The Colonist.

THURSDAY, FEBRUARY 22, 1900.

THE PRICE OF PATRIOTISM.

Nine out of twenty-six, and there is reason to think it may have been nine out of twenty-four, because two of Victoria's contingent were reported to be on duty elsewhere: This is the record of Victoria's boys on the occasion of their first encounter with the foe. Four dead, five wounded. If the list of casualities is any test of the fierceness of the fight and the courage of those taking part in it, though the flags throughout the city may fly at half-mast, and sorrow may be in all our hearts, there is every reason why we should be proud of the gallant lads who fought for the Empire. They must have been in the thick of the fight and not have flinched under their first baptism of fire.

Many of us thought, when we bade the boys good-bye on that memorable Sunday night, and not a few of us said that they were going out only as an object lesson, and would have no need to do any fighting. We cheered them and when Sergeant Scott came forward to receive a good-bye greeting, it seemed as though we had never cheered before. The gallant fellow sleeps his last sleep on the banks of the Modder, one of the first of Canada's heroes to die for a United Empire. Not many of us knew Todd, Somers and Maundrell so well; but when we saw them ready to march, our hearts went out to them, as to brave fellows who had promptly answered their countries call. They did all they could. They gave all they had. They died for the Empire. The greatest, the most illustrious could do no more.

The five whose names are amongst the wounded are all well known in the city, and there is great sympathy for them. It may cheer them in their convalescence to know what a flood tide of sorrow swept over Victoria when the news of the day's casualities was made known. Everyone seemed to realize at once what was meant. For the first time it was brought home to us in its dread reality.

Naturally when speaking of this first contribution of Canadian blood for the cementing of the Empire, our thoughts turn to the boys from our own city upon whom so much of the burden fell, but we must not lose sight of the fact that of the Royal Canadians engaged at Modder river, nineteen fell dead and sixty were wounded. Yesterday morning's dispatches told how a group of twenty men from Australia fell fighting, every man of them preferring death to surrender. A few days ago we read of the fate of some gallant New Zealanders. The affairs of the Empire can never again be as they have been. The sons of England, of Ireland, of Scotland, of Canada, of Australia, of New Zealand, of South Africa have fought side by side for the flag and the Empire, have fallen upon the same battlefield and lie buried as if in a common grave. At last we are one. At last we have something more than common traditions and a common language to bind us together. We have a new achievement in common. We have new glories to share. We walk side by side in the shadow of the same sorrows.

THE WAR.

The wisdom of the original plan of campaign in South Africa has been shown by recent events. Kimberley has been relieved and Ladysmith will be in a few days; and the relief has been what we called "automatic" a few weeks ago, when speaking of the probability of its taking place. The invasion of the Free State by a strong force compelled the withdrawal of the Boer forces from their positions on our territory. Some may ask why the plan was not adhered to in the first place, but there is a good reason for its temporary abandonment. The original plan of the Boers contemplated a rising of the Dutch in Bechuanaland and Cape Colony and the rapid conquest of Natal. Even if Gen. White had not been hemmed in at Ladysmith, it would have been necessary to despatch a force to Natal strong enough to hold Joubert in check. Gen. Methuen's advance on Kimberley was not solely for the relief of that town, but to drive the enemy out of Northern Cape Colony, which he had annexed with all formality; Gen. Gatacre's mission in Eastern Cape Colony was of the same nature. The rapid invasion of our territory determined the nature of our operations at the beginning of the war, and we have only been able lately to change the conditions thus created, and put the original plan into execution. As soon as Lord Roberts was able to invade the Free State, the automatic relief of Kimberley at once took place, although there was some sharp fighting; and that of Ladysmith began simultaneously. At the same time the pressure on Eastern Cape Colony was relieved.

It is hardly necessary to be a military expert to realize that if the Boer forces are massed anywhere within their own country, some heavy work will be necessary before they are overthrown. This has been expected at all times since the war began, but we believe our forces will be equal to the work in hand. The information available as to the movements of our troops is very meagre, and conclusions drawn from it will very likely have to be recast almost immediately.

DR. McKECHNIE'S POSITION.

