Weekly Colonist

FRIDAY, MARCH 23rd, 1888.

THE PROVINCIAL LEGISLATURE.

Proceedings of the Second Session of the Fifth Parliament.

TWENTY-EIGHTH DAY.

FRIDAY, March 16th.

Mr. Speaker took the chair at 2:20 o'clock.

Prayers were said by the Rev. Donald Fraser.

GERMAN MEMORIAL SERVICES.

Hon. Mr. Robson moved, seconded by Mr. Beaven, the following resolution:

"Whereas, it has pleased the Supreme Ruler to remove the late Emperor of Germany from his earthly sphere of usefulness;

And, whereas, the great German people are of kindred race with ourselves, the two nations united upon strong and, it is hoped, enduring terms of friendship, and their respective sovereigns bound together by the closest family ties;

Therefore, be it resolved that this house, out of respect to the memory of the late Emperor of Germany, and in recognition of his many public and private virtues, do now adjourn for the purpose of attending the memorial services this afternoon in his honor."

Carried.

House adjourned until Monday.

TWENTY-NINTH DAY.

MONDAY, March 19.

Mr. Speaker took the chair at 2:15 o'clock.

Prayers were offered by the Rev. Mr. McLeod.

PETITIONS.

Col. Baker presented a petition from the inhabitants of West Kootenay, and another from a different portion of Kootenay, praying that the house favorably consider the Kootenay Railway and Navigation company's bill.

PUBLIC ACCOUNTS.

Mr. Duck presented the report of the public accounts committee; also the second report of the minority of the same committee. The reports were received.

PRIVILEGE.

Hon. Mr. Humphreys said he had sent a couple of communications to the hon. chief commissioner in reference to the wants of his district, but had obtained no reply.

Hon. Mr. Vernon said the letters were handed to him across the floor of the house—one a few minutes ago. If the hon. gentleman desired a formal answer, he would be very pleased to accommodate him.

Mr. Allen said in the *Times* it was stated that he had got lost in the government grounds, and was present at the Club theatre. The statement was false, but if he desired to go to the Club theatre, he would not ask the hon. member for Cassiar, and he considered it was a far more respectable Club than that which he had known the hon. member for Cassiar to belong to years ago, where every member was required to talk Chinook. (Great laughter.)

Mr. Speaker said the hon. gentleman was out of order.

GOVERNMENT STATUS.

Mr. Beaven moved, seconded by Mr. Orr that a respectful address be presented to his honor the lieutenant-governor requesting to cause to be sent down to this house copies of all orders in council, telegrams or letters respecting the proroguing of the legislative assembly from the 15th December, 1887, to the 16th February, 1888, and the issuance of the proclamation, dated 7th January, 1888, summoning the legislature to meet for the dispatch of business on the 27th January, 1888. Also for copies of all recommendations of the executive council, or orders in council, letters, or telegrams, that have passed between his honor the lieutenant-governor and the premier, the Hon. A. E. B. Davie, or any other member of the executive council, relating to the above mentioned acts of proroguing or summoning the legislative assembly.

The hon. mover stated that this information was necessary after the statement of the hon. provincial secretary the other day that it was through a letter from the Hon. A. E. B. Davie that his honour recognized the provincial secretary as representing the premier. The house, he took it, had not been properly prorogued, or convened, and the business so far this season was illegally transacted. He trusted that there would be no opposition to the resolution, as it was necessary for the country to have the papers asked for.

Hon. Mr. Robson said the resolution he considered useless and, perhaps he might be permitted to add, absurd; but in order to round off an absurd resolution he would move an amendment, calling for returns which would show conclusively that under similar circumstances what was complained of new was done in 1880 by an administration of which the leader of the Opposition was a member during January, February and the first half of March, 1880. The then premier was absent from the Province and no one was authorized by minute or order in council to act as premier. Nevertheless, in February, 1880, the Legislative Assembly was twice prorogued by the Lieutenant-Governor with the advice of the Executive Council, approved respectively on the 13th and 27th February, 1880. It seems impossible to discover any shadow of difference in the powers possessed by the Executive Council in 1880 and now. The only means known to the constitution for convening or proroguing the Legislature is by His Honor the Lieutenant-Governor acting with the advice of his Executive Council. It is neither stated nor implied that the premier must be present when such action is decided upon. Neither is it anywhere laid down that the member of the Executive designated by the Premier and accepted by His Honor as acting premier must be so appointed by order in council. On the contrary, everything points to the conclusion that he should *not* be so appointed. The hon. gentleman read a copy of a minute of a council, appointing the then minister of finance (at present leader of the opposition) to act as president of council and chief commissioner of lands and works during the absence from the province of the then president of the council and chief commissioner, who was also premier. This minute was silent on the subject of the premiership, although, as a matter of fact the same gentleman acted in that capacity during the period referred to. This silence was an eloquent witness in support of the contention that premiers and acting premiers were not made or appointed by order in council, and, moreover, that the leader of the opposition could not but have been aware of it. Under all the circumstances, it would probably be best that the resolution, as proposed to be amended, should pass, so that all the papers bearing on the subject might be brought down, when there would probably be further discussion.

