anything therein entitle ciples, to the present case we must jal nurse has been engaged to look after come to the conclusion that this is not a him, and Dr. Milne has taken charge of British subject, except such rights and case affecting trade and commerce, but the case. The statistics, etc., for the privileges in respect of property as are a question of property and civil rights annual general meeting were ordered to and regulations of a particular business be prepared and the following donations hitherto untouched by the Dominion legislation. The cases cited by Mr. legislation. The cases cited by Mr. for milk daily; the Colonist, for that Pooley are R. v. Corporation of Vic- paper each day; to "Friends," for cake, toria, B.C., R. 1, 331, R. v. Wing Chong same vol. part 2 p. 150, and Tai Sing v. Maguire, same vol. p. 101, all turned on the subject of special taxation imposed on the Chinese, and although incidentally the powers of the provincial and Dominion legislatures were discussed, the points decided are no guid? to the present case. The question of how far treaty rights are involved 'n this legislation was not argued and we

> must be answered in the affirmative. M. W. TYRWHITT DRAKE, J. LOCAL NEWSDAR Gleanings of City and Prov. cial News in a Condensed Form.

From Tuesday's Daily. -A caroner's inquest was held to-day, determine now Harry Brown, th seal hunter, came to his death. The jury brought in a verdist of accidental drowning.

Mr. J. T. Collins, of Salt Spring Island, is erecting a large creamery with a capacity of 200 cows. He has already the milk of 100 cows promised. Mr. Collins intends making fancy cheese as well as butter. -Donations to the Old Men's Home

for the month just closed were as follows: A. Jack, cigars; Col. Prior, clothing: Victoria Phoenix Brewing Co. one dozen beer; Mrs. G. Winter, Mrs. H. D. Helmcken, Mrs. Quagiolette and C. Morley, papers.

-The February number of the British Columbia Mining Record comes to hand with the usual excellent supply of matter relating to its special subject. News relating to the mines, sensible comments on mining and general questions, and special information of various kinds combine to make up a good number.

-The committee having in charge the annual ball of L.O.L., No. 1610, are working hard to make it the most successful event of the season. Mr. Fred Richardson has been induced to come from Vancouver to provide the music. No one should miss this opportunity of tripping the light fantastic to the strains of the well known Richardson orchestra.

-A small bey was found drunk on Fisguard street yesterday afternoon by the city police. His "jag" was the product of Chinese whiskey given him by the Chinamen who had been celebrating their one of these sections in some sense af New Year. He, with a host of other fects trade and commerce but they are small boys had been visiting the Chinese not thereby ultra vires—the protection stores, where they were treated to cigars, candy and whiskey. He was released this morning.

> -The following mineral records were made at Nanaimo on Monday: Rapids, on Stewart Island, by Mr. O. W. Rafuse; Next Best, on Stewart Island, by Mr. C. R. Graves; Money Musk, on Texada Island by Annie E. Forbes, and the Minne-ha-ha. Red Cloud and Jumbo, in Nanoose district, by Mr. S. B. Hamilton and others.

-The funeral of the late Mrs. Henry Glide took place from the residence, Erie street, at two o'clock on Sunday afternoon and later from the Reformed as men of any other nationality-the Episcopal church, where Bishop Cridge restriction apparently was imposed in and Rev. Dr. Wilson conducted impres-the ground that by the employment of sive services. The attendance, which included a number of pioneers, was very large, as was also the number of floral larger question of right of employer and offerings. The pall bearers were

(Maxwell on Stats., 2nd Ed., 483.)

