

The Colonist.

MONDAY, OCTOBER 5, 1896.

THE SNEAK'S DOCTRINE.

The doctrine of dismissals as laid down by that very consistent Liberal, Mr. Blair of New Brunswick, is thus stated by the Mail and Empire: "That his supporters in the House and the Liberal candidates who were unsuccessful in the recent election are entitled to the profit of manipulating the Civil Service. Any one of these may say that this or that employe is offensive to him or is regarded by him as partisan, and forthwith the head of the selected victim, provided it is not a very high official, falls into the basket with no further inquiry."

It is evident that this doctrine is received with avidity by a faction of the Grits in this city. They evidently thought this plan of condemning a man behind his back without giving him a chance to reply to their accusations of political partisanship suited them to a T. It was the handiest way in the world to deprive a Tory of his office in order that it might be snapped up by one of themselves. That this is how they expect to deprive Dr. Duncan of the office to which he has been regularly appointed is plain, and it seems that Liberal Ministers have not been above countenancing the iniquitous proceeding. But we believe that the hungry crowd have reckoned without the Governor-General. His Excellency, no doubt, is too just a man and has too great a love for British fair play to deprive a man of his office on the ex parte statements of hungry rivals and envious political opponents.

We have been more than surprised to hear that Dr. Milne has taken a hand in this discreditable business. We hope for his own sake that the report is not true. We considered that he was too fair-minded a man and too much of a gentleman to lend his countenance to such a dirty piece of business. There are some of his political associates, as he knows to his cost, who are not to be deterred from doing mean and dishonorable acts by considerations that deter upright, fair-dealing men from doing what is unworthy of many men, but we were under the impression that Dr. Milne despised these men and had as little to do with them as possible. This is why we believed that he would not be a party to any of the underhand schemes of Dr. Duncan's enemies.

A WICKED ATTACK.

The Times of Thursday reproduces in its editorial column an article taken from an obscure journal published in the District of Kootenay, the object of which is to cover with contempt one of the brightest ornaments of Canada's judiciary. It first damns Judge McCreight with faint praise and then tries to show that owing to age and infirmity, extreme deafness and almost blindness, he is no longer fitted to perform the duties of a judge. Without venturing so much as to hint that in the particular litigation to which the article refers, in which large interests were involved, the learned Judge administered anything except the most rigid justice, it goes on to attack, in the most violent and malignant manner, the dealing of the honorable Judge with the case, winding up with a devout hope that "a desire for early retirement on superannuation will supplant his natural and commendable wish to continue in harness until the end."

It is quite evident that what is troubling the journal which makes the rabid and wicked attack is not any fear of a miscarriage of justice because of the infirmity of the learned judge who administers it, but a most wholesome dread that the law will be too justly and righteously administered for those who are engaged, as the Kootenay sheet is, in endeavoring to bring both law and justice into contempt.

Mr. Justice McCreight is a very different man from that described by the Kootenay libeller. He is barely seventy years of age, and has led a useful life, free from the taint of vice or of excess; he has before him—nothing exceptional intervening—many years of useful public service. He is neither almost blind nor infirm. There is no man in the Province of his years of greater physical capability or more untiring intellectual energy. That his hearing may be somewhat impaired is not to be wondered at at his age, but to say that he is deaf to such an extent that his infirmity prevents his carrying out the duties of a judge is to state a gross untruth. Practising lawyers who are harder of hearing than is Mr. Justice McCreight conduct causes of their clients and enjoy large practices. Judges in every nation administer justice acceptably to the public whose sense of hearing is less acute than that of Mr. Justice McCreight. He is not physically incapable of the duties of his office, and that he is "woefully deficient in the knowledge of the usages and laws of mining" is known to the profession at large to be simply a lie. His decisions on points of law are of the highest order, and his judgments are almost invariably upheld on appeal. As a ripe lawyer he has no superior in Canada, and it is questionable whether he has any equal. As a judge of first instance, perhaps, his aptitude in dealing with witnesses and facts may not be as great as that of some of his brother judges, but even

that admission will be warmly debated by the members of the Bar most accustomed to practise before him. We venture to assert without fear of contradiction that not one responsible member of the Bar of British Columbia will be found to express any opinion but that Judge McCreight's departure from the Bench would be an incalculable loss to the administration of justice in the Province. On the subject of Judge McCreight's ability as a lawyer we know that we utter the almost unanimous estimate of the profession, that is those who live by their profession and adorn it.

