

Provincial Parliament

Heavy Debating in the House Yesterday Afternoon—Game Bill Defeated.

Strong Fight Waged and Unanimous Decision Reached on Fair Wage Motion.

Thursday, August 9th.

Two important contributions were made this afternoon to the debate arising out of Mr. Helmecken's fair wage motion and the amendments of Messrs. McInnes and McPhillips thereto. The labor leader (Ralph Smith) spoke with his accustomed clearness and cogency, while Mr. Curtis, member for Rossland, who has already established a reputation in the House of the most valuable men in the House, spoke with even greater force than of old. The reply of the Minister of Finance was evidently delivered with a great deal of suppressed feeling, and much of the weight which it otherwise would have possessed was neutralized by the fact that the respected ex-premier appeared in the role of being more or less an apologetic laborer.

Mr. McInnes' Game Amendment Bill was thrown out, while the House showed its good sense by refusing to accept Capt. Taylor's purely political motion.

Mr. Curtis presented a petition from the Board of Trade of Phoenix supporting the Grand Forks & Kettle River Railway Bill, while Mr. Helmecken presented five petitions asking for amendments to the Game Act.

Mr. Helmecken introduced an Act relating to employment on works carried on under franchises granted by Private Acts, and Mr. Oliver one amending the Municipal Act. The latter was referred to the municipal committee, as the Attorney-General intimated that the city of Victoria wished some amendments and that a committee would be named later.

Hon. Mr. McBride presented a return to an order of the House for all hydraulic leases granted since January 1, 1898, in the Atlin district, with names of lessees, etc.

Mr. McInnes introduced a labor bill, and the following resolution was submitted by Mr. Brown:

"That an humble address be presented to His Honor the Lieutenant-Governor, praying that he will cause to be sent down to this House a return showing the number of ballot papers actually issued to voters in each riding of the province at the general election held on the 9th day of June, 1900."

The motion carried.

Questions.

Mr. Curtis's questions of the Finance Minister were laid over on Monday.

Mr. McInnes asked the government the following questions: 1. When and for what reason was A. W. Walkley, Esq., removed from his position in charge of the reconstruction of the Victoria house? 2. By whom has he been succeeded? 3. If by George Jeeves, Esq., is he the same person who by himself, or in partnership with others, held a contract in connection with the construction of the Legislative buildings?

4. Did the government have difficulty in settling accounts with the said George Jeeves, or his partnership, over the said contract? 5. To what extent did Government Architect Battenburg refuse to endorse the demands of the said George Jeeves, Esq., or his partnership? 6. Did the government arrange a complete or partial settlement with the said George Jeeves, Esq., or his partnership, in 1894 and 1898? 7. Were there general provincial elections in 1894 and 1898?

Hon. Mr. Wells replied as follows: 1. On 31st July last, because his services were not required. 2. By George Jeeves. 3. The government had no contract with Mr. Jeeves, or his partners; they merely continued the work in the names of the legal representatives of the deceased contractor, Frederick Adams. 4. No. 5. To no extent, these persons not being recognized as interested in the contract. 6. No; a complete settlement was made in 1898 with the Adams estate. 7. Yes.

Mr. McInnes pointed out that the answers could not be considered satisfactory. The answer to the first question was that Mr. Walkley's services were no longer necessary, while the answer to the next showed that the services of such a man were required.

Mr. McInnes asked the government the following questions: 1. When and for what reason was A. R. Sherk, Esq., removed from his position as warden at the Victoria gaol? 2. By whom has he been succeeded? 3. If by George Jeeves, Esq., was he recently placed in charge of reconstruction of the Victoria court house?

Hon. Mr. Eberts replied as follows: 1. A. R. Sherk never occupied the position of warden at Victoria gaol. He was employed specially from May 30th to June 30th; his services were then no longer required, and were dispensed with. 2. On the 12th July, owing to the absence of one of the guards, it became necessary to employ a special guard, and Mr. Jeeves was employed. His services will be dispensed with in a few days. 3. I am permitted that the Mr. Jeeves above mentioned is a brother of the Mr. Jeeves who is employed upon the reconstruction of the Victoria court house.

Mr. McInnes asked the government the following questions: 1. How many licenses have been issued under section 14 of the Game Protection Act, 1895, and of how much revenue has been derived from the issue of such licenses? 2. How many convictions have been taken place under the said act, and what is the amount of the fines which have been imposed?

Hon. Mr. Turner replied as follows: 1. 7,835. 2. It will take considerable time to prepare a return that will furnish the information requested by this question.