Mr. Beaven said the hon. provincial secretary was drawing the herring across the scent. The statute was passed in 1880, subsequent to the action referred to by the hon. leader of the government.

The resolution as amended passed.

VICTORIA CITY BILL.

Mr. Duck moved, seconded by Mr. Johns, that the standing orders be suspended and leave granted to present a petition from the municipal council of the city of Victoria for leave to introduce a private bill.

The hon. mover said the bill was for the purpose of amending the act permitting the placing of durable stone monuments at the intersections of streets. The city had neglected to place a monument at Humboldt street, and was in consequence unable to give street lines. It was to remedy this that the amendment was requested.

After some consideration the manner of bringing in the bill was adjudged out of order.

WORKMEN'S WAGES.

Mr. Orr moved, seconded by Mr. Ladner, that a select committee be appointed to take into consideration and report a bill for the protection of workmen's wages, said committee to consist of Messrs. Bole, Duck, Thomson, Anderson and the mover.

The hon. mover said there were several bills before the house and it was desirable that they should be incorporated within one act.

After consideration the resolution was withdrawn for the present.

EAGLE PASS LANDS.

Mr. Semlin moved, seconded by Mr. Grant, that an order of the house be granted for copies of all correspondence between the lands and works department and George Murdock, or other person or persons, in reference to land claimed by the said George Murdock at or near the Eagle Pass Landing.

Carried.

INTESTATE ESTATES.

Hon. Mr. Davie presented a return of all papers in connection with the estate of Isaac Humphreys, deceased, intestate.

COAL MINES' ACT.

The petition of over 1,200 names of Victoria and Comox residents, praying that the proposed amendments to the Mines Regulation Act be passed, was read and received.

Mr. Orr asked the Chief Commissioner of Lands and Works the following question: Is it the intention of the Government to permit the Canadian Pacific railway company to take possession of the water frontage lots in block one and block six, in the old townsite of Granville, laid out by the colony of British Columbia prior to confederation, and not included in the grant to the C.P.R. Co., as appears by their deed and the map of said townsite and registered in the Land Registry office?

Ans: The water frontage in question is the property of the Dominion Government.

Hon. Mr. Davie said an opinion on this question had been printed and would be laid before members of the house.

Mr. Ladner asked the provincial secretary the following question: What was the expense of your recent trip to Ottawa, and how long were you absent from Victoria?

Ans.—1st. In so far as the cost to the province is concerned, the information will be found in the public accounts laid before the house on the 18th ult. 2nd. Fifty days; eighteen hours and thirty minutes.

Mr. Beaven did not consider the answer covered the resolution.

Hon. Mr. Robson said the expenditure was already before the house in the form of public accounts. He thought the answer as to the time occupied was sufficiently explicit.

Hon. Mr. Dunsmuir—You should have given them the seconds.

Mr. Ladner asked the hon. the chief commissioner of lands and works the following question: At what date did the Dominion government relinquish their claim to the lands embraced within the Sumas dyking act?

Ans: Practically in February last, but it is considered necessary that the Dominion should still have legislation on the subject.

SUPPLY.

Hon. Mr. Turner moved that the house go into committee of supply on Thursday next.

Carried.

CONTROVERTED ELECTIONS.

The bill amending the controverted election act was read a third time and passed.

COAL MINES' ACT.

Mr. Thomson, in moving the second reading of the Coal Mines Amendment Act, said that this was probably the most important act introduced this session, as it had for its object the preservation of lives and property. It would be conceded by all, after the explosions that had occurred, that it was highly necessary that such provisions should be granted to the miner. The amendments were chiefly those which had been adopted in England at the beginning of the year. It was a subject that would be better understood in committee, and he would make no further remarks now, but move that it be read a second time.

Hon. Mr. Robson in supporting the second reading of this measure, desired to set himself right. The lamentable accidents and loss of life which had occurred during the past year had emphasized the importance and thoroughly demonstrated the necessity for legislation. He had been present in his official capacity at the thorough and complete enquiries into these accidents and had witnessed harrowing scenes not easily forgotten or described, scenes which could not fail to impress one with the sacred duty of extending increased safeguards to the coal miners. While, however, supporting the second reading of the bill, he would take exception to some of the provisions. He took exception to the first clause, that excluding the Chinese from employment in the mines.

