

The Colonist.

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THE SEMI-WEEKLY COLONIST

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THE BUSINESS OUTLOOK.

Notwithstanding the prophecies of pessimists, there does not appear to be any substantial decrease in the volume of business being transacted the world over, and there are many indications that the money market is becoming easier. The reasons for the financial stringency, of which so much has been said lately, will never be satisfactorily explained, and for the very excellent reason that no one can explain it satisfactorily even to himself. A few weeks ago two English financial writers dealt with the subject. One of them said there was too much money and the other that there was too little. The nearest that we can hope to come to the truth is that the rapid expansion of business, and the consequent enlargement of credits necessarily brought about a period of liquidation, of which speculators in money took advantage and depreciated the values of stocks, which act led to an increased demand for ready money from people, who had to cover loans made upon stocks as collateral. But the cause is not so material as the fact itself that there was a stringency, which shows signs of relaxing. From a more or less careful perusal of a large number of articles dealing with the current condition of the financial world, we are strongly of the opinion that easier money will be the rule from now on. We do not look for any immediate recovery of the money market, but we shall be surprised if there is not steady improvement. The stringency is probably one of the few on record that could in some measure be attributed to real estate transactions. There has been for the last two years a determined effort in New York to boom real estate values in that city, and the papers took the matter up with great persistency. The result was that vast sums of money were invested in land, and most of it in part payment for purchases. When the subsequent payments fell due, there was a great scurry to get money to meet them, which made a greater demand upon the resources of the banks than those institutions could supply. While this sort of thing may temporarily derange financial matters, it can have no permanently injurious effect.

THE MARRIAGE LAWS.

The last English mail brought copies of the London Times in which the correspondence in regard to the marriage of a man with his deceased wife's sister is carried on with a great deal of vigor. So much interest has been expressed by the Colonist readers in this matter, that we have given extracts from some of the more interesting letters. Viscount Galway writes to express his regret that the Archbishop of Canterbury should have taken a course calculated to offend a large number of members of the Church of England "who do not follow the narrow-minded bigotry of Lord Chief Justice." He says that His Grace has completely misunderstood the intentions of the House of Lords, which was that all churches should be open for the solemnization of the marriages. He couples the Bishop of London with the Archbishop in his unfavorable criticism and adds that "it is to be found that all churches are closed to these marriages, it will clearly be necessary to bring in another short Bill to insist that the laws of the land and the intention of Parliament should prevail." Dean Fremantle writes that the course taken by the two dignitaries above named "will make the position of the liberal-minded clergy almost unbearable," and he adds that "the power of clericalism has grown enormously." Sebastian Evans, LL.D., seems to think that "the hierarchies of the Church are deliberately riding for a fall." The following letter from William Nevill M. Geary expresses what a good many people have been asking the Colonist lately: "Sir—The Bishop of London writes that, notwithstanding the passing of the Deceased Wife's Sister Marriage Act, 'the law of the church remains the same as it was before.' I should like the Bishop to explain—What is the 'law of the Church'? Where can I find it? Who made it? I am of like mind with the judge who, when counsel argued cited 'the laws of God,' said, 'what page, please?' I want to look it out in the book." If the Bishop means marriage with a deceased wife's sister is contrary to Scriptures, we know where we are; we can all turn our Bibles and agree with the Bishop—Does the Bishop mean by the 'law of the Church' the canon law as it existed in the times of the Reformation (i.e., previous to the alterations made by the Council of Trent), except in so far as it has been altered and amended by the Convocation? Here, again, the old canon law and the proceedings of Convocation are a definite code whose provisions we can read and into whose authority we can examine. If, however, by law of the Church the Bishop refers to his own conscience, or those of the Episcopal Bench who disapprove of such marriages, this is in no wise binding on the conscience of other Christians, whether laymen or even in holy orders. As yet no one seems to have felt called upon to answer these questions, although Lord Robert Cecil attempts a definition of what Church Law is. He says it is "that part of the law of England which governs the rights and duties of the clergy and laity of the Church of England." He claims it is analogous to "railway law," and like it is drawn from several sources. He compares the Convocation to a board of railway directors, and canons to be by-laws of a railway corporation, except that canons "bind only the clergy, while railway by-laws bind everybody." He advances a stage beyond Lord Hugh Cecil's contention because he admits the power of Parliament to alter the canons. His presentation of the case will not be very welcome to those people who have looked upon the canons of the Church as possessing all the sanction of a divine law. The Rector of Bridlington says that if the Anglican Church is to have its own laws

and customs apart from the State, it can only do so "as a disestablished and disendowed church." The following very spicy contribution to the discussion is from this gentleman: "The Bishop of London and other sacerdotal leaders would apparently set up a universal passive resistance on the part of the Church. I earnestly hope that each individual incumbent will act as the law of England provides—on its own unfettered responsibility. The Church of England has found its strength in the past in the independence of its clergy, and the modern insidious attempts to drag the whole organization into a kind of military machine, in which the clergy must 'turn to the east or turn to the west, and at nine in the evening go off to rest,' just at the command of a dissonant superior officers, can only lead to the belittlement of the Church and the lowering of the intellectual calibre of the clergy."