Mr. Oliver's question regarding returns from hotel licenses stood over.

Mr. Oliver asked the Hon. the Minister of Agriculture the following questions: 1. Why was Mr. Thos. Wilson dismissed from the horticultural board? 2. Who has been appointed in his place? 3. At what salary? Hon. Mr. Turner replied as follows: 1. Mr. Thos. Wilson was not dismissed; his term of office expired on 30th June, 1900. 2. The vacancy on the board was filled by Mr. Thomas Cunningham. 3. Members of the board of horticulture are paid five dollars a day when actually employed.

The Lien Bill. Mr. Helmecken, upon the debate on the Mechanics' Lien Bill being resumed, said he had looked into the matter, and as he found the workingman was properly protected in the contemplated measure, he would support it.

Mr. McPhillips wanted the bill dropped, to expedite matters, as he had been asked to allow a bill to lapse; and he thought the opposition should do so too. Mr. Brown announced that he would not oppose the bill, although he had opposed admitting "material" men to the benefits of the bill in former years. He was assured by the promoters that the mechanic was properly protected. Since he thought Mr. Curtis might allow the bill to stand over, The government had not pushed matters, had not a night session, etc., and were not taking advantage generally of the opportunity to expedite affairs.

Mr. Hunter advocated passing the act immediately and leaving all these bills high and dry until next session. (Laughter.)

The Attorney-General chaffed the member from New Westminster on his change of attitude since 1891, when the Davey government introduced a clause in the Mechanics Lien Act to protect the "material" man, and when it had been strenuously opposed by Mr. Brown, who finally carried his point. Such a clause protected the young contractor. The member for New Westminster was losing his memory, and forgot his former principles.

Mr. Brown said he had never opposed protecting the "material" man, but he did not favor such a clause in an act for the protection of the mechanic.

The bill was read a second time, on a vote of 18 to 10, Messrs. Eberts, Pooley and others on the government side supporting it, while the Finance Minister opposed it.

Game Act.

Mr. Hall's Investment and Loan Societies Bill was again laid over at the request of the Minister of Finance.

Mr. McInnes explained that his amendments to the Game Act were for the purpose of further protecting game. It provided minimum penalties, where none existed before.

It forbade boys under sixteen years of age carrying firearms, unless accompanied by their parents or guardians, excepting in rural districts.

Another provision was to prevent birds being stored in cold storage, which was contrary to the spirit of the act. The bill also removed the power which now lay with the Governor-in-Council to suspend the regulations of the act.

Mr. McPhillips was afraid this was encroaching on the prerogative of the government, but the leader of the opposition pointed out that the penalty for the question of revenue involved was merely auxiliary. The penalty was not there for revenue but as a deterrent. At Ottawa and in the Imperial House private members had much wider scope than this.

The Speaker agreed with the leader of the opposition, and so did the Attorney-General, seeing which Mr. McPhillips withdrew his opposition.

Mr. Oliver strongly opposed the bill. The maximum fine of \$50 for any one who shot a hen pheasant in mistake for a cock pheasant was outrageous. It was also ridiculous to impose prohibition in regard to firearms on boys under sixteen years of age. Some of the best bear hunters in his constituency were boys of thirteen to fourteen years. If farmers were prohibited to put out poison to kill out worms for fear of poisoning pheasants they would find that these birds would be poisoned more generally than was now the case.

In Mr. Neill's opinion the bill was one involving contentions views, and he moved the six months' halt.

The leader of the opposition protested against this "non-contentious" arrangement between the government and its supporters being forced upon the House. They were all doubtless anxious to get home, but if legislation was required the members had no right to consult their own convenience.

The Attorney-General ridiculed the last statement. He opposed the bill as unnecessary. He particularly opposed the clause relating to cold storage, and withdrawing the discretionary powers that now lay with the Governor-in-Council. He favored the preservation of game, as it attracted tourists. Maine state had preserved its game so that it brought a revenue of two millions of dollars annually. An amendment might be introduced forbidding the sale of game birds. That would take away the occupation of pot hunters.

Mr. Neill's amendment was carried by a vote of 20 to 14 on the following division:

Yeas—Messrs. E. C. Smith, Oliver, Kidd, Neill, Green, Hall, Turner, Dunsen, A. W. Smith, Clifford, Hayward, Garden, Prentice, Wells, Pooley, Murphy, Rogers, Taylor, Dickie and Mounce—20.

Nays—Messrs. Gilmour, Stables, Brown, Martin, Curtis, Munro, R. Smith, McPhillips, Helmecken, Eberts, Fulton, Tatlow and Hunter—14.

