

PROVINCIAL LEGISLATURE.

Second Session of the Seventh Parliament.

SECOND DAY.

MONDAY, JAN. 27, 1896.

The Speaker took the chair at 2 p.m. Prayers by Rev. Solomon Cleaver.

Mr. D. A. Stoddart, member elect for East Lillooet, was introduced by Hon. Mr. Turner and Mr. Smith.

DR. WALKER, as a matter of privilege, complained that though the Speaker at the close of last session promised to advertise during the recess that all bills which may be considered as private bills will hereafter be treated as such, no such notice has been given.

THE SPEAKER explained that in accordance with his promise he had prepared an announcement of that would be considered private bills, and what public, and had ordered its insertion in the press generally. It had appeared once but was afterwards withdrawn, he believed because there was some irregularity as to the procedure by which it had been inserted. He had left the city for a month at the time, and therefore had not been aware of what had occurred.

MR. KITCHEEN asked by whose authority the advertisement was withdrawn.

MR. SPEAKER—"By authority of the Clerk of the House, I believe."

MINISTERIAL CHANGES.

HON. MR. TURNER rose to say a few words with respect to the formation of the new government during the recess. As all were aware this change had been necessitated by the resignation of Premier Davis of the office of Chief Justice. He very much regretted that the government had lost the services of so able a man, and it was with very great diffidence that he (Mr. Turner) had accepted the responsibility of forming an administration. The former ministers, however, had consented to retain under him their former portfolios, and with a promise of loyal support from the party generally he had gone on with his task. To fill the vacant office of Attorney-General, he had chosen the member for South Victoria, Hon. D. M. Eberts, and he felt sure that before this session was over all would admit that the choice was a wise one as to the policy of the present government, it would be to promote the progress and prosperity of British Columbia, and any public measure to that effect will receive the most careful consideration of the government. Any large public work which the country is capable of carrying on, that will result in putting population upon an unoccupied territory, the development of our varied resources, and add generally to its prosperity, will receive their best attention. He could assure the house that the work of government will be carried on in the most economical way possible, that the resources of the province will be looked after very carefully indeed, while recognizing that efficient work must be done and proper officers employed. He had no doubt that the government would receive the hearty support of the house in their efforts to effect the improvement to the opening up of the country, and he asked their cordial and loyal support to every honest measure brought down. (Applause.)

THE ADDRESS IN REPLY.

MR. HUFF, in rising to move the address in reply to the Lieut.-Governor's speech, expressed the mingled feelings he felt as a new member in undertaking this important duty. While succeeding the present Chief Justice of British Columbia in the representation of Cowichan-Alberni, he could hardly be expected to fill that gentleman's shoes in every sense of the word, for in this assembly that gentleman's ability and influence were very strongly felt; but he would not yield one point in the Lieut.-Governor's favor as to this interest in the district. He felt it a great honor to have the confidence of so important a constituency, which in its material resources includes every one of the great interests of this province—mining, agriculture, timber and fisheries. He felt that the interests of Cowichan-Alberni are his first consideration but he did not want to be looked upon as speaking and acting for it alone. The address, he considered, represents a very important bill in fact, and while he held himself free to agree or disagree with the details of the various measures proposed, his general outlines meets with his hearty approval. He believed the province has entered an entirely new era, and efforts should be directed from now on to building up and developing it on a provincial basis, irrespective of sectional feelings now existing. The Lieut.-Governor has promised to do their utmost in encouraging the mining industry. There are minerals in Alberni as well as in Kootenay, Cariboo, Yale and elsewhere, and if the government carry out their pledges in this respect, he would feel it his duty, in the interests of Alberni, to give them a warm support. It is true that the mines there are largely prospects as yet, but enough has already been discovered to warrant the hope of a very considerable mining development in the near future. There exist the most favorable conditions for prosecuting the industry—plenty of the best timber, the shipping facilities, and an inexhaustible supply of coal for smelting purposes near at hand. The ore may prove to be of lower grade than that in Kootenay, but there are advantages which perhaps no other mining district in the province enjoys in an equal degree. Some of the best paying mines in the world to-day, he believed, are low grade propositions.

