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THE LOCAL LEGISLATURE

First Session—Seventh Parliament.

THIRTY-SEVENTH DAY.

Victoria, Tuesday, Jan. 22.

The Speaker took the chair at 2 o'clock. Prayers were offered by Rev. Sol. Cleaver.

Mr. EBERTS presented a report of the Private Bills committee, recommending a suspension of the standing orders so as to admit the introduction of the bill for the incorporation of the Stave River Electric Power Company, and the amending bills for the municipalities of Vancouver and New Westminster. The report was adopted.

Mr. SWORD presented a petition from the Mission City board of trade, and others, against the granting of the privileges sought by the promoters of the Stave River Electric Power Company.

Mr. RITHET presented the report of the Public Accounts committee as follows:

Your select standing committee on public accounts beg leave to report as follows, viz.: That the annexed statement shows the net amount realized from the sale of the Nakusp & Slocan railway bonds. That the statement herewith shows that the amount due for unpaid taxes to 30th June, 1894, is $141,954.72. Statement showing amount realized for the Nakusp & Slocan railway bonds and the expenses incident to the negotiation and sale thereof.

EXPENSES.

Commission for underwriting, 2 p.c.	£ 2,688	0s 0d
" to brokers, ¼ p.c.	213 15	0
" for issue to W. & S., ¼ p.c.	238 10	0
" of B. C., ¼ p.c.	238 10	0
Advertising, bond prospectus, &c.	244 3	4
Printing	19 14	10
Cablegrams	13 16	0
Freshfield & Williams, legal advice	81 18	0
Discount on prepayment of calls	128 5	1
Postage and petty charges	7 8	10
Stamp duty	657 0	0
Total	£ 4,753 1	1
Total issue of bonds, £121,400@107½	£141,555 0s	0d
Expenses for issuing same	4,753 1	1
Net amount realized	£136,501 18	11

Equal to 103 21-24.

Note.—The differenc between the total issue £121,400, and the net amount realized, £136,501 18s 11d., is £5,101 18s 11d., which sum will revert to the Consolidated Revenue of the Province, under the head of Premium on Nakusp and Slocan Railway Guaranteed Bonds.

J. McB. SMITH, Auditor-General.

Mr. FORSTER moved for a return containing information covering the following questions, which was agreed to: (a) The total amount of fines collected by Justices of the Peace and paid into the treasury in the two years ending 30th June, 1894; (b) A list of the fines so collected and paid by each Justice of the Peace, with the names of the parties fined and the dates and offences.

Hon. Mr. DAVIE introduced the following bills, which received their first reading: An Act to Amend the Provincial Home Act, 1893; An Act to Amend the Fire Insurance Policy Act, 1893; An Act to Amend the Land Registry Act.

Hon. Mr. DAVIE moved that the order for committee on the bill for the Government of Cities by Commissioners be discharged. The bill, he said, had been subjected to a great deal of criticism, people to which, he said, he was convinced that some such measure would be of advantage upon the statute book. He said the introduction of the bill had had the effect of stimulating the interest of citizens in municipal government. In view of the fact that several new councils had but recently taken office, and the difference of opinion expressed with respect to the working of the act, and the misapprehension as to its possible effect, he thought it well to withdraw the measure. He commented upon the apathy shown by the ratepayers of Vancouver, contrasting the same with the interest shown by Victorians in their recent municipal elections. The poll in Victoria was, he said, the largest in the history of that city. By showing such an interest, he said, the people had made it impossible for a tyrannical minority to rule the affairs of the municipality. If such a state of affairs were permitted to exist it would be much better to have the cities governed by a board of commissioners who would be responsible to the Government. He had introduced the bill to ensure the better government of cities. Respecting the outcry made against the bill he reminded the House that a very salutary measure had received a similar reception a few years ago, when a compulsory auditor of municipal accounts was provided for. Since the act came into force there has been no outcry and no request has been made for its repeal. On the contrary it has been brought into effect with very good results indeed. He expressed the hope that the questions raised by the commissioners' bill would be kept under consideration, though the measure be withdrawn, as he said he was satisfied that the more the principle of the bill was understood the more clearly the necessity for some change in the municipal law appear. The latest case in point appeared recently in Nanaimo, where revelations show a very serious defect in the municipal management. He was willing to await the turn of events, and in the meantime moved the discharge of the bill from the orders.