He also says that the Archbishop and the Bishop of London appear to be leading the Church along the shortest road to disestablishment and reminds them that "the State will not tolerate an established Church which holds itself superior to the State." A number of anonymous correspondents also have written on the subject but we do not think it is advisable to quote their views on the ecclesiastical side of the question. A part of the discussion is directed to distinguishing between marriages with a deceased wife's sister and with a deceased husband's brother, and it is very singular that the latter marriage, which was enjoined under certain circumstances by Jewish law, is objected to on physiological grounds, but there is no necessity of going into this aspect of the question, for it is not in issue.

THE CARIBBOO MAIL

There is considerable talk in the Cariboo country because the contract for the Cariboo mail has not been awarded to public tender since the beginning of the Liberal regime. During the whole time previous to 1896 tenders were always asked for, and there was more or less competition at every occasion. When Sir William Mulock took charge of the postoffice the then existing contract was about expiring, and new tenders were called for. Three were put in but Sir William said that they were all too high, and he proceeded to let the contract privately to a Toronto concern at a few hundred dollars under the lowest tender. The "savings" by this arrangement was about 2 per cent. Since that time to the present no tenders have been asked for, but the contract has been kept in the hands of the Toronto combination. There is a very general opinion in the upper Cariboo that a contract which is performed wholly in British Columbia should not be considered an adjunct to the patronage of Toronto. If local people had ever been given a chance to bid for the contract, and not been able to meet competitors, they would not complain, but they think, and we are quite sure that every one will agree with them, the British Columbians ought to have a chance to get a British Columbia contract, especially at the present contractors get it without tender. This is a matter to which Mr. Templeman might very well give his attention. Our information is that the Liberals of Cariboo are more aggrieved over the matter than the Conservatives, for they think that if it were possible to get the contract out of the clutches of the Toronto people, they might be able to secure some of the advantages arising from it themselves. This is a very reasonable view of the matter. We would like to ask Mr. Templeman how long he thinks an Ontario minister would submit to a contract for something like \$30,000 a year, for a service to be performed in the Cariboo, and being given for an indefinite period to a British Columbia man without competition.

WHERE THE BLAME LIES.

In an interview printed in the Times some days ago, Mr. Templeman referring to the Bowser Bill, said that it was to be assumed that the Lieutenant-Governor acted upon Mr. McBride's advice in withholding his assent from that measure. As was shown by a Vancouver despatch in Sunday's Colonist, Mr. McBride expressly denied that he had so advised His Honor, and he makes a further and fuller statement through the Colonist this morning. The Lieutenant-Governor can hardly be expected to grant interviews to newspapers upon public questions, and therefore it is impossible to learn from him why he felt called upon to take a course, to which he had not been advised by his Minister, but it would not be difficult to discover a reason for his so doing if it were necessary to indulge in any speculation on the subject. The policy of the Dominion government in regard to legislation directed against Japanese immigration is so well known that there is no justification in ignoring it, and the Lieutenant-Governor of a province, being an officer of the Dominion government, may be expected to give effect to the known policy of that government. In the session of 1903-04 and again in the session of 1905 the British Columbia legislature passed a bill substantially identical in principle with the Bowser Bill. The first bill was assented to by the Lieutenant-Governor and disallowed by the Governor-General in due course. The second bill was passed by the legislature with full knowledge of the fate of the previous one, and was introduced simply as the most conclusive way in which the opinion of the people of British Columbia could be expressed on the question of Oriental immigration. It was also disallowed. There was not a man in the legislature who supposed that the Bowser Bill would be allowed to remain in force, even if assented to by the Lieutenant-Governor, although most of the members probably supposed that it would pass through the same stages as the two previous measures. It was intended as an assertion by the representatives of the people of British Columbia of the views of their constituents. When, therefore, the Lieutenant-Governor informed Mr. McBride that he would hold the bill for the signature of the Governor-General's pleasure the Premier can hardly have been surprised, and later when the Secretary of State at Ottawa mentioned the matter to him casually, it was only natural that Mr. McBride should tell him what the Lieutenant-Governor had said. If the Secretary of State telegraphed to the Lieutenant-Governor asking if he intended to withhold his assent, it was only in order that he might know if it would be necessary to send special instructions to that effect.

