Full Court Judgments

Judges Equally Divided on Appeal in re Trent River Bridge.

Probable Appeal to the Supreme Court of Canada—Dunlop vs Haney.

The Full Court, consisting of Chief Justice McColl and Justices Drake, Irving and Martin, yesterday delivered judgment in Regine v. the Union Colliery Company, an appeal from the conviction and finding of the company in connection with the Trent bridge disaster. The Chief Justice and Mr. Justice Martin held that the conviction should stand, Justices Drake and Irving being of the opposite opinion. The conviction therefore stands, but the case will probably be appealed to the Supreme Court of Canada. The judgments follow:

CHIEF JUSTICE McCOLL.

The question to be determined is whether the company is liable to punishment under any section of the Code. S. 933.

Section 252 provides that "Everyone is guilty of an indictable offense and liable to two years' imprisonment who by any unlawful act or by doing negligently or omitting to do any act which it is his duty to do causes grievous bodily injury to any other person."

The term "one" is used throughout the code as of the same meaning as "person," and therefore by s.s. (t) s. 3 corporations aggregate are within s. 252, "in relation to such acts and things as they are capable of doing and owning respectively." The company being admittedly liable in damages for injury caused by its default in not maintaining the structure in question in a sufficient condition an indictment would lie against it at common law for breach of duty.

The position at common law was stated by Lord Denman, C.J., in 1846, in Reg. v. The Great North of England Railway Co., 10 jurist, p. 755, to be undisputed, and s. 933 leaves the common law in force. Tash. p. 959.

That being so, to apply s. 252 to the company adds nothing to its criminal responsibility for what it is here charged with. Is the section applicable to it?

The Judicial Committee in 1892, A.C. at p. 487, laid down the rule applicable to a statutory code as being that if any enactment is in itself "intelligible and free from ambiguity" "the law should be interpreted by interpreting the language used," and that resort ought not to be had to the pre-existing law except upon some such special ground as that the language is of "doubtful import," or "had previously acquired a technical meaning."

Lord Justice Thesiger in (1880) 5 Q. B.D., at p. 319, formulates three rules by which the determination whether the term "person"—the equivalent to "one" as used in the code—includes corporations, holding they should not be included except where "first the term is expressly interpreted as including them, or, secondly, the context of the act clearly shows that they are included, or, thirdly, the object and scope of the act peremptorily require them to be so included and the context does not clearly negative a construction to that effect."

In my opinion all three conditions exist in the present case.

The breach of duty may have been the omission of the company alone, and even if some person connected with it is also liable, Lord Denman in the judgment referred to shows the great importance to the public for maintaining the liability of the company as well.

The cases of Reg. v. Tyler & Co., (1891) 2 Q.B.D. (C.A.), p. 588; and Reg. v. Toronto Ry. Co., 2 C. C. C., p. 471, may be usefully considered.

As s. 230 defines manslaughter to be culpable homicide not amounting to murder, and s. 218 defines homicide to be the killing of a human being by another, a corporation cannot be convicted of such an offense.

But the words "grievous bodily injury" in section 252 have no technical meaning, and in their natural sense include injuries resulting in death, and there being no conflict between this section and any other enactment relating to corporations, it would be most extraordinary if the company could escape liability merely because the consequences of its breach of duty were more serious than would have sufficed to make it punishable.

It was argued that the heading of the group of sections in which s. 252 is found "Bodily injuries and acts and omissions causing danger to the person" indicates that this section was not intended to apply in case of death. But many of these sections deal with acts and omissions likely to cause death, and one at least (s. 255) expressly provides for the case of death caused by an omission, so that any light which may be thought to be afforded in this way is not to the advantage of the company.

The distinction between headings so drawn as to be applicable grammatically to the sections following them and headings "inserted for the convenience of reference and not intended to control the interpretation of the clauses which follow" is pointed out in Union, etc., v. Melbourne, etc. (1884), 9 A.C., p. 369, where it is in effect laid down that it lies upon the company to show that to hold s. 252 included a corporation is inconsistent with the context or subject matter merely because death has resulted.