Mr. COTTON congratulated Hon. Mr. Davie upon the withdrawal of the bill. He took exception to the inference that there was apathy shown in the recent Vancouver election. He endeavored to persuade the House that there was considerable interest therein and offered a number of excuses for the very small vote. His deduction from the circumstance that people did not go to the polls and vote was that they were satisfied with the present form of municipal government. Though the present form of administration may be crude, that is no reason why it should be altogether cut away. He agreed that many amendments were required, and he expressed the hope that they would be brought down with a view to bringing the best men into the municipal government.

Mr. KENNEDY expressed complete satisfaction with the municipal council of New Westminster and referred to the work it had accomplished with admiration.

Hon. Mr. DAVIE moved the second reading of the bill to define the judicial district of British Columbia, a preliminary to the bill upon the orders for the residence of a Supreme court judge in Vancouver. He explained that the bill provided that for all the purposes of administering justice there shall be but one division into judicial districts in the Province. At present there is one division for County court, another for the Sheriffs' act, a third respecting the residence of Supreme court judges, and a fourth for the purposes of the Jurors' act. The multiplicity of divisions had occasioned difficulties in the administration of justice. He expressed the opinion that there could be no objection to the bill. It received its second reading.

The Supreme Court Act Amendment bill was called but Mr. WILLIAMS asked that it stand over, as he had not had time to consider it.

Hon. Mr. DAVIE agreed to this, provided private members' bills were taken up, and that the Supreme court bill should be set down for to-morrow.

The Law Prospecting License bill was considered in committee, reported complete, received its third reading and finally passed.

The Nanaimo official map bill was considered in committee, with Mr. SMITH in the chair. It was reported complete with amendments.

The report from committee on the Columbia & Kootenay Company's bill was adopted. The bill received its third reading and passed.

The Nanaimo Water Works bill was considered in committee, Capt. IRVING in the chair. The bill was reported complete with amendments.

Mr. HELMCKEN moved the second reading of the Pharmacy Act.

Dr. WALKEM opposed the second reading on the ground that the Pharmaceutical Society exercised its powers in an an arbitrary manner. He said the bill as at present framed permitted the members of the association to make it an absolutely close society. In this he was supported by Messrs. Sword, Forster and Semlin.

Mr. SEMLIN asked a ruling whether the bill should not come under the head of a private bill.

The SPEAKER agreed that such should in future be the case, but he had followed the practice of previous Speakers. In future he would treat them as private bills.

Hon. Mr. DAVIE agreed with Dr. Walkem that there were objectionable features in the bill, but he would not oppose the second reading, preferring to offer amendments in committee. The bill received its second reading.

When the School Act Amending bill was called Mr. HELMCKEN moved an amendment to add following as Sec. 3: The term "actual resident" in section 3 of the Public School Act Amendment Act, 1894, shall mean and include any person who either actually dwells or has his place of business within the school district. This was adopted.

Hon. Col. BAKER moved an amendment to section 9 of the Act, making women eligible for school trustees. This was carried, but five members voting against it. They were Messrs. Walkem, Helmcken, Hume, Smith and Braden.

Further consideration of the report was adjourned.

The House went into committee on the Mechanics' Lien bill, with Mr. PRENTICE in the chair.

Hon. Mr. DAVIE expressed surprise that the House should appear willing to except railways from the provisions of the Act. He explained that the Supreme court ruling did not determine that a lien could not exist against a railway declared for the general benefit of Canada, but that it could not exist nor have priority as against a mortgage which existed before the lien.

After considerable discussion Hon. Mr. DAVIE moved that the whole matter of mechanics' liens be referred to a select committee composed of Messrs. Pooley, Davie, Williams, McPherson, Helmcken, Eberts and Booth.

Through some misunderstanding as to the political complexion of the committee the motion was not put and the committee rose and reported progress and asked leave to sit again.

When the Speaker took the chair, Hon. Mr. DAVIE moved that the orders be suspended, and that the Lien bill and Bill No. 47, providing for the better provision of the payment of mechanics and laborers be discharged and that the subject of mechanics' liens be deputed to a committee composed as above, with the substitution of Mr. Forster for Mr. Booth. This was carried.

The Stave River Electric bill was read a first time.

Hon. Mr. DAVIE secured the first reading of a bill relating to the right of persons incorporated as religious or other societies to hold land.

The House adjourned at 5:55.

THIRTY-EIGHTH DAY.

Victoria, Wednesday, Jan. 23.

The speaker took the chair at 2 o'clock. Prayers by Rev. Sol. Cleaver.

Mr. Sword presented a petition from E. M. Johnson making complaints against the administration of justice in the Attorney-General's department.