This would be legislating against the class. He would be glad to exclude them from the mines and from the province, but they could not do so constitutionally, and it would be merely to destroy the valuable provisions in the bill and to incorporate the Chinese clause, thereby ensuring its disallowance. They had been endeavoring for years past to legislate against the Chinese, but it had always resulted in failure and the province had repeatedly been placed in a false position. In justice to themselves they should not knowingly legislate in an unconstitutional way merely for the sake of political clap-trap. He thought, and had contended for years, that the Chinese might very properly be excluded from public works that were under the immediate control of the government, but here the line should probably be drawn; and he questioned the right of the legislature to go beyond that and say that Chinese shall not be employed in private works or industries. If they were to be legislated out of coal mines, why not out of canneries or any other industry? He felt it to be his duty as a member of the house, and it was only as such that he spoke, to oppose a provision which he knew to be unconstitutional, and calculated to imperial the whole measure, and he felt certain that he was acting in the true interest of our coal miners in doing so. It was time for hon. members to exhibit the courage of their convictions on this question and take a manly stand for what they know to be the right.

Mr. Mason did not intend opposing the second reading of the bill, as he was anxious to see amendments enacted that would meet the views of the miners. There were clauses in the bill which he could not support, and that, excluding the Chinese, was one of them. The reasons given by the miners for wishing to rid the mines of Chinese were that they were a dangerous element and had caused a great loss of life. He intended to show in his humble way that they were not the dangerous element the miners claimed. Referring to the accident in 1879, the hon. gentleman quoted from the evidence at the inquiest, the reports of the minister of mines and the inspector of mines report to show that the accident was not altogether due to the Chinamen, but to Dixon, who had failed to carry out the orders of the manager. Besides this there were eighteen non-fatal accidents this year, none of which were attributable to Chinamen. In 1880 there were thirteen accidents, three being fatal; five out of the thirteen were explosions all caused by white men. In 1881 there were twelve accidents, but there was no record to show that Chinese caused any of them. At the time there were between three and four hundred Chinese working for the company and it was safe to say about as many, if not more, for the miners. In the years 1881 and 1882 there was not a single accident recorded against the Chinese, and he could not help thinking that nearly all accidents were caused through the carelessness of the miners themselves. In 1882 there were twenty-nine accidents, five being fatal. One explosion was caused by three Chinamen, fortunately not of a serious nature. Nearly sixty per cent. of the explosions during the year were caused by gas and shots, and all through white men, except the one before mentioned and the explosion that took place in the shaft, an unaccountable occurrence for which no one was blamable. In 1883 there were twenty-three explosions, one of which was caused by a Chinaman firing a shot, injuring himself only, but why was he allowed to fire the shot? The other explosions were all caused by white men. For 1884 there were no less than eighty accidents, thirty of which proved fatal. Ten accidents were caused by shots and loose powder, and the very large number of twenty-five gas explosions. Amongst these there was only one caused by a Chinaman, and that one to himself and in a very light form. The number of Chinamen employed in the collieries this year far exceed 1000. In 1885 there were thirty-two accidents, ten being fatal. The number of accidents by shot, powder and explosion of gas are very small this year and in no instance attachable to Chinamen.

In 1886 twenty-four accidents occurred—eight by gas explosions and four by powder. Two Chinamen were very slightly burned by an explosion of gas in No. 1 shaft, Nanaimo colliery, this being the second accident to Chinamen in the same shaft, proving the necessity of working with safety lamps. 1887 was the most terrible of all years, there being no less than 157 lives lost, and 32 less serious accidents. No instance is on record of the Chinese causing the death of any one in this disastrous year. So that from the year 1876 to the year ending 1887, a period extending over twelve years, there were 238 fatal accidents and 248 non-fatal accidents. Out of this very large number ninety-one accidents were caused by gas explosions, fire-damp, blown-out shots and premature explosion of shots. This class of accidents is the most to be dreaded and the most to be guarded against. But to say that the expulsion of Chinese from the mines will lessen these dangers is no argument, in the face of the facts just quoted. But it could be fairly said that their expulsion will increase rather than lessen these dangers, inasmuch as it would necessitate the hiring of that class of men classed as dangerous by the inspector of mines. In going over the evidence given by the delegates who appeared before the committee, apart from the cases already recorded which they spoke of, they gave no evidence that strengthened their position.

He (Mr. Mason) thought that he had shown that the Chinese were not the dangerous elements that the miners have tried to make out, that the only way to lessen these explosions and save loss of life was to do away with masked lights in the mines altogether, and enact that safety lamps be used entirely. He thought that neither managers or miners would favour their exclusive use, but he thought also that the evidence of the inspector of mines proved that it was only by their exclusive use that a proper safeguard would be thrown around the miners. The expulsion of Chinese was neither constitutional nor equitable, and such being the case he could not support the clause prohibiting their employment. (Applause).