In speaking of the mineral wealth of Alberni district he could not overlook the rich iron deposits on Barclay Sound. He had the best authority for stating that the ore carries a very high percentage of iron and is in very extensive bodies. The importance of this may be understood when it is known that at the present time the smelters of Kootenay are importing large quantities of iron for fluxing. In Alberni this is right at the water's edge and production is therefore possible on the cheapest scale, it being simply necessary, as he has understood, to quarry the ore and place it on boats. The essentials for carrying on blast furnaces and smelters were thus supplied in plenty of iron and an ample supply of coking coal, and if the gold mines turn out as there is reason to expect there will spring up on Barclay Sound or somewhere on the West Coast one of the largest industries of this province.

Reference having been made in the speech to the encouragement of the dairy industry, he wished to say that this is another matter in which the people of his district take especial interest, and he felt certain that if the policy foreshadowed is followed out, it will be of the greatest possible benefit to every part of the province in which dairying can be carried on. If there is one thing in the past it has not done it is to supply its own dairy requirements. He agreed, too, with the reference to the position of agriculture as a whole. The farmers of this province have had many difficulties to contend with, and they are not to-day in so favorable a position as they should be. Their greatest difficulty has not been in growing crops but in disposing of them when grown, in their own markets, where so much outside produce is sold. He believed there should be a greater amount of co-operation among the farmers with a view to controlling, or at least supplying, the home markets. More railway communication is needed in order to help the farmers to bring their produce to the trade centers, and railway extensions being spoken of in the address, he could assure the government that any reasonable proposition, so far as it might affect his district, would have the hearty support of the people there, who would justify him in aiding every other part of the province in the same way. While on this subject he would for a moment allude to the proposal for extending settlements to the small holdings plan. He did not know just to what extent the government intend following out this policy or how they intend to apply it, but he felt certain that, on general principles, it is the one best adapted to the requirements of the province, whose settlements are too far apart, while considering the nature of the country the holdings are too large. If settlers meet expenditure, but enable us to do the work of administering their affairs would be much easier and less expensive, and they would be much more contented and better off. He was aware that it would take some time to carry into successful operation an such plan, but to his mind it is the right way to proceed. He was pleased to notice that despite the depression which has existed the finances of the country are improving, and the revenue is likely to meet expenditure. He believed that with the return of good times the immense development that is taking place the revenue will not only meet expenditure, but enable us to commence to wipe off the debt. When private individuals everywhere suffered losses and many failed, when in fact nearly every person became more or less hard up, the government could not have expected to have a full treasury or to be more successful in managing public affairs than were private citizens in controlling private affairs. It is indeed a matter for congratulation that the finances of the province are in so prosperous a condition as they are and that our credit is so high. When a great nation like the United States—compact, with great natural resources and having had such a long period of continued prosperity, suffering from an empty treasury and forced to borrow large sums of money to meet its ordinary expenditure, this province ought to be thankful that it is in a more prosperous position. He could not conclude without making reference to the bereavement of Her Majesty the Queen who, with her daughter Princess Beatrice, mourns the death of Prince Henry of Battenberg. He, too, must add his expression of loyalty to what has been brought down from every part of the Empire in consequence of the strained relations between Great Britain and other of the great powers. Perhaps no part of Her Majesty's Empire was more bereaved by the outcome than British Columbia, because we are situated at a strategic point of defence and attack, but he thoroughly believed no part of the Empire would be more loyal in its support to the mother country in the hour of her need. However all must rejoice that the occasion for war seems to have passed away.