Mr. ADAMS moved the following resolution: Whereas there are several Chinese who have retail liquor licenses in the District of Cariboo; it is generally admitted that, through those Chinese holding liquor licenses, there are large quantities of liquor getting into the hands of Indians, therefore, be it Resolved, That it is the opinion of this House that it would be in the interest of the Cariboo District generally if those liquor licenses were cancelled.

Hon. Mr. MARTIN asked the speaker's ruling whether the resolution was in order, as it affected the revenue of the Province. The question went over pending the ruling of the Speaker.

Mr. WALKEM asked the Provincial Secretary: What was the date of Mr. Planta's appointment as official administrator of Intestate Estates? What securities, and for what amount, did Mr. Planta provide for the due performance of the duties of his office, as provided by clause 4, chap. 36, Stat. 1890, and the date on which these securities were deposited with the Hon. Provincial Secretary?

Hon. Col. BAKER—He was appointed on Nov. 13, 1890. The securities are one bond for $2,000 and one surity for a like amount, posted on Jan. 10, 1894, and renewed as required by the Act.

Mr. WALKEM to ask the Attorney-General: When will the particulars of the terms of settlement of the long-pending dispute with reference to the lands in railway belt be laid before this House, as promised in His Honor the Lieutenant-Governor's Address?

Hon. Mr. DAVIE—The death of the late Right Hon. Sir John Thompson has delayed the settlement. I hope to be able to submit a measure to the House during the present session.

When the committee was called for the Vancouver City Act, Mr. Cotton asked for an adjournment, in view of the amendments which had been proposed to the bill by the Attorney-General, as he wished to consult the Mayor and other representatives of the city concerning the same.

The amendments complained of are as follows: Section 142 of the Vancouver Incorporation Act is hereby amended by inserting between "gas" and "or," in the line 6 of sub-section 2, the words "electric lighting, tramway, and street railway," and by adding the following as sub-section (6.) immediately following sub-section (4.) "(5.) No by-law under the last sub-section shall be passed, firstly until estimates of the intended expenditure have been published once a week for one month, and, secondly, until the same shall have received the assent of the electors, as provided by section 127 of the Vancouver Incorporation Act? (a) If the proposed by-law is rejected by the electors, no other by-law for the same purposes shall be submitted to the electors for a period of 12 months: (b.) In case there be any gas, electric lighting, tramway, street railway, or water company incorporated for the city, the Council shall not levy any rate as provided in sub-section (4) hereof until such Council has by by-law fixed a price to offer for the property and franchise of the company, nor until 20 days have elapsed after notice of such price has been communicated to the company without the company having accepted the same, or having, under the provisions of the Act, as to expropriation, named and given notice of an application to have Commissioners appointed to determine the price, nor until the price accepted, or awarded, has been paid, or has been secured to the satisfaction of the company."

Hon. Mr. DAVIE said:—There need be no delay in the committee on this account. The honorable gentleman is altogether wrong when he says that the amendments which I have given notice of are contrary to the rights of the people of Vancouver or to their charter. I have simply given notice of motion to restore to the charter of Vancouver the rights which were safe-guarded in their original charter, and which in a moment when the significance of it was not recognized, was repealed in 1892. In the original act of incorporation of Vancouver, and the same with respect to New Westminster, the rights of property were safe-guarded. The clause which I now propose to introduce was in the original charter. It was taken from the bill from which the original act was drawn. In 1892 an amendment was introduced into the House. It was passed through the Assembly, and I do not suppose the effect of it was observed by any one. Most certainly it was not observed by me, and I do not think it was observed by any member of the Government. The amendment then introduced, enabled the City of Vancouver to simply paralyze the very franchise which they themselves have granted. I take great blame to myself that that amendment should have been smuggled through the House. I think it is my duty, and the duty of everyone who has any regard for the rights of property, to repair the wrong and that is the object. (Applause.) It was never understood that the corporation was going into competition with companies, incorporated institutions. It will require very little consideration to see that the bill upon which the corporation of Vancouver was first founded it was not contemplated that the corporation was going into competition with the concerns of its own creation. The effect of such a policy would be to paralyze the industries and then there is an end of all confidence in this country. (Applause.) That is what the whole thing is coming to—call it state communionism, or state socalism, or what you will. It is high time that this Legislature set itself against this sort of think. (Applause.)

Mr. COTTON—I am not asking anything that the House cannot grant me. The amendments proposed are entirely foreign to anything in the charter. It is my duty to the city which I represent. I have had a bill placed in my hands, certain radical changes in proposed of wide-reaching character. I wish to consult the mayor and other representatives of the city to see if they will accept the amendments or not.