These are the facts which are of any importance in this connection. Where does the responsibility rest? Not upon

Mr. McBride, for he cannot be held to have taken the responsibility of an act of the Lieutenant-Governor, which he did not advise, and which that Governor performed as an officer of the Dominion government. The responsibility rests upon the Dominion government, which saw fit to adopt a policy of disallowance in respect to this measure, and so far as this province is especially concerned, upon Mr. Templeman, who was a member of the Cabinet when the first two bills were disallowed, and also when the Anglo-Japanese treaty, which confers upon Japanese full privilege of entry and residence in this country, was adopted by the Parliament of Canada. Against this bill he made no protest; neither did any British Columbian protest except only Mr. Kennedy of New Westminster. Mr. Templeman has said that there is an assumption that Mr. McBride advised the Lieutenant-Governor, but this assumption has been shown to be absolutely without foundation. There is not simply an assumption, but an absolute certainty of record that Mr. Templeman himself is directly responsible for the policy, which led to the disallowance of the bill in 1904 and 1905, and the reservation of the bill of 1907 for the Governor-General's pleasure. Mr. McBride has cleared himself of any blame in the premises. Mr. Templeman cannot hope to do so by any rule of logic or constitutional principle or in the opinion of the electors of British Columbia.

It may be well to say a few words as to the effect of the Lieutenant-Governor's action upon his relations with Mr. McBride. We quoted from Bourinot the other day his opinion that the power of the Lieutenant-Governor to act as a Dominion official and override the advice of his Ministry "cannot be explained in accordance with the principles of responsibility that govern a ministry," but this does not wholly dispose of the question, for it might well be that a premier might feel that such an act was so opposed to his whole policy that he could no longer serve as the chief adviser of the Lieutenant-Governor. But as not every hostile vote of parliament must be taken as a vote of want of confidence, so not every act of a Lieutenant-Governor which a premier does not wholly dispose of, calling for the resignation of the minister. Each case must stand upon its own merits. When Lieutenant-Governor Dunsmuir told Mr. McBride that he proposed to withhold his assent from the Bowser Bill, the Premier knew that in so doing he was only anticipating the certain action of the Dominion government. The Legislature had made its protest in the most emphatic way in which a protest could be made. There was not the least chance of the Bill remaining law, even if the Lieutenant-Governor assented to it. If his purpose could be the Lieutenant-Governor, he served by assenting to it? What useful purpose could Mr. McBride have served by resigning? And if he could serve no purpose by resigning, why should he resign? His resignation would have meant a new election and no matter what the electors had decided that election, it would not have altered the policy of the Dominion government, and would have placed Mr. Templeman in a position which he would have been unable to maintain. If the question were one that could have been decided in any way, or the other by a majority of the electors of British Columbia, it perhaps would have been Mr. McBride's duty to have placed his resignation in the hands of His Honor, but by no possibility could such a resignation have been reached in this case, and as constitutional practice can never be construed so as to necessitate a useless appeal to the electors, it cannot be held that Mr. McBride was obliged to resign on the occasion mentioned.

CHINESE "CHILDREN"

Of all the official letters that it has been the fortune of the Colonist to peruse, that written by the acting controller of the Department of Commerce to the provincial government in regard to the entry of so-called Chinese children into British Columbia is a little the most absurd. The letter completely begs the whole question, it displays complete ignorance of the part of its writer as to what the law is which he attempts to interpret. There is no provision in the act for "children" to enter the country, except where it is provided that children born of Chinese parents in Canada may return to the Dominion. There is no provision in the act about children being entitled to a refund of the cost of their education in a school in Canada 18 months. There is no reference whatever to children in this connection, but to students, who may or may not be children, and the act provides that a child who enters school is not 18 months, but one year. After he had made this absurd blunder, readers of the letter would not be much surprised to find the controller arguing that we ought not to object to paying for the education of these "children," seeing that we get our share of the capitation tax. Seeing that we would have to refund our share of the cost of their education, it is not surprising that the controller inform us what possible good it would be to get it in the first place. We assume that the controller's letter was not written without the approval of the minister, and if this is the case it seems that there was a new minister. When a department cannot in trusty hand read correctly an act of Parliament, and when it is so absurd as to suggest that the province can meet an expenditure out of money that it cannot keep, and which in point of fact it would never get, for before any share of the tax has been received by the province the "student" would be entitled to get it back again, it is surely time that the province should take advantage of its opportunities in this regard.