Dr. McKechnie's Scotch blood may be of superior quality, but it evidently lacks that element of caution supposed to be so prominent in the veins of these excellent people, whose ancestors hail from the land of the heather. The debate in the house yesterday disclosed a very extraordinary state of things. Not a man on either side of the house arose in his place to express an opinion that the member for Nanaimo City was right in accepting travelling expenses. We again point out that the question is not whether the President of the Council ought to be paid his travelling expenses. Probably we will all agree that if it is illegal for him to draw travelling expenses, the law ought to be changed. We also wish to say that no one accuses Dr. McKechnie of taking the money with any intention of violating the law. He undoubtely believed that he had a right to the money. We judge from the speech and vote of Mr. Joseph Martin that the members of the cabinet reached the conclusion that such a payment was legal. The value of such a conclusion is worth just what the court, if it is appealed to, shall decide.

There are seven lawyers in the house. One of them, Mr. McBride, did not speak on the question. Mr. Joseph Martin declined to express any opinion. Mr. Henderson, Attorney-General, evaded the issue in his speech and, when challenged by Mr. Eberts to give a legal opinion to the effect that the receipt of the money by Dr. McKechnie did not vacate his seat, remained silent. Mr. Pooley, Mr. Eberts, Mr. McPhillips and Mr. Helmcken expressed the opinion that the seat had been forfeited under the law. That the house declined to adjourn is not material, for it neither strengthens nor weakens Dr. McKechnie's position, which we regret to say is a very serious one, if the law is as all the legal gentlemen in the house, who expressed an opinion, appear to think it is.

Dr. McKechnie's colleagues gave him the coldest kind of comfort. The Minister of Mines took no part in the debate. The Attorney-General declined to say that he had not forfeited his seat. The Premier pleaded that though the letter of the law may have been violated, its spirit was not. The Finance Minister claimed the question was one for lawyers, but said he had not paid the vouchers without first obtaining the opinion of Attorney-General Martin. A statement which that gentleman at once characterized as "absolutely untrue." Dr. McKechnie therefore knows that not one person arose in his place in the house to defend him, but that even those to whom he might reasonably have looked for defence, declined to make it. He has the satisfaction of known that "it is a question for lawyers."

We come now to an aspect of this case, which touches very closely the duty of the Lieutenant-Governor. It is impossible to see how His Honor can avoid facing it. He receives the Journals of the house from day to day. He knows that several measures have been carried only by the vote of the Speaker, and that he will be asked to assent to legislation that has been so carried. He knows, or he will know officially to-day, that the right of one of the acting members of the house to sit therein has been questioned, and an inspection of the votes will show him that measures so carried would have been defeated if the member, whose right to sit and vote is in doubt, had not voted. This being the case he has a right to know if such member is entitled to sit and vote in the house. The proper person to advise him on that point is the Attorney-General, unless he concludes that the advice of that official is likely to be biassed on such a question, in which event he would have to look elsewhere for counsel, and this would be equivalent to a dismissal of his present advisers. Especially ought he to be advised on this point, because the member in question is one of the Executive Council. If His Honor refers the matter to Attorney-General Henderson, we believe he will not be advised that Dr. McKechnie is entitled to sit and vote in the house. Mr. Henderson may go no further than to say that the question is doubtful, but he dare not as a lawyer say less than this. Under these circumstances it must be evident to Hir Honor that any legislation that may be passed this session by the vote of the Speaker may be open to doubt as to whether it has been passed at all, and we submit that it has become his duty forthwith to get rid of ministers who have permitted things to get into such utter confusion.

We submit to His Honor that, under the circumstances above set out, he is not only warranted, but it is his bounden duty, to ask Mr. Semlin for his resignation forthwith. We take this position in all sincerity and as affording Lieutenant-Governor McInnes the only possible means whereby he can escape from an unprecedented dilemma. He cannot ignore what has taken place. He cannot afford to lay himself open to the charge of assenting to bills not carried by a majority vote of the house. We draw his attention to the fact that, if the law is as stated by the lawyers in the house, and substantially admitted by the Premier, Dr. McKechnie's membership is not simply voidable, but absolutely void. His Honor's position is difficult and unprecedented. He must see that doubt is thrown upon every piece of legislation carried by the Speaker's vote, and that endless confusion may result, if he gives his assent to any such measures. If an action is brought against Dr. McKechnie and he is declared to be disqualified, His Honor will see in what an extraordinary position he will be placed as representative of the crown, if he assents to such measures. How can he escape the effect of Mr. Cotton's admission that "it is a question for the lawyers"?