Hon. Mr. DAVIE—As regards the proposed amendments I do not desire to press them upon the House to-day. They can come up at some other time. They may require somb technical amendments to make them conform to the provisions in the original charter.

The bill went over.

The House went into committee on the New Westminster bill, with Mr. HUME in the chair.

To the first provision which proposed that the council should have the option of saying whether the council should consist of 6 aldermen or of 15, Hon. Mr. DAVIE objected. He secured an amendment requiring the assent of the ratepayers before the numerical strength of the council could be changed.

The provision providing for the abolition of the ward system came in for considerable objection. Nothing was decided with respect to it, however, as after much discussion the committee rose and reported progress.

On the consideration of the Victoria Hydraulic Coy.'s bill or report, Mr. KIDD moved for the insertion of a clause prohibiting the employment of Chinese or Japanese by the company. This was lost on a division of 16 to 12. Further consideration was deferred as there are other amendments to come up.

Mr. SPEAKER gave his ruling respecting Mr. ADAMS' resolution, dealing with the liquor licenses held in Cariboo by the Chinese. He said that the move had met with the objection by altering the resolution so as to read: "That the Government should institute an inquiry into the matter and take such steps as may be found advisable." With this amendment the resolution was agreed to.

Mr. SEMLIN moved the following resolution which was agreed to; that an order of the House be granted for a detailed statement of all moneys expended for improvement of the road from Agassiz to Harrison Hot Springs, within the year ending Jan. 1, 1895.

The House went into a committee on the Wives and Children's Insurance bill with Mr. HUME in the chair. It was reported complete with amendments.

The bill amending the companies act of 1890, received its second reading without further debate when it was called.

The House went into a committee on the Territorial Divisions bill with Mr. McGREGOR in the chair. The bill was reported complete without amendments.

THIRTY-NINTH DAY.

Victoria, Thursday, Jan. 24.

The Speaker took the chair at 2 o'clock. Prayers were offered by Rev. Sol. Cleaver.

The petition of E. M. Johnson, the prayer of which was for a return of certain correspondence in connection with a case in litigation involving some mining leases to placer ground in the Big Bend country, to which Johnson has been joined as defendant, was read. The petition was remarkable for the bitterness of expression in which it was proved, asking that the Legislature take steps to protect him from unjustifiable persecution on the part of the Attorney-General. His complications with the famous Gray-McCallum suit were set out. It was also stated that he, while appearing as a witness for the plaintiff in the suit, was questioned by the Attorney-General upon events which had transpired 20 years before with a view to causing him and his family permanent disgrace. The suit which followed, in which he was sued for $30,000 for conspiracy, was also touched upon, as well as the criminal proceedings instituted against him by the Attorney-General, in which Mr. Johnson charges the Attorney-General with cruelty and unjustifiable harshness. Mr. Johnson's immediate fear, however, is in connection with certain litigation over placer mining leases in the Big Bend country, in which he has been joined as a party contrary to his wishes.

When Mr. SWORD formally moved that the petition be received,

Hon. Mr. DAVIE rose and said: I beg to move the adjournment of this debate until Monday, when I will be prepared to lay before this Assembly a reply to the petition of a man who has hitherto assiduously evaded the criminal law, whose petition I will be able to show is simply for the purpose of enabling him to evade further enquiry into his acts.

Hon. Mr. TURNER—Is the petition in order?

Hon. Mr. DAVIE—That is not the question. The motion is that the petition be received. I want to speak upon that motion.

The debate was accordingly adjourned.

Mr. SMITH presented the fourth report of the Mining committee, recommending an act to amend the Mining act of 1891, and also that the Government take into consideration the matter of providing for the inspection of mineral claims, and also the propriety of introducing a validating law respecting mineral claims, which may be held to be invalid, because of trifling irregularities. The report was received.

Mr. PRENTICE moved for a return showing the following, which was agreed to: All correspondence with the Forsely Hydraulic Mining Co., from the Government agent at Clinton, road superintendent, East Lillooet, and any other person in connection with the building of the road from 108-Mile House to Horsefly, and with the payment of $3,000 to said company on account of said road.

The following bills were introduced and read a first time:

Mr. WALKEM, a bill intituled An Act to Amend the Homestead Act and Amending Acts.

Mr. SWORD, a bill intituled An Act to repeal the Pharmacy Act, 1891, and Amending Acts.

Hon. Mr. DAVIE, a bill intituled An Act Respecting Retail Liquor Licenses.

The bill to amend the Dentistry Act was read a second time on motion of Mr. HELMCKEN.