In the case of the attorney-general of the Dominion, (1894) A.C., 192, counsel for the plaintiff, Mr. Blake, in the course of his argument, acurately and concisely of his argument at the legislature residence, Police Magistrate Macrae, who is a great lover of dogs, going out to inspect Dr. Duncan's residence, Police Magistrate Macrae, who is a great lover of dogs, going out to inspect Dr. Duncan's residence, Police Magistrate Macrae, who is a great lover of dogs, going out to inspect Dr. Duncan's residence, Police Magistrate Macrae, who is a great lover of dogs, going out to inspect Dr. Duncan's residence, Police Magistrate Macrae, who is a great lover of dogs, going out to inspect Dr. Duncan's residence, Police Magistrate Macrae, who is a great lover of dogs, going out to inspect Dr. Duncan's residence, Police Magistrate Macrae, who is a great lover of dogs, going out to inspect Dr. Duncan's residence, Police Magistrate Macrae, who is a great lover of dogs, going out to inspect Dr. Duncan's residence, Police Magistrate Macrae, who is a great lover of dogs, going out to inspect Dr. Duncan's residence, Police Magistrate Macrae, who is a great lover of dogs, going out to inspect Dr. Duncan's residence, Police Magistrate Macrae, who is a great lover of dogs, going out to inspect Dr. Duncan's res

taken to his residence, where at last ac- | gold watch, was won by. Win. Scaife counts he was resting easily. Although will probably be from four to five weeks before he is able to use his right arm, he hopes to attend to his regular duties in the police court and small

debts court within a very few days. -The following paragraph has been sent to the Times for publication: "As some misunderstanding exists as to the connection of Mr. F. W. North, of 18 St. Swinthin's Lane, London, E.C., with the recent War Eagle deal, we have authority for stating that the London promoters went to Mr. North to procure his assistance, and having had their purpose of registration of the London company, and he also became a director, so that upon his recent visit to British Columbia he could visit the mine and report to his colleagues from personal inspection his opinion of its prospects." Those connected with the Behring

Sea Commission are busy packing up, and to-night the majority of them will leave the Driard after spending upwards of two months in the city. The last session of the Commission was held in the Driard parlors this afternoon, the only witness examined being Mr. Frank of San Francisco. Mr. Justice King, Mrs. King and Miss King, Mr. Justice Putnam and Miss Putnam, Hon. Fred Peters, Hon. Don M. Dickinson, Messrs. Beique, R. Lansing, Warren and Anderson will leave on the Kingston tonight and will go overland to San Franisco, where a few days will be spent. They then return to their homes. Charles and Lady Tupper and Mr. R. N. Venning leave for Ottawa to-morrow evening, going direct to the capital by the C. P. R.

-The monthly meeting of the lady managers of the British Columbia Protestant Orphanage was held vesterday afternoon at the residence of Mrs. Charles Kent. The report of the matron was read. It reported that one of the boys, Henry Horn, was sick. He were acknowledged: To R. E. Knowles pies, toys, etc.; to Mr. A. Jack, for rice, cake, etc.; to Mr. Ross, for fruit; to Mrs. Roscoe, for blankets; to Mrs. to mourn her death Vigor, for clothing; and to Miss May Gowen, for fruit, eakes, etc.

-Deputy-sheriff Siddall addressed large number of sealing men when he offered the seized schooners Viva and Beatrice for sale this morning, but secured no buyers. Mr. Siddall started the were not referred to any treaties al-Beatrice at \$1,600, and he was greeted leged to have been violated. We must with a volume of derisive laughter from day G. T. Rants and Gunner James therefore consider that no such objection the sealing men. They refused to hid Osborne, R.M.A., were charged with an for the vessels at any higher figure, and. exists. Under the circumstances I am of opinion that the question put to us she was consequently withdrawn. Mr. Siddall, profiting by his experience with The former was discharged, it being the Beatrice, put up the Viva without proved that he was acting as a mesa price on her. Captain Jacobsen of senger to bring the deer home. The tarn to laugh. He secured no higher drawn. It is not known what will be done with the schooners. The fines imposed were £400 on each vessel, and this, the sealing men claim is more than the