When we come to consider the readiness recently evinced in high places in the East to degrade the administration of justice here by making it a dumping ground for exploded and discredited politicians from the East, it will become those having any regard for the dignity and the efficiency of the Bench to do, to say or to countenance anything which will bring about opportunities for them to send such men as Joe Martin to British Columbia in the capacity of judge.

We are quite sure that there is no decent man in the Province who approves of the brutal attacks made by low newspapers on Judge McCreight, and we sincerely express the hope that the worthy citizen and upright judge may be preserved for many years to be the brightest ornament, as he now unquestionably is, of the Bench of this Province.

HOMES FOR CONSUMPTIVES.

There are many who believe consumption to be an incurable disease. When they see anyone suffering from that malady they give him or her up for lost. If the afflicted person is very dear to them they assume a cheerfulness which they are far from feeling, but in their hearts they regard the patient as one under sentence of death. The best that they hope for is that by good treatment and skilful nursing execution may be delayed for a while—but as to permanent cure it is deceiving themselves even to hope for it.

The afflicted person after a while becomes possessed of the idea of the incurableness of the disease and grows melancholy and despondent. This loss of spirits and loss of hope is of itself a disease and is exceedingly trying to even a robust constitution. It is beginning to be admitted now that the state of a person's health in a very great measure depends upon the condition of his mind. If the mind is easy and the spirits good or equable the chances of recovery of those who are seriously ill are—other things being favorable—good; but if the mind is disturbed and the spirits from the absence of hope, or grief or disappointment or any other cause, depressed, the illness is almost certain to be fatal. It is this want of hope, the melancholy looks and tones of his friends generally that frequently cause the consumptive patient quickly to succumb to the disease.

Physicians now see the importance of having the surroundings of the consumptive patient as pleasant and as cheerful as possible. Many, if not a majority, believe that consumption, if taken in time and the patient treated properly, can be cured, and also—which is a very important consideration—that it can be prevented from spreading. To accomplish this double purpose Homes have been built for consumptive persons, in which they are judiciously and skilfully treated by physicians and nurses who have made a specialty of consumption, and the best and most unlooked for results have frequently followed a comparatively short residence in them. Persons who have been given up by the doctors have recovered their health in these homes and have gone back to their families and their work strong and healthy. The results have been so cheering that homes for consumptives are being built in many places, and as our readers know, it is proposed to build them in this Dominion. A site which is known to be salubrious, where the air is pure and not trying to persons with weak lungs, is chosen and a home equipped with everything that a good home ought to have is built. The projectors of these homes do not place great dependence on what is generally called "medicine." Their faith is in regimen, in a proper, natural way of living amidst pleasant surroundings. Wholesome food, pure air, pure water, plenty of sleep, freedom from care, recreative employment and exercise are, as far as we can learn, what the founders of the homes chiefly depend upon to free the inmates from disease and to build up their constitutions. Sensible people must see that these are rational means and are likely to produce the best results.

Mr. W. J. Gage, of Toronto, as we intimated a few days ago, paid a visit here for the express purpose of seeing what can be done to build and establish a home for consumptives in this province, and we believe that his philanthropic efforts met with the success they deserved. He left British Columbia in a cheerful frame of mind, believing that those of its inhabitants who know what a fearful scourge consumption is and what a good thing it would be if some means were found to check its ravages and lessen the suffering and the grief which it causes, will cheerfully do what lies in their power to aid him and others in this good work. There are, perhaps, persons of means in this

province who only require their attention to be directed to the objects of the National Sanitarium Association to contribute handsomely to the establishment and maintenance of one of the homes in this province. It is impossible to calculate the good that a home for consumptives properly conducted can do—what lives it would save; what anxieties it would allay, and what sorrow it would avert.

THE JUDGESHIP.

British Columbians, of both parties, have been very disagreeably surprised to hear that Mr. Joseph Martin, of Winnipeg, had been offered a judgeship in British Columbia. There can be no doubt that the offer was made by the Dominion Government and declined by Mr. Martin. When the Government made the offer its members must have known that the appointment would be most displeasing to the people of this Province of both parties. Mr. Martin is not the kind of man that they wish to see on the Bench. Neither Mr. Martin's standing as a lawyer nor his reputation as a citizen, in their opinion, warrants his being placed in the position of judge. If the Government considered it desirable to send a judge from one of the other provinces to British Columbia, they should have at least chosen a man who had made his mark as a lawyer either on the Bench or at the Bar—a man who would be certain to maintain the reputation and the dignity of the judiciary of the Province; but to offer such a person as Mr. Joseph Martin a seat on the judicial Bench of British Columbia was neither more nor less than an insult to its inhabitants, professional and unprofessional.