On consideration of the County Court's Amending bill in report Dr. WALKEM moved the following amendment: 3. Section 19 of the County Courts Amendment Act, 1893, is hereby repealed and the following substituted therefor: 19. In any attachment of any debt due or accruing to a judgment debtor, for or in respect of his wages or salary, the judge before whom the case is tried is hereby empowered to allow to the judgment debtor such sum or sums of money as the said judge shall deem necessary and sufficient to maintain and support the judgment debtor, and any person or persons dependent upon him for support.

Hon. Mr. POOLEY—A man with that clause protecting him will never be obliged to pay his debts. The judgment creditor will never know where he is.

Hon. Mr. DAVIE agreed with the spirit of the resolution. I agree that we should allow provision to be made to the judgment debtor and other members of the family. We should restrict it so that it will provide that allowance is not to be made when the judge is satisfied that he has other means upon which to maintain himself. I think if we restrict the allowance to provide for one month the end will be attained.

The amendment was carried and a rider proposed by the Attorney-General fixing the allowance at one month's provision for the support of the debtor's family was added, such allowance to be at the discretion of the judge.

A further rider was added by Mr. BOOTH fixing the limit of such month's support at $40.

Further consideration of the report was adjourned.

The Elections Regulations bill, introduced by Mr. McPHERSON, providing for changes in the ballot papers used at the Provincial elections was considered in committee.

Hon. Mr. DAVIE moved that section two, the repealing clause of the bill, be struck out. This embodied the principal feature of the bill, and as the amendment was carried the committee arose without reporting, so the bill will disappear from the orders.

On the resumption of the debate upon the second reading of the Veterinary Surgeons' bill, introduced by Dr. WALKEM, the opponents of what has been termed "class legislation" came out strong.

Mr. BOOTH moved that the bill be given a six months' hoist. This was carried on a vote of 18 to 8.

The Drainage and Dyking Amending bill of Mr. SWORD received its second reading without debate. It provides for some changes in the method of levying the assessment.

Mr. SWORD moved the second reading of the Elections Regulations bill. The feature of the bill is the provision for the counting of ballots not in the place of polling but by the returning officer, the end being to secure more secrecy in outlying places, where there are but few voters. The contention was that in places where there was a small vote the counting of the vote in the booth practically disclosed how the few electors had voted.

Mon. Mr. MARTIN recorded himself as in favor of the change, saying that he had advocated it some years ago. He was supported in this by Messrs. SEMLIN, WILLIAMS and KENNEDY.

Messrs. POOLEY, HUNTER, SMITH and Major MUTTER spoke against the bill.

Hon. Mr. DAVIE said he would vote against the bill. In point of convenience the present plan of counting the ballots was the better. The secrecy could only be disclosed in places where the electors were so few as not to warrant a polling booth. This could be remedied by abolishing polling booths in places where the voters were so few that the totalling of the vote discloses how the electors voted. The recent affair at Chilliwack, he argued, was an evidence of the safety of the present system. There was liability of the ballot boxes being lost in the transmission from the polling booth to the returning officers' headquarters, which, occurring under the proposed amendment, would necessitate a new election.

Mr. KITCHEN alleged that along the line of the C. P. R. the employes of that company have to vote as their superiors desire or run the risk of dismissal. He agreed, however, that in Chilliwack the last election would have been upset had the ballots been spoiled before they were counted instead of after. He did not believe in encouraging men to be cowards—to be afraid to express their opinions or tell how they voted, but there being a great deal of pressure brought in some cases he would support the bill.

Hon. Col. BAKER opposed the bill, considering the present system preferable and safer.

Mr. BOOTH agreed that it would be dangerous to defer the count until the ballot box had been delivered to the returning officer a long distance away.

The debate was adjourned pending the Speaker's ruling.

Hon. Mr. TURNER presented a return respecting intestate estates.

Mr. WILLIAMS asked why the reply to a return he had asked for respecting timber licenses in Kootenay refers only to West Kootenay.

Hon. Mr. MARTIN said he believed it was because there were none in East Kootenay; but he would make sure.

Hon. Mr. DAVIE said with respect to the return asked for relating to the sale of law stamps he was informed that some of the details asked for cannot be supplied, as they are not kept.

The House adjourned at 6 p. m.

FORTIETH DAY.

Victoria, Friday, Jan. 25.

The Speaker took the chair at 2 o'clock. Prayers by Rev. Sol. Cleaver.

A petition from the City of British Columbia against certain provisions of the Stave River Electric Power Company's bill was received and referred to the Private Bills committee.