What is the effect of death in such cases

If a man is charged with manslaughter for death caused by breach of duty and the evidence fails as to the death, but shows grievous bodily injury, he may by section 713 be convicted under section 252, and if charged under section 252 and the evidence discloses that death has resulted and the accused is not convicted of the offense charged, the reason is that death creates a new crime.

But if the offender is a corporation the death is merely a supervening aggravation which, as it creates no new crime, cannot, it seems to me, affect the crime which already existed.

If that be so then, that the death may have ensued at once does not, I think, make any difference, for the injury necessarily precedes (precedes?) the death and is not the less but the more grievous cause of such result.

As to the nature of the punishment, s. 639 expressly provides that it is to be such as is applicable to corporations, and this was well understood to be a fine. Section 934 leaves the amount of the fine to the discretion of the court.

As to the question of punishment, Lord Blackburn says in (1880) 5 A.C., at pp. 869-870, "I quite agree that a corporation cannot in one sense commit a crime, a corporation cannot be imprisoned if imprisonment be the sentence for the crime. And so in this sense a corporation cannot commit a crime. But a corporation may be fined and a corporation may pay damages, and therefore I must totally dissent notwithstanding what Lord Justice Bramwell said or is reported to have said." "I must really say that I do not feel the slightest doubt on that part of the case."

It was agreed that section 639 only enables a fine to be imposed if the corporation does not appear, that is, in effect it is left to the accused in any case to evade punishment by the use of the expedient of simply appearing. Such a construction is of course out of the question unless the words are incapable of a sensible meaning.

I have not been forced to the conclusion that when parliament imposed upon the courts the duty of convicting corporations guilty of offenses under s. 252 and others applicable to corporations, parliament at the same time purposely left the courts impotent to punish except at the will of the accused themselves. I say purposely, for it is incredible that an error so serious should have remained uncorrected during all the time which has elapsed since the code was passed, though many amendments have since been made. The form of the indictment is perhaps not artificial, but it is, I think, sufficient at this stage in the way the case is stated. Reg. v. Weir, 3 C.C.C., p. 102.

(Signed) A. J. McCOLL, C.J.

MR. JUSTICE DRAKE.

The defendants, a corporation, are indicted for that the said company unlawfully neglected, without lawful excuse, to take reasonable precautions and to use reasonable care in maintaining the Howe truss bridge (a bridge erected by the company across the Trent river and forming part of the defendants' railway), and that on the 17th of August, 1898, a locomotive engine and several cars then being run along the said tramway or railway and across the said Howe truss bridge, owing to the rotten state of the timbers thereof were precipitated into the valley of the Trent river, thereby causing the death of certain named persons. The defendants were found guilty, and a fine was inflicted. The question reserved for us is whether this indictment will lie against a corporation.

Sub-section 1 of section 3 of the Criminal Code includes in the expression persons, owner and other corporations of the same kind, bodies corporate.

The expression here is everyone, and prima facie that includes a corporation.

Section 213 indicates that everyone who works, makes or maintains anything which in the absence of precaution or care may endanger human life as under a legal duty to avoid such danger and as criminally responsible for the consequences of omitting, without lawful excuse, to perform such duty.

Sections 191, 192 were referred to, and it was argued that the indictment could be supported under any section in the code which had reference to the offence charged. Section 191 defines a common nuisance as an act or omission which endangers the lives or safety of the public or by which the public are obstructed in the enjoyment of any common right. The public in its ordinary meaning refers to the community at large, and when applied to property or rights means rights or property common to the enjoyment of all persons. The indictment does not allege an infringement of any duty to the public at large, and I do not think this section applies to the present indictment. Then we have section 192 which says: "Everyone is guilty of an indictable offence and liable to one year's imprisonment or fine who commits any common nuisance which endangers the lives, safety or health of the public." This is still limited to endangering the lives, safety or health of the public, but it proceeds, "or who occasions injury to the person of any individual." Both the offences here indicated, the one of potential and the other of actual injury, must arise out of the committal of a common nuisance. Unless this is shown these sections do not apply.