Mr. Graham Fraser of New Glasgow, Nova Scotia, with whom the Colonist had a brief interview yesterday morning, sees great opportunities for the establishment of iron and steel works on Vancouver Island. In this, Mr. Fraser, who by the way, is connected with the Dominion Steel works at Sydney, only reiterates the views of other competent observers who have expressed similar opinions. Possibly at some not remote date the people of the island will themselves come to see the matter in the same light and make some serious attempt to take advantage of their opportunities in this regard.

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able to exercise a little rudimentary knowledge.

The controller tells us that the province should provide the accommodation needed by the Chinese because it gets the tax on the pay, but as it does not get this tax it seems to follow that the accommodation should not be provided. If not, why not? But the province is under such obligation to maintain schools here to enable Chinese to secure a refund of the capitation tax. It does not deny nor seek to repudiate its obligation to provide a means whereby the children of Chinese born in the country shall receive an education, but it is under no obligation to maintain educational establishments for the benefit of Chinese coming into the country, whether they come in good faith as students or only for the purpose of attending school so as to get back their \$500. Under the construction which the controller puts upon the law and the obligations of the province an unlimited number of Chinese could come here, put up their \$500, go to school for a year, so as to learn enough English to be able to speak it readily, get back their \$500 and remain in the country indefinitely. If this is what the exclusion law means it is a very different measure from what we were told it was.

JAPANESE AND ALIENS

Our friends and allies the Japanese do not appear to be quite as liberal towards aliens as they would like aliens to be towards them. For example, there is nothing in our law to prevent a Japanese from owning and operating mines in Canada, but there is something in Japanese law to prevent Canadian citizens from owning and operating mines in Japan. At least there is if the following extract from the Japanese Gazette applies to British subjects as well as to the other aliens in that country, and we think it does:

It will be remembered that a severe discussion took place during the twenty-first session of the Diet in connection with Art. 5 of the Mining Regulations, which prohibits anyone other than a Japanese and juridical persons established under Japanese law from working mines in this country. Several members insisted that the law should be amended in order that foreigners might be allowed to freely work mines in Japan. This liberal view, however, failed to obtain general assent, a majority of the members opposing it. The Kobe Herald learns that the question has now been raised again, the advocates of progress urging that Japan have undergone considerable changes since then and that the time has really arrived for a revision of the law. Many members of the Diet now consider that the abolition of the article which prohibits the free exportation of Japan bonds abroad. It is believed that another proposal for a revision of the mining regulations will be submitted to the Diet in the coming session.

As a matter of fact there is no national which is restricted in regard to its exclusion laws that this Oriental Empire. The exclusion laws of Canada seem to be so exceedingly delicate. A few days ago, in response to a protest that cheap Japanese labor was driving out Canadian labor from a locality where a railway was being built, the "undesirable foreigners" were sent back to the country, whence they were again sent to the same place of their labor, it was objected that the Chinese dress did not conform to Japanese ideas of what is proper. Since that time the Chinese are all becoming so thoroughly "Japanned," perhaps we might imitate our aggressive allies in respect to exclusion laws.

Edith the Moors from the radius of the limelight. Which point on the surface of the globe will it next illumine, focussing an armed conflict?

The post office employees want an increase of salary. If government ought to display no hesitancy in complying with the request, as it is notorious that the cost of living has increased to a burdensome degree.

Judge Russell of Halifax has discovered serious flaws in the Chinese Exclusion Act, the effect of his ruling being that Chinese, smuggled into the country, would not be liable to deportation. It displays complete ignorance of the part of its writer as to what the law is which he attempts to interpret.

The report of the discovery of a safe of gold in the Yukon is most important. No doubt the opening up of mines at that point would materially bear upon its future as an ocean terminus of one of the great transcontinental railway systems.

Query—If the Mayor and Aldermen occupy two hours discussing the expediency of displaying a flag, should the lots belonging to the corporation, how long a time will have to elapse before they solve the water works improvement problem?

The Princess Victoria no doubt just a little jealous of the performance of the Lusitania, "got busy" on Monday and broke her previous record on the route from Victoria to Vancouver. Like good wine, the Princess is improving with age. We congratulate her engineering staff.

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