MR. KELLIE, in seconding the motion, complimented the mover upon the principles he had enunciated and the able manner in which he for the first time addressed the house. The mover had touched upon so many points in the address that he could not do more than to say, but he wished to take up a matter that had not been spoken of, namely the drain upon our resources by the Dominion government. He did not meet congratulation, giving particular attention to his own constituency of West Kootenay, he showed that in the matter of expenditure by the provincial government that territory had been treated more than its right, for its contribution to the provincial treasury in the past five years has been \$285,000 and the provincial expenditure there \$235,000. He met congratulation that the Dominion government to improve the navigation of the Columbia river, with the result that trade is being diverted to the States that otherwise would be done with Canadian cities.

The growing evil of claim jumping was next touched upon. Mr. Kellie expressing the conviction that a remedy can be very easily found if the legislature will apply itself to the subject. He referred to a very serious state of affairs in the Trail Creek district, where a large tract of land has been granted to the Nelson & Fort Sheppard railway company, who have thus been enabled to prevent the construction of the narrow gauge railway from Trail Creek to Kootenay authorized by the legislature last session. He reminded the house that last session Mr. Corbin of the Nelson & Fort Sheppard, when the Red Mountain railway was being constructed, had asked for any further loan for three years, and if this promise is kept he inferred from the speech made by Mr. Kellie to-day that that gentlemen will be found on the opposition side in earnest, roundly condemning the government for not making the liberal expenditures desired in his district. As to the policy of the opposition, if the government are to shield themselves behind the vote of the house in the matter of some constituencies the opposition will insist that with respect to other constituencies the government shall be held to the same rule.

Hon. J. F. TURNER in reply said he would not be drawn by the remarks of the leader of the opposition into the discussion of a Dominion political issue with which the house had nothing to do. He would not speak at length to-day, because the remainder of the session the opposition had been so largely devoted to the finances, which will be fully dealt with at another time. He found that the hon. gentleman was very grievously in error in his statement as to the discrepancy between the expenditure and the estimates, as he would show in detail on another occasion. As to the railway encouragement given in the past, it is true that the revenue received from the Shuswap & Okanagan railway does not come up to the interest on the bonds, but he wished to point out that the rates charged on that railway have been kept very low, and that the interest on the bonds is being paid by the Dominion government.

MR. KELLIE—Is this house going to

allow Mr. Corbin to hamper the development of Trail Creek for perhaps two or three years?

THE SPEAKER said he had not ruled on that, but simply stated that by the courts of debate matters pending in the courts must not be discussed in the house. He read from Mr. Corbin's speech that he reminded Mr. Kellie that if he would confine himself to the matter of the speech he would be more in order. Mr. KELLIE inquired if he could deal with the railway matter by means of a motion, in a few days.

THE SPEAKER—When the motion comes up I will rule upon it.

MR. KELLIE then proceeded to deal at considerable length with the resources of British Columbia, reading statistics to show their immense development during recent years, and the superior position held by this province, in the matter of debt per capita, as compared with other countries, and with its resources. He spoke of the enormous development of the mining resources of West Kootenay, showing that there was shipped out of that country last year \$2,400,000 worth of ore and which he said nothing of the thousands of tons stacked at the mines ready for shipment. He believed, taking the conservative estimates of well informed men, that the export in this year will be at least \$10,000,000 (applause) and that from one only and a relatively small portion of the great mining territory of British Columbia. He recognized that development such as this calls for large public expenditure, and would not support any government of this province which would not make the liberal expenditures needed for this purpose.

The hostile attitude of public men in the United States towards everything British received the attention of the speaker, and he read from a recent speech by Senator Frye in illustration of the unfriendly spirit to which he had referred.