Dr. WALKEM moved the following resolution: That, whereas it is necessary for the development of the fishing industries of this Province, that steps should be immediately taken to locate the various fishing banks, under the superintendence of a properly qualified person in a properly equipped vessel, and that a thorough enquiry and report should be made of the different species of fish, commercially valuable, which may be found to inhabit British Columbia waters; Be it, therefore, resolved, that an address be presented to the Lieut.-Governor asking him to communicate with the Governor-General with a view to having the necessary steps, as contained in this resolution, carried into effect without delay. In support of his resolution Dr. Walkem reminded the House that there were three companies in the industry already, but it was necessary to have more knowledge concerning the location of the banks. He instanced the example set by the United States Government in protecting their northern waters. He said the matter had already been called to the attention of the Dominion authorities, and the resolution would have the effect of strengthening the hands of the representatives of British Columbia in the Commons when they brought the matter forward.

Mr. HUNTER in support of the resolution read extracts from the reports of fishery revenues collected by the Dominion from the Province, showing that the same were enough to justify the expenditure involved in carrying out the provisions of the resolution. He made comparisons showing that the other Provinces received more under the head of fisheries from the Dominion Government than they paid in, while in British Columbia a fractional part only was returned to the Province.

Mr. WILLIAMS, Major MUTTER and Hon. Col. BAKER spoke on the resolution.

Mr. RITHET, who seconded the resolution, said he considered that the work sought to be done came within the province of the Dominion Government, and the Legislature was well within its rights in calling the Federal Government's attention to the matter of investigating the resources of the Province with a view to their further development.

Messrs. BOOTH and SEMLIN also spoke upon the resolution.

The resolution was adopted.

Mr. KENNEDY moved for a return showing written comment on, or reply to, the report of the commissioners who held the late investigation into the affairs of the Provincial Asylum by the late superintendent of the said asylum.

Hon. Col. BAKER said he had received a communication from the late Medical Superintendent, in which a request was made that the same be published, but out of consideration for him he (Col. Baker) decided not to lay the matter before the House. There was no objection to the resolution so it was adopted without further discussion.

Mr. McPHERSON moved his resolution respecting the Cartwright claim. The questions of the case were gone into when the committee of inquiry was appointed. The land involved is on Thetis Island. Cartwright secured the place and held a certificate of improvements. It was not necessary under the Land act to remain upon the property. Cartwright never completed his purchase, and by some means or other Curran secured a crown grant and remained in possession, afterwards effecting a sale of the same to a third party.

Hon. Mr. DAVIE defended his reasons for opposing the adoption of the resolution by saying that such would be inconsistent. Cartwright may have some claim against the Government; he may have a claim against the land, but he cannot have one against the Government and against Curran as well. The resolution says that Cartwright has a claim against the Government. Assuming that he has an equitable claim to this land; assume that Curran, knowing of that fact, went upon the land and concealing the circumstances from the Land and Works Department that Cartwright was the pre-emptor, obtained a crown grant. That is the strength of the Cartwright case. In such a case he has a claim that the crown grant issued to Curran was simply a fraud upon his rights. Upon a suit to rescind and cancel that crown grant he will doubtless be successful, if his case is as he says it is. That may be brought by the Attorney-General on behalf of the province. If Cartwright has a proper claim and can satisfy the Government that it was misled when it gave the grant and that Curran obtained a grant by fraud, in a suit properly instituted, which will be done on Cartwright's own responsibility, the courts will give him relief. To pass this resolution will be merely saying that it was the duty of the Government not to take any steps against Curran but make Cartwright compensation and let Curran go scathless.

The resolution was lost on a party division, Mr. Prentice voting with the Government against the motion.

The House went into committee on the bill to amend the Companies act, with Mr. SMITH in the chair.

The principle of the bill is contained in the second clause: "Any company incorporated under the Companies Act, 1890, may, by complying with the provisions herein contained, extend the objects and purposes of the company in such a manner as may be deemed proper, if such purposes or objects come within any of the classes of subjects in respect of which the Legislature of the Province has the power of legislation."

An amendment was offered by Mr. WILLIAMS to the third clause, qualifying the license given the company to change the purposes of corporation.

Hon. Mr. TURNER offered an amendment that the changes must be of a similar nature to those provided for in the articles of association.

The amendment of Mr. Turner was lost and the clause was rejected.

A motion that the committee rise was lost. The bill was reported complete with amendments.

The Territorial Division bill was read a third time and passed.