There are many lawyers now practising in this province who from every point of view would make a better judge than Mr. Joseph Martin. Why then did the Government do their utmost to foist such a man as he on the province? If they desired to pay Mr. Martin for his political services they surely could have found some better, more more deceit way of compensating him than by giving him a seat on the Bench of a province in which he is neither liked nor respected. It is surely not an article of the new political creed of the Liberal party that judgeships are to be the reward of political services. We may remark here, too, that it was very cool of Mr. Martin and very characteristic of the man, when he declined the Government's very extraordinary offer, to recommend a politician of pretty much the same standing as himself for the position.

Besides, there is a very strong reason why the Government should not for a moment entertain the proposal to appoint Mr. Martin or any other lawyer who is not a member of the Bar of the Province to a seat on its Bench. Such an appointment, we have good reason for believing, would be unconstitutional. This we understand was the opinion of Sir John Thompson when a short time before he died he had occasion to look into the subject; and such is the opinion of the Bar Association of this city as appears by the following resolution passed by that body at a late meeting:

Whereas it has been rumored that there is a possibility that the vacant office of Justice of the Supreme Court of British Columbia may be filled by the appointment of a barrister not a member of the Bar of British Columbia, contrary to the practice which has prevailed with respect to such appointments for a period of over twenty years. Be it therefore resolved by the Bar Association of the City of Victoria that any departure from the said practice would be detrimental to the best interests of the public as well as of the profession in British Columbia. Be it further resolved that in the opinion of the association this Province should be regarded as within the benefit of the provisions of section 97 of the British North America Act taken together with section 10 of the Terms of Union with respect to such appointments. And be it further resolved that this association do respectfully protest against the appointment of any person not now a member of the Bar of British Columbia in active practice. And be it further resolved that it is necessary to the due and effective administration of justice in this Province that the said vacancy be filled with as little delay as possible.

The 97th section of the British North America Act alluded to in the above resolution reads:

Until the laws relative to property and civil rights in Ontario, Nova Scotia and New Brunswick, and the procedure of the Courts in those Provinces, are made uniform the Judges of the Courts of those Provinces appointed by the Governor-General shall be selected from the respective Bars of those Provinces.

Section 10 of the Terms of Union, which the Victoria Bar Association regards as applicable to the matter of the appointment of Judges for British Columbia, is as follows:

The provisions of the British North America Act, 1867, shall (except those parts thereof which are in terms made applicable to the Province of British Columbia, in the same way and to the like extent as they apply to the other Provinces of the Dominion, and as if the colony of British Columbia had been one of the Provinces originally united by the said Act.

It will be seen from the above that if good sense, a due regard for political decency, and a proper respect for the wishes of the people of this Province, could not deter the Government from elevating Mr. Joseph Martin to the Bench of British Columbia, they should have been prevented from committing

an act of such gross political impropriety by the knowledge that it was most objectionable, if not impossible, from a constitutional point of view. But they committed the outrage in spite of all that was urged or could be urged against it; for, as far as they were concerned, it was committed when they offered Mr. Martin the judgeship.

"BUSINESS IS BUSINESS."

The Hon. Mr. Laurier is acting on the principle of the Grit correspondent of the Quebec coal contractor in his dealings with the public men of Manitoba. "Business is business" is his and their motto. For every quid that he gets he is prepared to give a quo. This is how the Mail and Empire puts it:

A more glaring example, a more direct inducement to do wrong, is furnished in the case of the Interior portfolio held out to Mr. Sifton, allusion to which was made in Parliament on Wednesday. Mr. Sifton and Mr. Martin have uttered strong opinions on the Manitoba school question. According to both politicians the law, as it at present stands, is absolutely unassailable. It is constitutional and just. Mr. Laurier has secured a majority in Quebec on the distinct pledge that he will amend, or alter, or destroy it. In his work he wants the assistance of Messrs. Sifton and Martin. These politicians are to eat their words. They are to say that what they alleged prior to the last campaign was untrue and unwarranted. On the "business is business" principle they decline to act for nothing. In fact, it is admitted that they must be corrupted. The Interior portfolio is held before Mr. Sifton as his bribe. He is to help the passage of legislation in Manitoba, or to be silent if legislation is proposed at Ottawa, as the price of the portfolio and the accompanying salary. Mr. Sifton cannot collect yet. He has to wait until Mr. Martin, who might possibly make a disturbance if he were not considered, is squared. The Winnipeg Tribune, whose editor is a Liberal member of Parliament, telegraphs to his paper the joyful intelligence that Mr. Martin has received an offer. Laurier told him he could not take him as Minister of the Interior owing to certain contingencies. The necessity of buying Mr. Sifton evidently stands in the way. But "it is understood that Laurier offered him a judgeship with a good salary attached." The frankness, the utter blindness to the indecency of the thing, which characterizes the announcement is unexampled. It is assumed as a matter of course that Mr. Martin is entitled to something as the price of his "conciliation"—"business being business," as you know.

A PROPOSED CHANGE.

A motion, we understand, will be made by Alderman Marchant at the next meeting of the City Council to redistribute the wards. This is a very important matter and should not be undertaken hastily. Besides, it may occur to many of the citizens that the Council has not been so successful in the work of administration that it is warranted in directing its attention to constitution mending. It will be very easy to make serious mistakes, mistakes that cannot be readily repaired, in rearranging the wards. If the work is not deliberately and carefully done grave injustice may be, perhaps unintentionally, inflicted on many citizens. There are very few indeed who are in a position to clearly understand the nature and extent of the changes proposed to be made, much less to foresee the results that those changes are likely to bring about. For aught that the majority of the citizens may know to the contrary the arrangement may be a gerrymander made with the intention of giving some of our astute civic politicians more power than they are justly entitled to. Such changes as those which Mr. Marchant proposes are very seldom made with a single eye to the welfare of the citizens as a whole. Some politician or some faction may have an end to serve, or an axe to grind, and may take this way to accomplish his purpose.

It is quite certain that the redistribution will not give us better city government, will not make the aldermen more practical than they are, more public-spirited, more intelligent, more ar-seeing or more provident. Whether there are three or four wards, the city's affairs will be managed in the same old way. Differences in number and difference in boundaries will make no difference in administration.

What the citizens want and want badly is reform in the methods by which the city's affairs are managed. They want less blundering and less waste. Mr. Marchant's proposition will not make matters better in these respects, and carrying it into effect may and perhaps will make them worse. Will changing the boundaries of the wards give the people of Victoria communication with Victoria West and Esquimalt? Will it give them prur and sweeter water? Will it remove that standing nuisance, the Campbell on Government street? Will it make the streets smoother and cleaner? It will effect none of these reforms, but it may make it easier for Alderman Marchant and Alderman McMillan and their like to get elected. If it is to have this result and no other, the less that the Council has to do with it and the longer its consideration is put off the better. At any rate, let the citizens know what the men who favor the change would be at. Let the scheme of re-distribution be placed before the citizens in an understandable form. Let Mr. Marchant educate the citizens up or down to his ideas. Let him not steal a march upon them and get them unawares into a situation which they will regard as most unpleasant and which they would long to

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get out when they once realized where they were. The very best thing that the Council can do with this new gerrymandering scheme is to put it off and wait until the majority of the citizens know something about it before they attempt to go on with it.

BOARD OF TRADE REPORT.
The Seventeenth Annual Report of the British Columbia Board of Trade has been placed on our table. It is a very neat pamphlet, and contains information which those who take an interest in the Province cannot but consider valuable. The body of the Report we noticed at some length when it first appeared. An appendix containing statistics which show the growth of the industries of the Province and their present condition has since been added to the Report. These statistics have been industriously collected and carefully compiled. There are also well executed and very interesting illustrations, and there is a map of British Columbia on one of the covers. We are glad to see that the Board is in a flourishing condition. During the last year quite a number of new members has been added to the list. Mr. Elworthy, the industrious and painstaking Secretary, deserves great credit for having collected so much information respecting the Province and put it in such an attractive form. We are pleased to learn that a large edition of the Report has been printed, and that a considerable number of copies is to be sent for distribution abroad.

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