MR. SEMLEN said that, in the usual order, he would compliment the mover as a new member, upon the manner in which he had addressed the house. In the matter of Mr. Kellie's remarks upon the drain by the Dominion upon the revenues of the house, he would like to see the defence of the Dominion government to the ministers opposite, each one of whom he believed is a supporter of that government. He sympathized with the complaint made by Mr. Kellie as to Mr. Corbin's actions, but he would like the provincial government must be put upon their defence for having placed Mr. Corbin in a position to act as he has done. Dealing with the provincial finances, he held that the province has reason to be proud of the condition of its affairs, and that the credit of the administration. The expenditure has been far in excess of the estimate—in excess of the amount voted by the legislature in the exercise of one of the most important functions. He would like to know on what principle this extra money was distributed, for an application from his own district had been refused on the ground that the province had been made by the legislature. The accounts, however, show that the government have been acting independent of the legislature, and he would like to ascertain what particular districts have thereby benefited and why they have been specially favored. Before this discussion closes he wished to hear many other things referred to. He had all ways advocated encouragement to agricultural development, and the permanent prosperity of the country must depend, as shown by the history of other countries. The province should be made at least self-supporting so far as agricultural products are concerned. While mining population is more or less transient agricultural settlement is permanent, and should not be neglected even though mining is being encouraged and developed. He saw silver lining to the cloud over the farming population of this province. He wanted some enlightenment as to certain officers of the government who have been declared defaulters or who have been dismissed, and he asked whether the government have been so remiss as to allow these irregularities to go on for years without being aware of them. He asked who are to be the ultimate losers, and he asked for an instance of the deficiency stated to exist in the intestate estates fund—though he held that the province is morally bound to stand the loss. He held that the government has been, in its general administration, careless, extravagant and inefficient, and for evidence referred to the losses in the public accounts. He criticized the maintenance of an establishment at London at the expense of the province and he held that it is altogether useless. He wished to refer in conclusion to the declaration of policy made to-day by the Premier, and in which he could see no difference as compared with that declared by the government from time to time for the past fourteen years. The expensive treasury constantly referred to is being followed right up by an expensive civil service system. The policy of development has so far only resulted in involving the province in financial responsibilities, and offers no encouragement for further efforts in this direction. Rumor has it that the Finance Minister has given his promise in London that he will ask for any further loan for three years, and if this promise is kept he inferred from the speech made by Mr. Kellie to-day that that gentlemen will be found on the opposition side in earnest, roundly condemning the government for not making the liberal expenditures desired in his district. As to the policy of the opposition, if the government are to shield themselves behind the vote of the house in the matter of some constituencies the opposition will insist that with respect to other constituencies the government shall be held to the same rule.

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MR. KELLIE—Is this house going to

likely that this line will be soon connected with another running into the Kootenay country, which must result in a very great increase in the receipts. As to the Nakusp & Slocan railway, its construction has enabled some of the very richest mines in the country to be profitably developed, and there is evidence that in very few years the forty per cent. of the gross receipts which is to be paid to the province will be largely in excess of the interest on the bonds. It therefore promises to be a paying concern, and together from the great benefit which it has conferred upon the country served. As to Mr. Semlin's remark that he had heard a rumor that the Finance Minister had promised not to ask for another loan for three years, that is more than a rumor, it is a fact which was published in the prospectus, based upon his expectations as to the business of the province, and the term of three years being mentioned because that would be the life of this legislature, beyond which he had not cared to go. He thought the promise had had an excellent effect, as shown by the price received for the bonds.

MR. CORROY said the statement just made by the Premier seemed simply to show that he believes it will take the sum of \$800,000 to tide us over the next two years.

HON. MR. TURNER rose to correct the hon. gentleman, and to repeat what he had said—that he had not intended that there would be no occasion for a loan before the close of the present legislature's term of office, beyond which he did not wish to appear to bind the government.

MR. CORROY continuing, said that the only other objection to the statement was that the government expected to go out of office at the next general election. (Laughter.) He thought the leader of the opposition had very properly attacked the part of the speech of the Lieutenant-Governor dealing with the finances. He felt compelled to touch upon this subject, notwithstanding that the Finance Minister declines to discuss it at this time, because there was very little else in the speech laid before the house. The balance sheets contained in the public accounts show that on the 30th June, 1894 the liabilities over assets amounted to \$2,400,000. On the 30th June, 1895, the adverse balance had increased to \$3,425,000—showing that the province has gone behind more than a million dollars in one year! He held that no particular public work could be put on as a reason for that. He pointed in the expressions of regret at the retirement of Hon. Theodore Davie, whom all would admit to have been a tower of strength to the government, but though the advertisement of the bill introduced by the new leader, it must be regarded as practically the same government which has been in office for a great many years past.