Section 213 makes the neglect of reasonable precautions when there is a legal duty to take such precautions not a criminal offence but makes the person responsible criminally liable for the consequences; therefore whatever neglect of duty may have existed, that does not constitute an offence under this section, but if that neglect is followed by consequences injurious to the individual, then criminal responsibility arises.

The criminal liability of corporations aggregate for breaches of duty is no new law. This liability has been frequently affirmed in the English courts. In Reg. vs. The Great North of England Railway Company, Q.B., 315, Lord Denman says: "Some calcta occurs in old cases. A corporation cannot be guilty of treason or felony, and it might be added of perjury or offences against the person; but it is liable for assault committed by its servants if authorized by them; it is also liable for libel, trespass and misfeasance." See R. v. The Great North of England Railway Company, 9 A. & E., 314.

The indictment charges the company with the death of certain persons owing to their neglect of duty. This is a charge of manslaughter, the punishment of which is a term of imprisonment for life. But a corporation cannot suffer imprisonment, therefore the punishment laid down in the Code is not applicable to such a body.

The Code by section 252 makes any person who by any unlawful act, or by doing negligently or omitting to do any act which it is his duty to do causes grievous bodily injury to any other person, liable to two years' imprisonment. This section, if the indictment had alleged grievous bodily injury alone to some individual, might have been invoked in order to make section 958, under which the fine was inflicted, applicable, but the indictment as I read it is an indictment for manslaughter.

Does the term grievous bodily injury apply when death results from the neglect or duty?

I do not think that the use of the term bodily injury is of any greater import than bodily harm. In every case when death ensues bodily harm or injury has been done. But the penalties are distinct, and in the case of Reg. vs. Friel, 17 Cox C.C., 1890, Williams, J., held that when there had been a summary conviction for assault, and the person assaulted dies of the injury, a plea of autre fois convicte is not necessary to an indictment for manslaughter, because the death is a new fact, not a mere matter of aggravation, or a mere consequence, because in cases of manslaughter based on death resulting from culpable negligence there is no criminal offense unless death ensues and gives rise to a charge of manslaughter. On this last remark of the learned judge section 252, which I am now considering, is not in the English act, but when death ensues the offense is no longer grievous bodily injury but culpable homicide.

The object of an indictment is to enable the defendant to know what case he has to meet. The necessary facts must be set out with certainty, but there is no necessary form of words to make a perfect indictment if all essential allegations are contained in it, and if the offence created by the statute is in substance charged. The question whether this indictment is good or bad is not before us, but it certainly does not indicate to the defendants that they are called upon to plead to a case of grievous bodily injury. They are called upon to plead to an indictment for unlawfully causing the death of certain individuals, which would be culpable homicide, and a corporation cannot be tried on such an indictment. In my opinion the question submitted to us must be answered in the negative.

(Sgd.)

M. W. TYRRWHITT DRAKE, J.

Mr. Justice Irving concurred in this.

MR. JUSTICE MARTIN.

In this matter, the question reserved for the court is, will the indictment lie against a corporation?

In regard to the point raised as to the offense being a nuisance, sections 191 and 192, I need only add to the remarks of my brother Drake, that the held notes on said sections to be found in Crankshaw, fully support the view taken as to the nuisance dealt with by said sections being in such a case a common one.

Section 213 I regard as merely laying down a principle of criminal responsibility, and liability to be indicated arises only in the event of consequences resulting which are offenses against the criminal law. A careful consideration of Part XVI of the Code, which embraces sections 209-17 under the heading "Duties tending to the preservation of life," seems to make this clear. Further, it is significant that in the schedule of forms of indictment under said Part forms are given to be used in connection with all the sections in the Part except the three sections of a declaratory nature, i.e., 212, 213 and 214.