schooners are worth under existing con-

-During the month just passed 2085 | board instructed Captain Wolley, public library, 1095 to gentlemen and 990 to ladies. The maximum number lent in one day was 140 and the average per day 83. Thirty-five new members were enrolled, 22 being gentlemen and 13 ladies. The following new books, thanks to the generous donors, have been added to the library: "Canadian Life," "Violet Fletcher's Home Work," "History of Susan Grey," "Hazell & the police court this morning, Ah Sam. Sons' Brewsters," "Ben Hur," "King a Chinaman, was accused of an attempt to pick pockets. As there was not sufton," "Fabian Dimitry," "For the Temple-Fall of Jerusalem" (Henty), "Last he was discharged. The charges he of the Mohicans," "Peter the Whaler." "The Water Witch," "The Spanish Novelist" (Roscoe), and these reports-Public Instruction, Quebec, 1895-6: Introduction of Domestic Reindeer Into Alaska; and Education in Alaska, 1893-

-From a private dispatch received from Ashcroft, it is learned that William Keithley, one of the pioneers of the district, died on Saturday and was buried at Ashcroft on Monday. Mr. Keithley was an American by birth, but came to the province in 1859 and took out naturalization papers. He was one of the best known teamsters on the Cariboo road in early days, but in recent years he gave more attention to his excellent farm, fifteen miles outside the town of Lillooet. His love for the road was strong, however, and for the last eight years. Mr. Keithley in addition to looking after his farm, did a freighting business between Lillooet and Ashcroft. He was married to the daughter of James Dickie, of Lillooe: Although he had but little inclination for politics, Mr. Keithley was induced by his many friends to oppose A. W. Smith, M.P.P., in the last provincial election.

-A brief dispatch from Marysville, Missouri, announces the death of Judge Lafayette Dawson at his home there on Saturday last. The deceased was 58 years of age and death was caused by cancer. Judge Dawson was no stranger to many Victorians interested in the sealing industry. He was appointed judge for Alaska by President Cleveland in 1885. It was during his term of office that many of the schooners which claims were placed with the Commission just closed were seized and condemned. The Carolena and the Onward were among the number. They were taken to Sitka, tried by Judge Dawson and condemned, and the members of the crews were given various terms of imprisonment. Judge Dawson took a very harsh view of the case and characterized the British sealers as phrates and robbers. It will be remembered that Cap-tain Ogilvie, master of one of the schoon-ers, wandered into the woods and died there. Since leaving Alaska Judge Daw-son has lived quietly at his home in Mis-

Winn, Victoria, won first prize,

-The remains of Robert McFerran late of New Denver, who died at the Jubilee Hospital on Sunday last, wer. removed to Hanna's undertaking parlors to-day by the order of the friend of the deceased, who have just arrived The funeral will take place to-morrow morning.

-Taking advantage of the crowded state of Chinatown streets yesterday afternoon, Ah Sam attempted to pick the pockets of one of the sightseers. He was arrested by Constable Clayards yesterday evening and will come before the police magistrate to-morrow

-Madame Albani regrets very much that, in consequence of her engage ments to sing both this and to-morroy evenings, she is unable to accept invitation for a reception which His Honor the Lieut.-Governor has be good enough to offer her. Had been free Madame Albani would have been only too pleased to have the honor of meeting her friends in Victoria.

-Yesterday evening the sixth annual meeting of the James Bay Athletic Association was held. The following officers were elected: Honorary Patron Mr. A. C. Flumerfelt (re-elected); com mittee-H. D. Helmcken, J. D. Helm cken, R. Eckhardt, A. J. Dallain, E. Bailey, J. S. Yates, C. Fletcher, D. O'Sullivan, F. A. Gowen, W. J. Scott. Archdeacon Scriven. G. Byrnes; C. W Newbury, E. E. Billinghurst and A. Anderson. The annual report of th president, Mr. H. D. Helmcken, showed the association to be in a flourishing condition. New members have been enrolled and the membership of the association has now reached a total of 138 members. A basket ball team will be organized and start practice on Fri day evening next at 8 o'clock.