MR. HEMLOCK, in one year afterwards, when he referred back to the present Finance Minister, he said that in 1888, when he promised that 1891 deficits would be a thing of the past, yet they have gone on since from year to year until that of 1895 is by far the greatest on record. He felt that the country is suffering from a deficit in talent on the part of the administration as well as a financial deficit. He criticized the action of the government in the matter of the proposed survey of the Fraser river for the purpose of preparing a plan for the prevention of floods, upon which the Dominion government were prepared to spend \$25,000 provided a similar sum were voted by the province. He thought the house was entitled to demand that the government show some clear and definite policy. He wanted to know whether the proposed amendment to the public school act is an attempt to throw further responsibility upon the municipalities, and whether the bill relating to the assessment act will provide for still further taxation. He would scarcely be surprised at anything which Mr. Helmecken and Mr. Eberts proposed.

HON. COL. BAKER, after congratulating the mover and seconder, took up the remarks of the hon. leader of the opposition where he placed upon the government the responsibility for putting Mr. Corbin in a position to obstruct another railway in the Trail Creek district, in reply he showed that Mr. Corbin got his franchise by a private bill, passed by the legislature without any intervention on the part of the government. An attempt had been made to throw upon the government the blame for the depression in agriculture, though as is well known it is world-wide. As to the alleged interference with the expenditure have at various times been passed by the legislature of the Province of British Columbia in parliament assembled, urging upon the Dominion government the desirability of obtaining the removal of the Songhees tribe of Indians from the reserve to some suitable locality; and whereas it is highly desirable that effective steps be taken to accomplish the object aforesaid, he resolved, that a respectful address be presented to His Honor the Lieutenant-Governor to request the Dominion government's consent to refer the question of removal and settlement to a special commission consisting of three commissioners, one to be appointed by the Dominion government, one to be appointed by His Honor the Lieutenant-Governor, and the two so appointed to agree upon a third, and in the event of the two so appointed being unable to agree upon the third, some member of the Supreme Court of British Columbia shall be the third commissioner.

MR. SEMLEN doubted the expediency of this step, because the Dominion government are the guardians of the Indians and would be more likely to take some action themselves without the appointment of a commission.

HON. MR. EBERTS explained that this matter was dealt with by an order-in-council passed on the 17th of March last, and forwarded to the Dominion government. Subsequently it was reported from Nanaimo that the Dominion government had granted to one Thomas Lee Jones, a lease of certain rights on the Indian reserve there, and the Provincial government had protested against this as an invasion of Provincial rights. A case based upon this matter is now in the hands of the Supreme Court at Ottawa for a decision. Until that decision is given the Dominion government will not do anything in the matter of the Songhees reserve. The point in dispute in the Nanaimo case is whether the Dominion government control the coal rights, etc., on Indian reserves, or whether these come under the sole jurisdiction of the Province.

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HELD IN REPLY.

MR. SWOOD resumed the debate on the address in reply to the Lieut.-Governor's speech. He disputed the statement in the speech that the terms of the last loan should be improved in the credit of the province, and made computations based upon the price of former loans in support of his contention. The address was then read from the chair and agreed to.

SONGHEES INDIAN RESERVE.