The consequences for which a corporation may be made responsible by said section 213 cannot be manslaughter, because, as pointed out by the learned Chief Justice, the definitions of homicide and manslaughter contained in sections 218 and 230 restrict that crime to a "human being." The defendant company, then, was not, and could not have been, indicted for manslaughter since it is a physical impossibility that it could have committed that offense, or any other which infers a paysical existence, e. g., rape: as Lord Denman said in Regina v. Great North of England Ry. Co. (1846) 9 Q.B., 326, 'Nobody has sought to fix them (corporations) with acts of immorality." The defendant company not being a human being had no reason to suppose that it was being indicted for an offense that could only have been committed by a human being, so the question here is, What offense was it indicted for? The only offense mentioned in the Criminal Code which it was called upon to answer is that set out in section 252. If a "human being," to quote section 218, had been arraigned under this indictment I have no doubt that we would have, under the criminal practice of today, by reason of the beneficial results of recent enactments and decisions, been entitled to suppose that he was charged with manslaughter, because even though the indictment does not use the historic words "kill and slay," or "manslaughter," which are mentioned in the forms of indictment under Title V of the Code, yet section 611, wherein the present requirements of an indictment are specified, provides that the statement of the offense "may be made in popular language without any technical averments or any allegations of matter not essential to be proved," and that such statement may be "in any words sufficient to give the accused notice of the offense with which he is charged." The effect of this section has been considered in the case Regina v. Lapierre (1897), 1 C. C. C. 415, and again quite recently in Regina v. Weir (99), 3 Can. C. C., 102. In the latter case at p. 107, Mr. Wurtele says, referring to an indictment then in question:

"The language used is certainly ungrammatical, and the drafting or wording of the indictment is faulty in construction, but as it contains a statement of all the facts and circumstances where are essential to constitute the offense created by section 99 of 'The Bank Act,' it is not bad on that account."

But though, under the above authorities, the indictment is so framed that now, but not formerly, a "human being" might have been justified in thinking the charge he had to meet was manslaughter, what does it contain that, so far as the Code is concerned, would give a corporation any ground or reason for believing that it had to meet any other charge than one of causing grievous bodily injury under section 252? After mature reflection I am contrained to answer, nothing. It is not as though there was any other statute, or section in the Code, relating to the offense, or that any new offense had been created unknown to the common law, or that, so far as the defendant company is concerned, any other charge might be brought against it upon the indictment. So this is not a case where a defendant company might not be able to gather from the indictment what statute it was charged under, because, as has been seen, there is only one section of the Code which is applicable. Nor could any question arise as to whether the offense charged was against the common law or the statute, because the language used in the evidence would be the same in either case. That this indictment may be supported at common law I do not understand to be disputed—Regina v. the Great North of England Railway Co. supra., followed in The Eastern Counties Railway Co. v. Broon (1851), 6 Ex., 314; and Whitfield v. South Eastern Railway Co. (1858), E. B. & E., 114, in which last mentioned case Lord Campbell, C.J., said "an indictment may be preferred against a corporation aggregate both for commission and omission, to be followed up by fine, although not by imprisonment."

I have considered the case of Regina v. Friel (1891), 17 Cox, 325, but the circumstances therein differ so materially from the case at bar that I am unable to derive assistance from it.

In view of the fact that the judgment of the learned Chief Justice, which I have had the benefit of perusing, exactly expresses my view of the case, it is unnecessary to give at greater length my reasons for answering the question in the affirmative.

(Signed) ARCHER MARTIN, J.

DUNLOP VS. HANEY.