Bills Laid Over.

Mr. Curtis's "Deceived Workmen" Bill was laid over. Mr. Brown's bill respecting grants in aid of private enterprise also stood over.

Anti-Chinese Debate.

The debate on Mr. Helmecken's fair wage motion and the amendments there-

to was then resumed. Mr. Ralph Smith took advantage of the debate to make his position clear. He was not prepared, he said, to support any principle that had the appearance of exercising power which the Legislature had not in its possession. Moreover, he would support any principle that was revolutionary in regard to the industries of the province.

Hon. Finance Minister—Hear, hear. If he felt that Mr. McInnes's amendment was outside the jurisdiction of the House he would not support it. But still this was shown he would support every kind of legislation up to the hilt that aimed at the exclusion of a class so detrimental to labor interests in the province.

The junior member for Victoria had not proven to his (the speaker's) satisfaction that this amendment was ultra vires. This was simply an order to the government not to make provision for these restrictions in contracts. It did not form a part of any statute and he would give it his support.

He supported it also because he believed it was the duty of the House to do all in its power to equalize matters of this character that did not affect in a revolutionary way the industries of the province. The expressed opinion of the House would have greater weight at Ottawa than anything else. If a faction of the House took ground against what the majority of the House thought it would be taken advantage of at Ottawa. It was very important that the House be unanimous on the question.

If might be true, as claimed by the junior member for Victoria, that the Dominion government had not done its duty in the premises, but he would not sympathize with the expressed view of Mr. McPhillips that such a state of affairs absolved him (Mr. McPhillips) from his duty.

If this provision was a restriction upon this kind of labor in all the industries of the province, he might agree that it should be modified. But such was not the case, and the passage of the amendment would have the strongest possible influence on the Dominion government.

Until it could be shown to him that such action was outside the jurisdiction of the House he would support it. He did so as nearly all the members were to oppose Mongolian labor he thought it should meet general support.

Mr. Curtis expressed surprise at the attitude of the fourth member for Victoria, who declared that he would support the amendment because it was ultra vires of the Legislature. How could this be? The amendment was not to be incorporated in an act, and thus risk disallowance. It was merely an expression of opinion. Such an attitude meant that when the government gave the law and grants it was powerless to impose any condition.

If the speaker had any confidence in Mr. McPhillips's opinion on a matter of law, it would be upset on reading the amendment to the amendment, which embodied a portion of the same principle as laid down in the amendment itself. He had admitted the principle to be proper in regard to bonuses. Why should it not apply to other privileges or grants?

The matter was left entirely in the hands of the government, the power being purely discretionary. He was glad to see that no other member had taken the same view as Mr. McPhillips.

He was sorry to notice that the Minister of Mines and two members for Vancouver held that the amendment to the amendment was not for the benefit of the Conservative party contemplated. He read the following extract from one of Mr. Wilson's election speeches to prove the fallacy of the contention, Mr. Wilson said:

"The proposed perfect remedy. They should take the matter out of the hands of the government and put it in the hands of the people. It was a proposition that would work out well, legally. For instance, if a corporation came to the Legislature the constant practice had been to insert anti-Chinese clauses in the private bill. This was absolute nonsense. The House of Governor-in-Council should be empowered to place this in contracts, not acts of parliament, which somebody would declare ultra vires. The law should be so fixed that every privilege should be abrogated if the terms of the contract were not carried out. He had thought out this proposition very thoroughly and was certain that it was the true solution of the difficulty."

This, added Mr. Curtis, was the principle laid down by Mr. Wilson, and it was perfectly sound. It covered all that was included under the amendment of the member for New Westminster. He asked those who fought under Mr. Wilson's banner to be true to their pledges.

The country was indebted to the senior member for Victoria for introducing the solution. He was sorry though that he was not prepared to go to the extent of carrying the Premier's opinion. He had always favored increasing the tax from \$100 to \$500. He read the letter of Hon. Jos. Chamberlain setting forth that there could be no objection to an educational test for Mongolians.

Coming to the question of numbers, the senior member for Victoria stated that in the last three years there had been an immigration of 7,367 Chinese and 12,106 Japanese. From July 1st to June 30th, 2,440 Chinese had entered the province, while in the same time 7,875 Japs had come in. Since July 1st 452 more Chinese had arrived and 894 Japs.