Hon. Mr. DAVIE moved the second reading of the Supreme Court Amending Act bill, which has for its object the securing of a Supreme Court judge in Vancouver. The meat of the whole bill is contained in the following clause, which provides: "It shall be lawful for the Governor-General, by order in council or otherwise, from time to time to assign to each of the counties of Westminster and Vancouver one of the judges of the Supreme Court and to the county of Victoria three of such judges and direct that the judges so assigned shall reside and usually discharge the judicial duties in the counties to which they are respectively assigned. The Governor-General may also, by the order in council assigning a judge to a certain county or otherwise, direct and authorize the judge to discharge his duties, one or more of the counties for which no provision for a resident judge is herein made, and may vary any arrangement so made." The amendment proposed by Mr. Davie had introduced the bill for the purpose of carrying out the resolution passed by the House earlier in the session, and admitted that there were grounds for assuming that they could not say that he himself was in favor of the bill, which was brought in simply at the mandate of the House in pursuance of the resolution. He said he could see no way of enforcing the residence of a judge in Vancouver. You can only enforce the residence of a judge in a place where he has jurisdiction. So long as he resides within the place in which he has jurisdiction he fulfils the terms of his commission. A judge would be subject to impeachment if he took up his residence outside of his appointment, or if he resides within it he is within his jurisdiction, that is if he is where there is work to do. Hence a judge fulfils his duty whether he resides at Vancouver or at any place where the work justifies. A judge must reside within his jurisdiction. With a Supreme court judge that means anywhere within the Province that business justifies. With a County court judge the case is different. His jurisdiction is a limited portion of the Province. The one must not encroach beyond his county. The County judge of Westminster should reside in the county of Westminster, or of Nanaimo in the county of Nanaimo, and so forth. A County court judge residing out of his county, although in the Province, would be just as open to censure as would a Supreme court judge residing out of the Province altogether, and we know what would happen to a judge residing out of the Province. The Legislature here has supreme power to legislate regarding the jurisdiction of judges, whether territorially or in respect of the subject matter in civil cases of their jurisdiction, and the trouble and conflict which has arisen hitherto has been chiefly owing to that principle not being recognized. The judges also have their powers and privileges conferred by the Dominion, but both by the Legislature, and to some extent by the judges, this principle has not always been recognized. Not with any desire on the part of either parliament to encroach upon the other's jurisdiction, but simply because of the powers of the one body and the other were not clearly understood. There has been for the past 20 years a struggle and a question as to what is the jurisdiction of the Legislature. In 1872 an act was passed for the purpose of defining when, where and how courts should be held upon the Mainland. This was claimed at the time to be beyond the jurisdiction of the Provincial Legislature, and here the conflict first arose. In the next session a clause was inserted by the Legal Professions bill which never should have been put there. It was in effect that no barrister or solicitor should be suspended from practice or struck off the rolls unless by the benchers of the profession. This provision struck at the right and power of the judges to control the conduct and procedure before them. It was, I am satisfied, introduced and put into law simply from the misconception of the rightful power of the judges. The next thing the Legislature took out of the hands of the judges was the power of making rules of court. This was claimed to be an usurpation of power on the part of the Legislature. It was, however, finally determined by the Supreme court of Canada in the Thrasher case that this legislation was perfectly valid, whatever the policy of the measure might be. Other cases of conflict arose, the last of which being upon the constitutionality of section 9 of the County court act of 1893, therein it was provided that the County court districts of Yale and Kootenay should be united, and that the County court judge of Yale should sit in the County court of Kootenay. This was claimed to be unconstitutional. A prisoner sentenced in the Speedy Trial court of the county of Kootenay by the County court judge of Yale was discharged and the conviction held to be illegal. The matter was brought before the Full Court here and the learned judges were divided in opinion. There were three against the constitutionality and two in favor. The majority said it was an encroachment upon the rights of the County Court judges. The judges had commissions for certain counties. The appointment was made upon the understanding that they should discharge their duties within those counties and could not be moved about by the Legislature. The Supreme Court of Canada, however, agreed that the Legislature was perfectly within its right thus settling finally that in reference to the procedure of the courts and the jurisdiction of the judges, whether territorially or in respecting subject matter, this Legislature is supreme. No doubt the Legislature could pass laws which would be very harassing to the judges and indeed, but we must remember that the Legislature is subject to a higher authority, and therein the protection of the judges exists. So long as this Legislature passes laws that are reasonable, and in the interests of the Province the Dominion Government cannot constitutionally interfere with them, and it is always to be assumed that the Legislature knows best what are the needs of the Province. If, however, any flagrant attempt should be made to go beyond the bounds of fairness and the just needs of the Province, then that will be a matter for the Dominion Executive to deal with. For my part I cannot see why there should be any longer this conflict. Whatever difference of opinion there was in the past, the subject is understood now. The action of the present bill arises from the resolution pressed upon the Government to force the residence of a Supreme Court judge in Vancouver. That should really not be a matter of legislation, but of arrangement between the judges themselves, and since the arrangement was made by the Minister of Justice for the judges to make weekly trips to Vancouver I understand that Vancouver's judicial needs have been attended to as well as if a judge lived there, with the exception of times when the Court of Appeal has called the judges away, or accident has prevented a judge going up. They remain until the business is disposed of. New Westminster has had a resident judge for several years. Except when it comes here for the sitting of the Full Court he lives in that place from choice, but he could not be prevented living in any other portion of the Province where there was business if he choose. The Judicial District Act of 1878 attempted to make the judges reside in distinct places, and two judges were appointed under its provisions. It was then provided that three of the judges should reside upon the Mainland and two on Vancouver Island. We all know to what extent that legislation has been recognized and carried out. It has been practically a dead letter. There have generally been three and sometimes four judges residing at the Capital; sometimes one and sometimes two upon the Mainland. The reason why it was a dead letter and unenforceable was simply that it left the judges jurisdiction all over the Province. The bill before the House merely re-enacts the principle of the act of 1878, namely, that every one to live on the Mainland and three on Vancouver Island. Section six, however, of this bill supplies the Provision for want of which the former act was little better than a dead letter. It provides that not only shall a judge reside in his judicial district, but that he shall not have any jurisdiction outside of that place, as regards Vancouver and Westminster counties. That contains the principle feature of the measure. The rest of the act is only in keeping with the general tenor of its main provisions. If the House desires to enforce the residence of a judge in Vancouver at a place, it can only be done (so far as I can see) by confining his jurisdiction to that place. Regarding the other sections of the bill, they can, if necessary, be changed in committee without interfering with the principle, for instance, whether Rossland or Kootenay shall form part of the judicial district of Vancouver, Westminster or Victoria, whether Cariboo shall be part of Victoria, and so on.