This was an appeal from an order made by Mr. Justice Irving refusing to dissolve an injunction granted by the Chief Justice restraining the defendant, Haney, from applying for a crown grant to the "Legal Tender Mineral Claim," pending the determination of the action. The ground of appeal was that the court exceeded its jurisdiction in restraining the defendant from so applying—in that it was an interference with the crown and a department of the crown which could act quite apart from the view of the court as to who was entitled, i.e., that the court, whilst holding, should it do so that the plaintiff was entitled, would be powerless to prevent the crown from issuing the grant to the defendant.

The point was taken that as the action was partly tried it was not open for the court to now consider the appeal from what was an interlocutory order. In the end without deciding the matter on the merits the court decided that no order would be made; considering the action was actually being tried; other than to direct that the costs be costs in the cause.

Mr. A. E. McPhillips, counsel for the defendant, the appellant.

Mr. W. J. Taylor, Q.C., counsel for the plaintiff, the respondent.

OTHER CASES.

In Boscowitz v. White, an appeal from the lower court, which decided against the plaintiff's motion to secure possession of the Imperial hotel, it was ordered that the case be sent back to the court below, both parties being at liberty to amend their pleadings. Mr. Robert Cassidy for the plaintiff, and J. H. Lawson, jr., for the defendant.

Judgment was reserved in King v. Boultbee, an appeal from a judgment of County Court Judge Morin.

The trial of Regina v. Holland, a case stated by the Police Magistrate of Vancouver, who convicted the defendant of soliciting business for an insurance company, not registered under the laws of British Columbia, was remanded for a week.

Letters to the Editor.

THE CELEBRATION.

Sir: Several communications appeared recently on the question of showing the fireworks at Hospital Point. At the first meeing of the general committee not one voice was raised against the vote taken to hold the exhibition at the place mentioned. A committee was appointed to visit the Point and make arrangements with Mr. Hitt to hold the display there. This work was accomplished. A second committee was appointed to arrange for decorating and illuminating the streets; this committee made all arrangements to decorate Government street, James Bay bridge, and a portion of Belleville street. With the government buildings illuminated, and the boats on the harbor, a pretty scene will be presented. Mr. Hitt states that the fireworks will be seen with good effect from the city side of the Bay. No better place can be found to view the fireworks than to the west of the new post office, where thousands may find room. There is no danger on the wharves. A number of steamers will be located there, and will prevent people from standing near the slips. People asked for a change. They will get it. We have a review and sports booked for the park. A regatta for the Gorge parade in the business centre, and, as the fireworks will not take over forty minutes, it would be wrong to drag little children from the northern end of the city to Beacon Hill, especially when we consider that none of the beauties of the park will be in evidence after dark. Few will use James Bay bridge on account of traffic by the cars and carriages. It is impossible to please every one; let us stop all nonsense and make the celebration the success which it promises to be if all pull together.

ANOTHER COMMITTEEMAN.

RE-INSPECTORSHIP OF CITY CONTRACTS.

Sir: In your issue of this morning I observe that the city fathers have appointed Mr. Wm. Humphrey as inspector on the pumping station building. This building is of stone and brick. I presume the object of appointing an inspector is that a man who has a practical knowledge of such a construction should be appointed to superintend the erection. I desire to know if Mr. Humphrey has the knowledge of ability to superintend the erection, and if so, where he acquired the knowledge of building construction? I ask against that of practical men who offered their services for the work in question.

NAME.

KLONDIKE CORPORATION.

Sir.—In the issue of your paper of the 18th April, there appeared a letter regarding the allotment of shares in the Klondike Corporation, Limited, the Victoria shareholders of the Bennett Lake and Klondike Navigation Company complaining that no time was given them to make application. I advised a number of the shareholders at that time to send in their applications as I felt sure no advantage would be taken of the loss of time between Victoria and London. I have been advised to-day that any Bennett Lake and Klondike Navigation Company shareholder will have shares allotted to him in the reconstructed Company, provided the application be mailed on or before the 18th May. Those entitled to participate in any benefits, have had application forms sent to them, and any still desirous of subscribing may yet mail said application. I would suggest the letter containing the application be registered, so as to prove date of mailing.