Proceeding, Mr. Helmecken quoted the action which had been taken in Australia. He said he would not support the resolution, but submitted an outline of one which later he intended to submit, and which would be less likely to antagonize the Premier of Canada. If such a conciliatory course were adopted he felt, especially in the light of recent colonial developments, that relief would be granted. He submitted the following amendment:

"Whereas resolutions have been passed by this House from time to time regarding the Dominion government to increase the poll tax on Chinese immigrants into Canada;

"And whereas the Dominion government has passed an act, known as the 'Chinese Immigration Act, 1900,' increasing the poll tax from the sum of \$50 to the sum of \$100;

"Be it resolved that, in the opinion of this House, the said act is ineffective and inadequate to prevent Chinese immigration into Canada;

"Be it further resolved that an humble

address be presented to His Honor the Lieutenant-Governor, requesting him to respectfully urge upon the Dominion government that the effective mode of dealing with the question of restricting Mongolian immigration into Canada would be by either increasing the amount of the per capita tax to the sum of \$500, or by the passing of an act based on the lines of the Natal Act, known as the Immigration Restriction Act, 1897."

A. W. Smith wanted the word Mongolian changed to Chinese and Japanese. The latter class was as big a nuisance as the former.

Mr. Brown agreed with the opinion expressed by some members that the real way in which to secure action by Ottawa was to take unanimous action in some such way as had been indicated. Since the question must be disposed of some way, he would withdraw his amendment in favor of that of Mr. Helmecken, as it was free from political contention and in every way preferable to the motion.

Mr. Smith's amendment was lost and the word 'Mongolian' stood.

The amendment of Mr. Helmecken then passed and the motion, as amended, passed unanimously.

Compulsory Arbitration.

The debate was then resumed on the motion of Mr. Smith relating to compulsory arbitration.

Mr. Turner, while explaining that the government was fully alive to the importance of the question, felt that it was too late in the session to be considered. The government a few years ago introduced a labor conciliatory act which had been generally endorsed by laboring classes, but when finally introduced it had provoked a great deal of opposition. The government was prepared to take the matter up and investigate it thoroughly before another session. It was impossible to do so satisfactorily at the present session. It would be taken up shortly.

Mr. Smith agreed to withdraw the resolution on that understanding, and also on account of the fact that the Dominion government was making an experiment on similar lines.

Mr. Brown opposed the withdrawal of the resolution at this stage, especially as the pledge of the Finance Minister was not a promise of a compulsory arbitration act. A promise had been made, but it did not specifically promise such an act. He was preparing a bill along these lines, and he did not want the matter shelved.

Mr. Smith—Give them a chance. Mr. Brown—But we will have to wait until next session.

Mr. Curtis also stamped the promise of the Finance Minister as insufficient to warrant the withdrawal of the resolution.

Mr. Hunter wanted to know what brief the opposition had to instruct the government upon the character of the bill. Let the government draft it, and when it was submitted to the House it could be amended by the House.

Mr. Green said the member for Cariboo had the right end of the argument. The opposition were not willing to allow the member to withdraw his bill, and insisted that they should be the arbiters of the provisions of the bill.

The Minister of Mines thanked the House for the way in which the government's promise had been received. The member for Westminster, although for many years a member of the House, had not introduced any legislation along these lines.

Leave was granted to withdraw the motion.

License Bill.

On the third reading of the Liquor License Bill Mr. Eberts moved that the word Mongolian be substituted for Chinese and Japanese in sub-sections 9 and 10 of section 2. It might prevent the disallowance of the bill.

Mr. McInnes said that the classification Mongolian included Fins and Laplanders.

The member for New Westminster suggested that every latitude be allowed the Attorney-General to avoid disallowance. The change was therefore ordered.

Mr. Brown offered another amendment to the bill, and moved that it be recommitted, but this was voted down and the bill was read a third time and finally passed.

The House then rose.

Victoria, Aug. 10th.

Special interest was lent to the proceedings this afternoon by the announcement made by the Attorney-General that Mr. Justice Martin was to be dispatched as a special commissioner to dispose of disputes which have arisen in regard to mining claims since the acknowledgment of British ownership in the Porcupine district. His Honor will be clothed with similar powers to those exercised by Mr. Justice Irving as Atlin commissioner, and it is expected the result will be equally happy.

Prayers were read by Rev. E. S. Rowe, after which a number of petitions, submitted yesterday by Mr. Helmecken, were read and received. Petitions were also read from the Phoenix Board of Trade, as presented yesterday, relating to the Kettle River railway.

Mayor Garden introduced a bill to regulate immigration to British Columbia.

Mr. Oliver asked the Hon. the Attorney-General the following question: How many hotel licenses at \$100 per year, and how many hotel licenses at \$200 a year, were in force under the Liquor License Act, 1899, on the 23rd day of April, 1900?