Mr. WILLIAMS was dissatisfied with the bill because it goes too far in one respect and not far enough in another. He said that the Legislature should enact specifically that the judge to be appointed to fill the present vacancy shall unconditionally reside at Vancouver. Regarding the Chief Justice or one of the puisne judges, if the Minister of the Government is appointed Chief Justice, as popular rumor has it, the Vancouver member would gladly welcome him, and no doubt the change would have a good effect upon him. (Laughter.) The bill, as he said, takes away an excellent feature of the law at present, which provides, that if a judge be carried out, that three judges shall reside on the mainland, while this bill states that only two shall reside there. He was opposed, and limitation of jurisdiction of the judges of the Supreme court, and if he supported this bill it would be simply because it was the only relief he could find at present obtain for Vancouver. He objected, however, to the clause providing that the act shall only come into force when proclaimed.

Hon. Mr. DAVIE said with the permission of the House he would like to refer to one or two points mentioned by Mr. Williams. As to his suggestion that the House should simply enact that the judge next appointed shall reside at Vancouver, that would not do, because the other four might then reside at Victoria, while at least two are asked for on the mainland. He finded that the commission of the new judge would be as a judge of the Supreme court of the Province and not merely at Vancouver. Then as to the relumpending clause, his opinion that is a very good feature, because it may never be necessary to proclaim the act. It certainly will not be for the judges arrange the matter amongst themselves. This bill is intended simply as a declaration on the part of the House that it has the right to enforce the residence of the judges, and it is not desirable that it shall be put in operation if the wishes of the Legislature are carried out without that step being necessary. With respect to the good-humored reference to the sensibility, or the probability, or the certainty, as some persons put it, that he (Mr. Davie) is to be promoted to the Supreme court bench, he could tell that hon. gentleman that he (Mr. Davie) may not be got out of politics so easily as the hon. gentleman (Mr. Williams) thinks. (Hear, hear.)

Dr. WALKEM opposed the bill.

Hon. Mr. POOLEY was of opinion that this bill was too restrictive, instead of being a reflection upon the judges of the Supreme court, whose jurisdiction is proposed to be limited by it. With all deference to the opinion of the Attorney-General he questioned the authority of the House to pass such a bill. He did not wish to stand in the way of Vancouver getting a judge to reside there, but he felt he would have to vote against this bill.

After further discussion the bill was read a second time on a division of 15 to 14.

With Hon. Messrs. Davie and Martin and Messrs. Mc