MACDONALD POTTS.

BEACON HILL PARK.

Sir.—I observe a letter in this morning's Colonist re steps down from the banks to the sea-shore lining the park front wherein my name is mentioned, and casting a reflection on me as chairman of our park. An explanation I might say that the above work is on my programme of contemplated improvements to be made after other more important matters have been attended to. Thus far the first thing to attend to is digging round all the lake shore shrubbery, and use the ornamental stones near the menagerie. The band stand has been removed to a more sheltered spot, and this week it will be repaired and painted; the two now dilapidated rustic bridges will be replaced by new ones; twenty new seats constructed; the damaged swings repaired; old signs replaced; and the apology for a fence at the bottom of Catherine street to prevent accidents will be replaced by newly painted one. Other matters will be attended to in due time. Thus you will see that Alderman Hall is not neglecting his duty as chairman of the park committee.

JOHN HALL.

May 8th, 1900.

ASSOCIATED HOSPITALS.

Sir.—The recent opening of the hospital at Chemainus draws pointed attention to the fact of the steady progress of hospital accommodation in the province. With such hospitals as we have, viz., the Jubilee, Chemainus and Nanaimo, this portion of the province is uncommonly well provided. There are also twelve hospitals in the province receiving government assistance, and as the population increases, further accommodations must undoubtedly be rendered necessary. As you are aware, the province deals generously with hospitals and charitable institutions, and in order that assistance should be given in this direction it would seem a very desirable thing that an association should be formed to be known as the "Provincial Hospital Association" composed of members from each hospital board who could meet annually or oftener if necessary—at an agreed upon place and discuss hospital matters generally; what improvements are desirable and how best to be effected; thorough government inspection of every hospital or charitable institution receiving government aid; with the view of being of assistance to the government—if required—in discussing the most efficient mode of rendering financial aid or accommodation to the sick and injured and destitute. It is interesting to note that in 1898 the legislature voted for hospitals and charities, up to the 30th June, 1899, $51,550.00, of which $37,000.00 was for hospitals, the balance being divided up between charitable institutions, to various districts in aid of resident physicians, deaf and dumb, and destitute poor and sick. The legislature also in 1899, voted for the like service, up to the 30th of June, 1900, $50,700, $40,000 of which was the estimated amount for hospitals, which were all placed on the same footing, viz., $500 each, and 50 cents per diem for actual treatment of every patient.

H. DALLAS HELMCKEN.

ASIATIC IMMIGRATION.