MR. HEMLOCK moved: "Whereas resolutions have at various times been passed by the legislature of the Province of British Columbia in parliament assembled, urging upon the Dominion government the desirability of obtaining the removal of the Songhees tribe of Indians from the reserve to some suitable locality; and whereas it is highly desirable that effective steps be taken to accomplish the object aforesaid, he resolved, that a respectful address be presented to His Honor the Lieutenant-Governor to request the Dominion government's consent to refer the question of removal and settlement to a special commission consisting of three commissioners, one to be appointed by the Dominion government, one to be appointed by His Honor the Lieutenant-Governor, and the two so appointed to agree upon a third, and in the event of the two so appointed being unable to agree upon the third, some member of the Supreme Court of British Columbia shall be the third commissioner."

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Royal Baking Powder

ABSOLUTELY PURE

ment of the law relating to dower.—Mr. Eberts.

To consolidate and amend the law relating to the custody and care of infants.—Mr. Eberts.

For the better regulation of traffic on highways.—Mr. Eberts.

To consolidate and amend the law relating to the contracts and privileges of infants.—Mr. Eberts.

SMALL DEBTS ACT.

MR. HELMECKEN asked: "In view of the recent conflicting judgments as to the constitutionality of the small debts act, is it the intention of the government to introduce at the present session such legislation as will secure the proper working of the said act?"

MR. EBERTS—It is the intention of the government to bring the conflicting judgments before the full court at the first opportunity and until the decision of that court is known it is expected to amend the act, except in a few details, which will be submitted to the house at an early date.

STANDING COMMITTEES.

The following standing committees were named by the leaders of the government and opposition respectively and agreed to:

Private Bills—Messrs. Hunter, Smith, Helmecken, Stoddart, Williams, Kitchen and Cotton.

Printing—Messrs. Walker, Irving, Mutter, McPherson and Kennedy.

Mining—Messrs. Kithet, Huff, Rogers, Hunter, Adams, Kellie, Walker, Bryden, Braden, Booth, Williams, Hume, McPherson, Kennedy, Sword, Forster, Graham and Kidd.

Accounts—Messrs. Rithet, Mutter, McGregor, Sword and Kidd.

The house adjourned at 5:15 p.m.

NEW LEGISLATION.

The following are among the provisions of the bills introduced by the Attorney General yesterday:

Fire districts are to be created under the bill for the preservation of forests, and in the territory so prescribed it will be lawful, under heavy penalties, to set out fire in or near the woods from the 1st of May to the 1st of October, except under certain specified conditions.

And locomotives or engines running through such districts are to have safety appliances on them. This act will repeal the bush fires act of 1890.

The bill respecting injuries by animals running at large prohibits allowing wine or stallions to run at large at any time, and under heavy penalties, to be repealed under the bill for the better regulation of traffic on highways. This makes it obligatory for one vehicle meeting or being overtaken by another to get out of the way, unless it would be dangerous or difficult to do so.

THIRD DAY.

TUESDAY, JAN. 28, 1896.

Prayers by Rev. C. M. Tait.

Petitions were presented, from the Colquhoun Railway and Lighting Co., from the Helmecken and Fraser River, Fraser River & Cariboo Gold Fields Co., by Mr. Rogers.

ADDRESS IN REPLY.

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HON. MR. EBERTS explained that this matter was dealt with by an order-in-council passed on the 17th of March last, and forwarded to the Dominion government. Subsequently it was reported from Nanaimo that the Dominion government had granted to one Thomas Lee Jones, a lease of certain rights on the Indian reserve there, and the Provincial government had protested against this as an invasion of Provincial rights. A case based upon this matter is now in the hands of the Supreme Court at Ottawa for a decision. Until that decision is given the Dominion government will not do anything in the matter of the Songhees reserve. The point in dispute in the Nanaimo case is whether the Dominion government control the coal rights, etc., on Indian reserves, or whether these come under the sole jurisdiction of the Province.

MR. HUNTER did not see how the Song-

HELD IN REPLY.

MR. SWOOD resumed the debate on the address in reply to the Lieut.-Governor's speech. He disputed the statement in the speech that the terms of the last loan should be improved in the credit of the province, and made computations based upon the price of former loans in support of his contention. The address was then read from the chair and agreed to.

SONGHEES INDIAN RESERVE.

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