-Craigends was sold to-day by Mr. oshua Davies, auctioneer, to Mr. John Lamberton, one of the original owners, for \$4000

-The funeral of the late Robert Me-Ferran, of New Denver, B. C., took place this morning at 11 a.m. from Hanna's parlors. Rev. Dr. Campbell

The death of Mrs. J. E. Schubert on Tuesday last has been reported from Vernon. Deceased, who was a daughter of John Winger and a sister of Mrs. Captain Jaegars, leaves many friends here

Thos. Kitchen, M. P. P., Chilliwack, and several other members of the local legislature will arrive down from the Mainland this evening for the opening of the house, which is fixed for three o'clock on Monday afternoon.

-In the provincial police court yester infiraction of the game act. Both were found with fawns in their possessien. fered \$500 and it was now Mr. Siddall's latter, whose defense was that he was tarn to laugh. He secured no higher ignorant of the law, was fined \$1 and bid, however, and she was also with

-Last evening the provincial board health held the closing session of their meeting. The reports of the different health officers were considered and number of suggestions from the board books were issued from the Victoria Sanitary inspector, to go to Nanaimo Wellington, Union and surrounding dis tricts, and investigate the sanitary con ditions. The board held a conference with the members of the provincial gov ernment. It was urged that if the beard was to do efficient work in th future more funds must be provided.

> -Before Police Magistrate Macrae i the police court this morning. Ah Sam. ficient evidence against him, howeve against Captain A. E. McCallum by A. Lawrence were called and adjour ed until to-morrow morning, when thought they will be finally settled. T is the twentieth time these cases have been called. Two vagrants were the only other cases before the police gistrate. One Alexander D. Macdon ald was remanded and allowed out his own recognizance until the 8th stant. As the other man did not a pear a warrant was issued for his ar

-The Nanaimo Free Press says "Mr. P. L. Simpson returned last night by the Alberni stage from a month prospecting trip along the west coast Mr. Simpson and a fellow prospecto left in the latter part of December an open boat well stocked with prov sions, and prepared for a rough winter They worked their way up from trip. Victoria along the coast, prospecting they went, and meeting with very couraging success. The weather, he ever, was very trying, being frequen alternate snow, rain and hard On reaching Alberni last week, after having staked a number of claims different points, they decided the weather was too trying to continue the trip and returned to the city by way of Al

VENEZUELAN TREATY. Draft of the Treaty Sent by Mail to

Washington, D. C., Feb. 4.-A copy of the Venezuelan arbitration treaty Wil be sent by mail on the steamer saili from New York to-day. It will read Caracas in a week, leaving sufficient time for an arrangement of all detail connected with the submission to congress before the latter convenes on the 20th instant. The Venezuelan govern ment is fully informed as to the exact scope of the document, as Minister An drade sent by the preceding mail a respects save the names of the arbitra tors. There is nothing now to do here until the ratification of the treaty the Venezuelan congress, of which n loubt is entertained here.

Why not profit by the experience of others who have found permanent cure for catarrh in Hood's Sarsaparilla.

CARREST SERVICE CONTRACTOR OF THE SERVICE CO British Columbia. THE PROPERTY OF THE PROPERTY O

VANCOUVER.

The Capilano came in on Sunday night from the northern banks with 0.000 pounds of fish for the New Engand Fish company.

The Union Steamship Company have had returned to them again the bonds they put up for the release of the steamer Coquitlam when she was seized in Behring Sea. As will be rememberthe appeal from the decision of the Jaskan court at Sitka was decided by the circuit court at San Francisco in vor of the Union Steamship Co. Mr. G. W. De Beck, who has just re

urned from Lillooet, reports that the cather is very severe in that district nd a number of cattle have perished. e reports that the excitement over ining shows no abatement, and denite the snow, prospectors are swarmirg all over the country. Messrs. Ceary & Duguid are building a sawaill at the foot of Seaton lake. They expect to be cutting lumber in about menth, and the mill will prove of great advantage to the miners and settlers.