Sir.—The signs of the times point definitely to strenuous efforts being made by whatever provincial government may come into power to enact, or insist on the federal enactment of legislation practically prohibitive of Asiatic immigration. The unanimity of candidates of all parties and of all shades of independence, accompanied by a similar conformability on the part of all our provincial newspapers as to the advisability of reaching such an end. However, opinions may differ as to the means—makes it apparent that the crusade against Chinese Japanese labor is a decidedly popular one, and, "Vox Populi Vox Dei", so let us vote accordingly. If all our Dominion members follow the precedent which Mr. W. W. B. McI., M. P., hopes to set before them, in adding another letter to his not illiterate name, and in emphasizing from a distance the arguments which, he cannot convincingly whisper into Sir Wilfrid's ears—there is no doubt that we shall, if not attain our will, at least bring our local parliament into as high a prominence as that of the Sand Lots Orator of San Francisco some twenty years ago. On the other hand we can undoubtedly carry out our wishes in quiter manner, if as you recently suggested we deal with the question from the standpoint of patriotic statesmanship and not from that of demagogic office seeking. But Mr. Editor, patriotic statesmanship alone is insufficient to ensure wise action. In an interesting article on Attila in the current number of the Mining Record, you will find that very great wrongs, very great losses to individuals and to the province are gently excused on the grounds that the wrong was wrought by patriotic statesmanship. The very similarity of our present cry for the exclusion of Asiatic labor to our year old cry against allen gold seekers should warn us to make sure that we are right before we devote all our energies toward going ahead. The Allen Exclusion Act was a popular measure hurriedly legislated in the face of, I think, only two definite protests. The one a sound common sense speech by one of the members for Cassiar in the other a letter appearing in your columns written by a well-known lawyer in your city and containing arguments which should have brought our patriotic statesmen to a pause until they could honestly confute or assimilate them. But our patriotic statesmen were in a hurry, and scoffed the idea of proving what everyone knew—with what result time has shown. In view, therefor of a faint shadow of a possibility that we as a province are once more wrong in our honest conviction, will you Mr. Editor, or will one of our would be patriotic statesmen reduce our provincial enthusiasm to a logical statement as to "why we are in danger of starvation owing to an influx of laborers who insist on bringing their rice with them?" Or, "why poverty stares us in the face when the Jap competes with the steam shovel?" Or, "Why the morals of our miners must not be corrupted by association with Chinese cheap labor." I am very probably wrong, Mr. Editor, and I will gladly be set right, but it appears to me that the present influx of working power which may be applied economically to turning the raw materials of our province into wealth, is not a danger, but, if rightly utilized, a benefit to British Columbia.

AMICUS JAP.

AN INTERESTING SCHOOL.

Sir:—In a front room upstairs in the A. O. U. W. building in this city a most interesting and useful work is being carried on by a lady enthusiast. The work to which I refer is the education of those who have the misfortune to be deaf and dumb. In the room in question the deaf and dumb, which has thus far been supported entirely by private subscription, the methods employed are not simply the ordinary ones adopted in training deaf mutes. Something much more ambitious has been attempted, with excellent results. Within a recent period certain specialists have found that in addition to teaching deaf mutes arithmetic, writing, etc., it is also possible to develop the latent powers of speech and hearing, and to materially strengthen the organs which through disease, have remained in a state of partial or complete paralysis. It is doubtful whether European specialists have met with greater success than has attended the efforts of the teacher of the Victoria school for deaf mutes. Children now attending that school who a few months ago were unable to utter a single letter or a syllable of a word are now able to say a great many words of not only one but two syllables, and it is evidently but a question of time when they will be able to take part in conversation perhaps quite as well as many persons who have never been deaf and dumb.

As before mentioned this work has thus far been carried on by the aid of subscriptions from a few persons who know something of the work that is being done at the school. The funds thus far available have been inadequate for the work which might, and in fact should, be done in this province. Many liberal and philanthropic citizens would, no doubt, contribute to the support of this useful school, till such time as provincial aid is available, and if they fully realized what has been done, and what remains to be done.

It is stated that there are some twenty or more deaf mutes in British Columbia, eight of whom are in this city; very few of those are receiving a suitable education, though it is evident from the progress made by those attending the school, that deaf mute children are just as intelligent as those who are not so afflicted. It is evident that the instruction of deaf mutes should begin at an early age, especially when the organs of hearing and speech are to be developed by carefully regulated exercise.

It is to be hoped that the good work, which has advanced beyond the experimental stage at the Victoria school for deaf mutes, may not languish for lack of the small sum required to maintain it till the provincial aid is available. Citizens should visit the school between the hours of 1 and 4 p.m., and see for themselves what is being done. (B.

Victoria, May 3, 1900.

Minor Cases.—An Indian drunk was fined $5 and costs, and a white drunk $2.50 and costs in the city police court yesterday, while William Hanse got two months for vagrancy.

A Successful Drill.—The practice held by the fire department yesterday evening under the supervision of Chief Deasy proved that the brigade was in excellent condition and an opportunity was presented for detecting any defects in the alarm system.

SURPRISED.

Mrs. Peckham—I never told you how my husband proposed to me, did I?