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BRITISH COLUMBIA AND THE DOMINION.

At the railway meeting held last week attention was drawn to the obligation of the Dominion government and parliament to promote the development of British Columbia. It was pointed out that the residents of British Columbia contribute the sum of $20 per capita every year. If all the people of Canada did likewise, the revenue of the Dominion from taxation alone would be upwards of $100,000,000. As a matter of fact, the revenue from taxation is not more than one-third of this amount, so it is a matter of fact, not simply a theory, that one British Columbian is equal to three Canadians in other parts of the Dominion. This does not call for any argument. It is an undisputed and an indisputable fact. It not only affords a basis for a claim on the part of this province for better consideration than it has hitherto received; but it shows that expenditures in this province are profitable from a federal point of view, and that it would be good business judgment on the part of the federal government to expend money for development purposes in this province. This matter was urged very strongly upon the attention of parliament by Senator Macdonald last year, but to no particular effect. He was not backed up by the members of the House of Commons who support the government, and whose influence might have accomplished something. It is quite impossible to defend the indifference exhibited by the Liberal members of the Commons, representing this province, in connection with this very important question.

The Colonist cannot say very much that is new upon this subject. It was very elaborately gone into during the session of 1887 by Mr. R. P. Rithet, who then represented Victoria in the house. We followed the publication of Mr. Rithet's speech with a series of articles in which all the facts and arguments were stated in detail. Last year we reproduced Senator Macdonald's observations in the Senate, and, if we remember rightly, what Col. Prior had to say in reference to it in the House of Commons. Therefore it Colonist readers do not understand the merits of the contention, it is hardly possible to make them clear to any one. Our object in taking the matter up to-day is that it may not be lost sight of, and that no session of parliament may be allowed to pass without an effort to force it home upon the consideration of the federal government. The question is one that does not concern Victoria only, although the fact that it is next to impossible to get a paper published elsewhere in the province, or the representative of any other constituency to say anything about it, would incline one to that view. The question can hardly be called a political one, for it has not been espoused by one party and opposed by another. The only political aspect of the matter is that presented by the indifference of the Liberal members. Why they are silent, when by reasonable insistence they might accomplish something, be it ever so little, we are at a loss to know. It cannot be for fear of embarrassing the administration, for the Liberal majority is so large that, even if our four Liberal members should go against the government on a matter of this nature, there would be a sufficient number of supporters left to make the defection numerically unimportant. We think the explanation must be sought in the personnel of the gentlemen, who represent the province outside of Victoria. They seem, with the exception of Mr. McInnes, content to play the part of out-and-out supporters of everything the government does, and ready to apologize for everything it omits to do. Mr. McInnes appears to be of the opinion that he has a mission, which is connected with Oriental labor. Without disparaging his efforts in that regard, we may say that the claims of the Province upon the Dominion are certainly worthy of his best consideration. Senator Templeman has been silent on this very important subject. He has even declined to support our provincial claims in his newspaper. These are matters which the voters of British Columbia will bear in mind at the next federal election.

EXTRAORDINARY CONDITIONS.

The political conditions existing in the province at the present time are, we think, wholly without precedent. The government has been drifting along with an uncertain majority of one, and that one has only been possible by the presence in the house of a gentleman, whose seat may have been forfeited a year ago and who may have incurred a penalty of possibly $40,000 for illegally sitting or voting in the house. An astonishing feature of the case is that not a single individual in the legislature has ventured to assert that the gentleman in question has not forfeited his seat. There is no such case in the books anywhere, which is easy to account for, because there is no place in the world except British Columbia where a government would dare perpetrate such an outrage upon parliamentary government, where the ministerial majority would be so utterly servile as to sanction such an outrage, or where the representative of the crown would extend his confidence to ministers responsible for such a condition.