NEW WESTWINSTER. large lynx was shot by Thomas In the sixteen-year-old son of Mr. nglis, of Tynehead, Surrey. He has sented it to the public library mu-

Work has been commenced on the new which is to be built for the Angloitish Columbia Packing Co. Her dinsions are: Length over all, 62 feet eadth of beam, 12 feet; depth of hold, In general appearance she will the tugs Sea Lion and Lorne. her builders hope that in two time she will be ready to be

Monday Mr. E. T. Fletcher passaway after an illness of about three nths. Deceased was a native of nterbury, Kent, England. He came Canada early in life, residing in the stern provinces for a number of ars, where he followed his profession land surveyor, and for a long time cupied a position in the crown lands partment of Quebec. Mr. Fletcher noved to British Columbia about ten ars ago and for five years resided in ctoria, whence he removed to this Mr. E. H. Fletcher, of Victoria, O. Inspector, and Mr. S. A. Fletcher this city, are sons of the deceased.

> FORF STEELE Fort Steele Prospector.

We learn from private sources that Sullivan group of, mines will be cked for \$1,500,000. The North Star Company have taken

t the required 5000 tons of ore for pment next spring. A large warehouse will be erected on

river bank for the accommodation the steamboat company. The Quantrell and Utopia have been sold to parties in Scotland. The deal was consummated by W. J. R. Cowell and the money is deposited in the bank waiting the recording of the transfer.

On Saturday last Captain Armstrong ame through from Golden to meet Mr. urran of the North Star Co. Before turning to Golden he purchased all company's interests in the steamers Annerley and Rustler, also the wharf at ennings. Mont. His company will now vn all the steamers coming from south f the line. He also obtained the conract for moving 5000 tons of high grade from Fort Steele to Jennings O. G. Labarie has purchased for himelf, Rufus H. Pope, M. P., Jay P. Graves and others the Midnight, which the northern extension of the famous North Star mine. The deal was closed ast week at Spokane. The Midnight as located by George Watson, Jay sher and George Hoggarth and was onded to B. C. Kingsbury and others Spokane. As the elections in the tates did not meet the expectations of e syndicate, "Bryan and Free Silver" ot scoring a victory, the owners were otified that the deal was off. Mr. Vatson immediately made the necessa rrangements and closed a deal with parties above mentioned. The ore galena and carbonates similar to that und in the North Star. The galena says about 50 ounces in silver and to 60 per cent. lead and carbonates vill run from \$60 to \$100 per ton. This has always been considered a choice

ve a rival to the North Star. REVELSTOKE.

property, and when developed may

Kootenay Mais. On Tuesday a check was received by Kennedy, Ole Sandberg and T. Marshall, for \$3750, signed by Captain J. crant, being the second payment under e existing bond on the Waverly and angier claims, situated at the head of ownie creek.

J. I. Woodrow has purchased a threeghths interest in the Orange Boy im, situated on Carnes creek and an ension of the property of the Reveloke Mining Company. This property as located this fall and has very good face indications of mineral. ers interested are J. D. Graham and

Edwards. The claim owned by George Leslie at head of Downie creek and recently ided to McCallum & Potts, has been them transferred to a syndicate of ncouver people for a good sum. They probably make the next payment on bond, which is due some time in bruary. Some of the assays from claim went remarkably high, going ar \$1000 in silver, lead and copper, he copper went about eight or ten per

The raw hide trail between the Great rthern and Broadview mines at Trout ke is completed and ore shipped every ay down the mountain to Trout Lake gon road.

Things generally are looking better in out Lake camp. We hear of rich kes of ore in different places, some can vouch for; assays made last gave 430 ounces of silver to the Development is all we require to hake our mines as good as our neigh-or's below. The new year is opening well for Trout Lake; it is just the

Revelstoke Herald.

rich body of ore has been struck in No. 3 tunnel of the Great Northern th assays 430 ounces of silver and