Mrs. Dashum—No; did he propose to you?—Chicago Times Herald.

The Progress Of Parliam

Undignified Method of ping Doukhobors Ex From North West.

An Effort Made to Place Paper in the Fre List.

From Our Own Correspondent.

Ottawa, May 7.—The Goverr al to-day assented to nineteen cluding the Kaslo and Lar Railway, Columbia and Sou Ottawa fire appropriation.

Mr. Sutherland stated that t ment prevented the Doukhobo ing to the States by envoking American alien labor law offic Doukhobors were stopped at

Mr. Tarte wires that the authorities at Paris will not a dian exhibits to be closed Sund

Col. Prior will question the about its unfair treatment of the Sixth Rifles contrasted treatment of the Prince of W liers, Montreal.

Efforts will be made to indu ernment to place printing pa arily on the free list.

CYCLIST ASSOCIAT

The New Canadian Organiz Been Formed.

Montreal, May 7.—The new Cyclist Association, which is clusive control of racing in t ion, and will act with the W. formed here to-night. The will be under a Dominion bo trol and there will be a provi of control in each of the provi annual meeting will be held at the same place as the Dom which will be held on July 1 vincial meets will be held at the provincial boards. The Cyclists' Association will ac W. C. A. and be independent W. A.

MASTER OF ROLL

Sir Nathaniel Lindley Resign er Changes Follow.

London, May 7.—Sir Nathe ley, master of the rolls sinc 1897, has resigned. Sir Ric ster, attorney-general, has be ed his successor, and Sir Ro tyne Finlay, solicitor-general Sir Richard Webster. It that Mr. Edward Henry Ca and member of parliament fo versity of Dublin, will be ap licitor-general.

MURDERED NATIV

London, May 7.—A despatc bombo, dated Thursday, M The Queen of Swaziland has Swazis to hasten their harv assemble for weeping for the A Malagandia chief, and nine children have been killed an gandias kraal and the plains with the skeletons of murde Kreough, the Boer admin Swaziland has been recalled

THE RING.

New York, May 7.—It is poss winner of the Jeffries-Cor which is to take place at Coney Friday night, may meet some can heavyweight in Paris befo sition closes.

M. C. Haley, representing the desToreadors of Paris, arrived day with an offer to the w fight, on Friday night, to meet ment heavyweight next Sept Bull Ring at Paris, which is the Long Champs race course, utes ride from the Exposition g ter the battle has been decided Mr. Haley will make known t the purse he is authorized to says that it will be large enou a favorable reply from the ch ever he may be. W. A. Bra of Jeffries, said, in case his which he had no doubt, he w Sharkey for the Paris Exposit

OTTER'S REPO

Canadian Regiment Keeps Record.

The following is taken fr of Lieut.-Col. Otter, receive itia department at Ottawa under date of March 18: march which began on the ary and ended on the 13th i speak too highly of the co ly of officers and men of th adian Regiment. Taken a march was a very trying tents, or change of clothi days engaged more or less emy, for two-thirds of th half rations, subjected to sun, cold nights and sever storms. The endurance, good spirits of the battali fully tried, and it is with pl to record its having prove ensued the strain.

The battalion is now r junction with other parts and though still in bivou full rations, to which I h abled, with the funds at m procure a few extra comfo of food.

I regret having to repor of F. G. C. M. on the 12 fifty-six days field impriso awarded—for stealing a property of an inhabitant. the subject of looting we gent and definite, and whil provocation was great, c lack of food for the weeks, yet, owing to the c ings of the men had receive cannot, from a military be palliated.

In recording the action on the 27th ultimo, I find portant event was omitte the personal inspection b in G., Lord Roberts, at h on the afternoon of that d Marshal, in addressing the pressed his great satisfa conduct on the 18th and his pleasure in having t command, and his belief render of General Cronje had been accelerated by this morning.

By the parade state it w the strength of the ba much reduced through t