It is time for the people of British Columbia to take note of the manner in which first one and then another of the principles of parliamentary government are being violated. Soon they will have nothing left worth contending for. If a stranger can occupy a seat on the floor of the house and vote upon measures, what is the use of having elections at all? If the provision of the Constitution Act which prohibits members from receiving anything over and above their sessional indemnity and mileage can be violated in one case, it can be violated in another, and a government may easily have half the house in receipt of public moneys. We are not objecting to the payment of the travelling expenses of the President of the Council. What we claim is that, if he is to be paid, there should be some law passed to render the payment valid, but in the meanwhile the law as it stands should be given its full effect.

We ask the people of what value are the provisions of the Constitution Act, if they can be disregarded with impunity? Let the law be observed, or let it be repealed.

Easily the most important political question in this province at the present moment is that involved in Dr. McKechnie's position. Until he vacates his seat or the legality of his tenure of it has been established, the legislature will meet under conditions of the most extraordinary character.

THE POLITICAL SITUATION.

The unique political conditions now existing in this province call for treatment along lines very different to those that have been followed on any previous occasion. The government has an uncertain majority of one only because Dr. McKechnie persists in sitting and voting although an action is pending against him for a penalty for doing so, and although the Attorney-General has declined to advise the house that he believes him entitled to a seat. The government so situated is about to pass a redistribution bill and will ask the Lieutenant-Governor to allow them to appeal to the country upon it. Report has it that if they succeed in carrying redistribution they will endeavor to have the house prorogued before any other business can be transacted. It is said that when this is done, Mr. Semlin will retire and Mr. Cotton will be called on to form a government, which he will do and then appeal to the people.

It is impossible that the Lieutenant-Governor can remain passive while such a programme is being carried out, and discharge his duty as the constitutional custodian of the prerogatives of the crown. In 1898 Lieutenant-Governor McInnes undertook to form an independent judgment on the political situation created by the elections, and to act upon it. The conclusion, which he reached, was that neither of the parties in local politics had a majority of the members-elect, and he thereupon relieved Mr. Turner from office and sent for Mr. Beaven. The right of the Lieutenant-Governor to form an independent judgment on such a matter cannot be denied, but he can only exercise that right upon the condition that he shall find a minister, who will accept the responsibility. This responsibility Mr. Beaven accepted, but owing to his inability to form a cabinet was not called upon to defend it. The responsibility then devolved upon Mr. Semlin, who has accepted it but never defended it upon the grounds put forward by the Lieutenant-Governor in his correspondence with his dismissed ministry. Numerous precedents can be cited from the books showing the right of a lieutenant-governor to utilize all sources of information bearing on public affairs and form his own conclusions, but we need go no further than our own legislature and no further back than last year. In the session of 1899, Mr. Joseph Martin, speaking for the present government on February 23, said:

"The Lieutenant-Governor is bound to take cognizance of all the facts as they come to his knowledge—facts presented to him, as they are to every one else, by means of newspapers and other sources of information."

In case the ministry as at present constituted may repudiate the utterances of Mr. Martin, we may quote Mr. Semlin, who said:

"But the Lieutenant-Governor here had watched very closely the trend of public events. He well knew of the exertion of the late government to retain power."

We can ask nothing more than Mr. Semlin here claims in his own behalf, and we hold that he cannot escape the consequences of this doctrine when it is applied to himself. When he goes to the Lieutenant-Governor, asking for a dissolution, he may expect His Honor to say to him: "I have watched very closely the trend of public events, and I know of the exertions you have made to remain in power. I know that you would have been defeated several times in the present session, if it had not been for Dr. McKechnie's vote, and I know that grave doubt exists whether Dr. McKechnie has any right to sit and vote in the house. I know that you cannot claim to have the confidence of the majority of the legislature, for I can read the newspapers just as well as you can, and I know what has been going on just as well as you do. I know that you have abandoned every measure indicated in my speech from the throne, and that you have introduced the Redistribution Act under pressure from a member, whom you drove from the cabinet. Under these circumstances I decline to accept your advice, and must ask you to retire from office." If the Lieutenant-Governor should say this Mr. Semlin would have no right to object, and the people would unquestionably endorse it.

