

TWO PLUCKY JOURNALISTS

THE pages of history contain many names of men and women who had cheerfully sacrificed their lives in the cause of religion. In modern times the press has had her champions, who have suffered imprisonment, and possibly would not have hesitated to court death in defence of her liberties. The press of Canada can boast of many such, and within the past few weeks two of her followers, James M. and Robert Kennedy, publishers of the *Columbian*, New Westminster, B.C., have been suffering martyrdom at the instance of the Legislature of that province.

It seems that on March 17th an article appeared in the *Columbian* adversely criticising the actions of the Private Bills Committee of the Legislature to such an extent as to be deemed libellous. This was followed by a summons issued on the 22nd directing the Kennedy Bros. to appear at the bar of the House on the 29th. They published an article on the 24th explanatory of the previous article in which, while they denied making any personal charges against the Committee, or members thereof, or against any member of the House, they maintained their right to criticise any action of the Committee which they considered inimical to the public interests. They refused to appear before the bar of the House claiming that the Legislature did not possess the power of arrest, with a view to adjudicate on a complaint of contempt committed out of doors, but were prepared to fight the matter out in the courts of competent jurisdiction. The Legislature thereupon passed an Act on April 7th entitled "The Legislative Assembly Privileges Act, 1892," giving them enlarged powers and a fresh summons was issued against the Messrs. Kennedy. Acting upon the advice of counsel these gentlemen kept out of the way and notice to appear to answer the summons was served by means of a telegraphic message sent to their place of publication. They were arrested by the Sergeant-at-Arms on a warrant for contempt at Vancouver on April 20th and lodged in gaol. Their counsel applied to Mr. Justice Walkem for a writ of *habeas corpus*, which was refused, and next morning they were taken to Victoria and brought to the bar of the House. Did they fall on their knees and beg for mercy? Nothing of the kind. James Kennedy read a statement clearly defining their position, asserting that the Act of April 7th was *ultra vires*, that it did not presume to be retroactive, that proper service of the summons was not made inasmuch as it should have been personal, that they believed it was their duty as public journalists to criticise the action of the Committee, etc. They then withdrew to wait the pleasure of the House whereupon Attorney General Davie moved that they being guilty of contempt be committed to the charge of the Sergeant-at-Arms till the following day, when they

should again be brought to the bar of the House. This motion was carried after a heated discussion in which the two journalists were not without supporters. Next day they were again brought to the bar of the House and Mr. Speaker asked if they had any apology to make to which James Kennedy replied in the negative. They were again removed and a motion of the Attorney General that they be committed to the custody of the Sergeant-at-Arms attending the Legislative Assembly, and that Mr. Speaker do issue his warrant accordingly, was carried after another heated discussion. The Legislature was prorogued on the 23rd, and the Kennedys after receiving warm congratulations from their friends, left for New Westminster, where they were cordially welcomed by the citizens and serenaded. The Attorney General expressed his intention to submit the case to the Supreme Court under the Supreme Court Reference Act to determine whether the Legislature had power to commit for contempt.

The case aroused a strong feeling of sympathy throughout the Province for the Messrs. Kennedy and contempt for the undignified course of the Government. The *Victoria Times* puts it neatly, as follows: "It will be a nice state of affairs if the House has to apologize to the Kennedys instead of the Kennedys apologizing to the House. It would have been wiser and more dignified if a test case had been submitted before the Assembly undertook to act as it did." When the unfavorable result of their application for a writ of *habeas corpus* became known one of the Vancouver papers said that "there was a deep under-current of feeling manifested on the streets, and had it not been known that the Kennedys had voluntarily surrendered there would have been trouble sure." The Trades and Labor Council of Victoria passed a resolution "condemning the action of the House in the case of the Kennedy Brothers, and expressing the opinion that its action interfered with the liberty of the press, the true and only safeguard of the people's liberties." We extend to the Messrs. Kennedy our congratulations upon the plucky stand they have taken and the enviable popularity they have achieved thereby.

HUGH GRAHAM, proprietor of the *Montreal Star*, was married recently to Miss Annie Beekman of Hamilton, Ont., formerly of Montreal. The ceremony was performed by Rev. James Barclay, of St. Paul's Church, and took place in New York.

THE job printing business in Montreal has been comparatively quiet for a long time. The Burland Lithographic establishment is in process of liquidation, and will be shortly disposed of, probably at an enormous sacrifice, as the plant is a very large one and it is very doubtful if many persons can be found willing to invest the necessary capital in it to carry it on.