Hon. Mr. Eberts replied as follows: "Two hundred and forty-nine and one hundred and fifty-seven, respectively."

Mr. McInnes asked the government the following questions: 1. Did the contract for the reconstruction of the Victoria court house provide for the putting in place of a marble stairway with iron railings? 2. Has permission been given the contractor to substitute therefor a stone stairway with wooden railings? If so, why, and at the instance of whom?

The Hon. Mr. Wells replied as follows: "1. No. 2. No."

The House went into committee on the Land Registry Bill, with Mr. Gilmour in the chair. The bill was reported complete without amendment, reported and adopted.

Mr. E. C. Smith took the chair for the consideration of the Judgments Bill. Progress was reported.

The Official Administrators' Act was

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taken up with Mr. Munro in the chair. It was reported with amendment.

The second reading of the Succession Duties Bill was moved by the Attorney-General. Under one of its provisions he said a judge instead of the sheriff determined what property was subjected to duties under the act.

Mr. Curtis pointed out the jump in duties on a trifling difference in value. For instance on \$200,000 duty would amount to \$5,000, while on \$201,000 it would jump to \$10,050. This was an advance of \$5,050 in duties on \$1,000 of property.

The Attorney-General said that one provision repealed the clause which limited succession duties to \$25,000, owned in the province. Now it could be collected if that sum was owned in and out of the province, or in the aggregate.

Mr. Neill said that there was a great discrepancy between the rates in this country and in the Old Country. The leader of the opposition thought the old clause was superior to the amendment.

The bill passed its second reading.

On the second reading of this Bennett-Atlin Commission Bill the Attorney-General explained that the bill was to facilitate the appointment of another commission to inquire into the condition there. Claims had been staked over and over again until it was impossible to tell who were the owners. It might appear that the commissioner had wide powers, but he hoped Atlin would soon have courts of its own so that future commissions would be unnecessary.

The leader of the opposition complained that the bill was rather dead. People in Atlin had conceived the notion that it was proper to jump claims repeatedly. But the law there was no different to what it was in other parts of the province. The questions in dispute how were purely questions of ownership. It was dangerous to give the commissioner such power. It was not alleged that there were any matters remaining over from the former commission which involved the boundary dispute and lease record. These had all been cleaned up. He didn't think this would give the investor confidence in a country where he might be required to coin and show his title before a judge who had absolute power. Judges often gave ridiculous decisions, but ordinarily a man was protected by the ordinary avenue of law. All this was removed in this case.

The Attorney-General referred to the new territory which had come under British rule in Porcupine. The United States and Canadian commissioners had reached a modus vivendi on the boundary of that district. Many had staked under Alaskan law and had staked their claims 200 feet in length. Mr. J. D. Grahame had been sent there and he recommended that the matters be adjusted by a special commission. Such an arrangement existed in Cariboo, when all these disputes were adjusted in a similar way. The case was peculiar from the fact that Porcupine district had lately come under British law. Mr. Eberts then read a letter from J. D. Grahame describing his visit to the district and enclosing his recommendations.

Mr. Eberts added that an officer had been sent to the Porcupine district, and steps thus taken to prevent the muddle that took place in the case of Atlin.

Mr. Clifford was not aware of the conditions in Porcupine district. It was most important that a judge should go there to straighten out difficulties. He had believed the judge was going to Atlin as the same difficulties existed there as last year, excepting that then it had been over placer claims, while this year it was over quartz claims. He referred to the dispute over the Yellow Jacket claim, which had not these disputes arisen, would have been operating a five-stamp mill. Mr. Clifford said that a judge would be fully occupied in the Porcupine country without attending the Atlin district.

Mr. Stables said that after the statement of the Attorney-General he would support the measure. Had it applied to Atlin he would not have done so. In the latter country Mr. Justice Irving had given general satisfaction. This year there were no difficulties that did not exist in other districts. It would be very unwise to give again a judge with such extensive powers as Judge Irving had. The miners wanted the law, and it was unfair that a judge should be sent in who was obliged to sometimes give a decision which conflicted with the law. He urged promptness in dealing with the matter, and didn't see why a judge shouldn't have been sent in before.

In reply to this the Attorney-General said he had to alter the Jurors' Act so that a jury could be empanelled in Atlin. Assizes would now be held there on August 29th.

Mr. Clifford—Do I understand the junior member for Cassiar to say he doesn't favor a judge being sent to Atlin?

Mr. Stables—Certainly; but not with special powers.