The Lieutenant-Governor must see, as every one else sees clearly enough, that the whole business of the country is being brought to a standstill, while Mr. Semlin and his colleagues scheme for office. It is plain beyond all possibility of misunderstanding that the active business of legislation has been suspended since Thursday last, although there are many bills and resolutions ready to be proceeded with, solely in order that the government may put up some kind of a job whereby they can escape defeat at the hands of the house. They dare not let their measures come up for discussion, they dare not give the house an opportunity of expressing itself on a question of confidence. They hope to be able to get through a bill, which will so alter the distribution of representation that they can retain power after an election, which is a confession that they do not possess the confidence of the house, and the Lieutenant-Governor is asked to prostitute his exalted office for the purpose of enabling them to play the game of politics with loaded dice. We utterly decline to believe that he will do so, but feel certain that he will insist that his present advisers shall give place to men in whom he and the country can have confidence.

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Wharf Strike More Sc

Engineers Go Out In S and C. P. R. Freigh Also Involved.

Employment of Japa Place of Strikers Br Further Trouble

From Our Own Correspondent.

Vancouver, Feb. 21.—The men's strike presented some situations to-day. The Pa Steamship Co. offered their $10 a day each to go to work refused. The crew worked, tempt to get the Seamen's Un Francisco to stop them failed m. 50 Japanese were put through freight. The M Japanese Consul Shimezu w from their beds and asked to while the C. P. R. freight called an emergency meeting in a body, tying up every trai in port. The Japanese were quit, and the C. P. R. freig to work again. The longsho still out and appear to have t the situation.

F. Menaty drank a quart o bet and narrowly escaped de was unconscious twelve hours doctor over him.

The steamer Moyie is still Nelson, with 61 passengers because the waiter on the smallpox.

COLLIER MIAMI

Owners Expect to Make a V some Profit—Engines Be Saved.

S. Cahn, of Seattle, one of bers of the firm of Cahn & recently purchased the wrec Miami, has just returned, Bronson, also of Seattle, fro Bay. Mr. Cahn thinks that can be removed without much If this can be done they will about $20,000, and as the w bought for $4,000, this will ma handsome profit. Mr. Cahn the Miami lies in a very goo but that they will not attemp her. Their plan is to break then remove the material. be commenced in about a mo weeks, and a diver will be en assist in the operations. thinks that it will be possibl at any stage of the tide. about 3,000 tons of coal in t the vessel that is below wate

MONTHS' SHIPPIN

Report of R. P. Rithet & Co Month of January.

The following is R. P. Rith freight and shipping report fo "The grain and freight ma ing the past month show very in their general position. Alth was a slight tendency to a fir for wheat towards the close of low prices are still ruling, an therefore little encouragemen porters to push business. No ing this feature freights con with very little tonnage avail spot or to arrive. There is a surplus of grain to be moved is every prospect of the p freight rates continuing for The demand for lumber conti and the increased price menti last is freely paid. Grain fr be quoted at about the same corded, while rates for lumb general advance, particular trälian ports. For early lo what higher rates have bee noted."

THE SALMON FLE

Five Ships Already Charter Season's Trade.

The salmon exporters are ing out for tonnage for the son's trade and a total of tons has already been secur lowing vessels have been British ship Dechmont, 1,72 Mackenzie, of the Clan line, Ardnamurchan, 1,718 tons; 478 tons, and Fiery Cross The rate paid to the Dech 6d., the Clan Mackenzie 30s Ardnamurchan, 37s.

THE MINERS' GREAT

Alien Corporation to Lavis on Influencing British Laws.

From the Sandon Mining Re

The members of District Western Federation of Mi embrace 11 unions and 3,0 sent a petition to the govern of the eight-hour law: commented on approvingly ton's paper, it has many w called peculiarities, to say its prayers. As the whole entire document is a dema tention of that law in its cism has of necessity but o petitioners want to know be considered in the same many animals that live o and hog fat, that can live and need no books or tim improvement. We take well know that a considera the miners do not use w might have in any event t vantage; but it is not our take up the consideration document on that ground. well here be understood, that it is not simply becau stitutes eight hours a da the opponents of the law o for a more far-reaching re deprives men and owners and reduces them to the male," the creations to w tioners so much object them of their right to lib ercise of human judgment all times admitted that go the work required of them —we have gone further that there are many unde ings in all camps in which to work even eight hours well known that owners means of compelling men than eight hours or even t they do want to do it, the the petitioners would hav by mutual arrangement be two parties interested an