Mr. Fry would also like to see the Chinese clause eliminated from the bill. They had endeavored for years past to legislate against the Chinese but all efforts had been declared unconstitutional. A previous act passed by this legislature was appealed to the privy council of England, and the attorney-general of that day was compelled to withdraw it. The matter was corresponded on between the English and Chinese governments and the former were compelled to apologize for the language contained in that act. He trusted this legislature would not repeat such legislation. If an arrangement could be come to between the miners and the mine owners, well and good; but they had no power whatever to legislate against Chinese being employed in coal mines. History proved that the Chinese were not the dangerous element, for but eight per cent. of the accidents were due to them. He trusted that in committee the clause in question would be expunged from the proposed amendments.

Hon. Mr. Humphreys thought that the opinion of men who had spent their lives in the mines should be taken before that of inexperienced men. The previous speakers had endeavored to show that the Chinese were responsible but for few of the accidents. His information was different from that. As far as the constitutionality of the clause was concerned, it was his opinion that the legislature had the power to pass and enforce such legislation. The exclusion of Chinese from laboring in mines would increase the cost of the production of the coal.

Hon. Mr. Dunsmuir—The public will pay for that.

Continuing, Hon. Mr. Humphreys said that the coal diggers themselves had come to the conclusion that Chinese were dangerous to their safety, and desired their exclusion. So far as the other provisions were concerned he was not prepared to state whether they were calculated to protect the miners, but he believed that they would rather accept the Chinese clause alone than that it should be excluded. This was the clause which gentlemen opposite had so far opposed. Let the Chinese clause be included, and if it was disallowed at Ottawa, well and good, they would then be satisfied. But he did not believe it would be disallowed. The coal mine owner first considered profits, the protection of life afterwards. It was his intention to aid the passage of the Chinese clause in order that the miners might be afforded the protection they sought.

Hon. Mr. Dunsmuir had not intended at first to speak on the subject. He was pleased to have heard the hon. member from Comox discuss the matter in the manner that he had. He gave place to no man in his knowledge of what was required for the safety of the miners, but such safety was not to be found in the first and second clauses of the proposed amendments. It was only by the individual miner protecting himself that safety could be secured. After the explosion at Wellington he had gone up on the train, and had met the miners, and they had spoken to him about requiring further legislation, but no mention was made of Chinese. He had attended their meeting in the public hall at Wellington, and had spoken there to them, but it was only after a Knight of Labor got up and stated that what they wanted was legislation against the Chinese that the latter were at all mentioned. So far as the delegates who had come down here were concerned, they were not the representatives of the miners—they were rather representatives of themselves and the genuine miners were ashamed of them. There had been three explosions in his mines, one by gas, the other two by powder. One accident they had discovered after the inquest was over was caused by powder, through the carelessness of one man. The delegates who claimed that the accident was caused by a door being left open did not know what they were talking about. If there had been a double door at the place indicated it would have been a danger rather than a safety. When the explosion occurred in 1879 he had been down in the mine at three o'clock the morning before and had warned Dixon, the foreman, not to leave the place, but the latter had gone away, and thus caused the explosion. If they excluded Chinese from the mine they would have to replace them by white men from some other country who would be far more ignorant than the Chinese. The latter, however, were not dangerous, and put a chalk mark on a face and under no pressure could you get John to go past that mark. They were not a dangerous element in the mines. The hon. gentleman had stated the owners considered profits first. He would like to inform him that the best way to secure profits was by keeping a mine in good order. By keeping everything working smoothly and continuously, then profits would follow. The manager of the mines was the man who best knew who was fit for the position of fireman. He himself as owner of a mine would not recommend the appointment of any fireman—the manager underground was the one to know and to him it was left. He had no objection to the miners appointing a fireman for themselves, but there was many a good miner who did not know how to trim a safety lamp. He would introduce an amendment providing that the miners can examine the mine every shift, every day, every week or every month. He thought that the house would give him credit for endeavoring to place as many safeguards as possible for the protection of the miner. It was put forward that the coal miner was sacrificing something to get the Chinese excluded. This was not so. He knew what was wanted, and who would have to make the sacrifice. Did these men who came down here represent the real miner—no! If a ballot was taken to-morrow among the miners it would be found that a great majority were favorable to the employment of Chinese. Dozens of miners had left the district lately simply because they were not allowed to employ Chinese.

Col. Baker said he agreed with the hon. introducer of the resolution that this was a most important bill. But while they were considering one class of workmen, they should also consider the other classes in the province. If the Chinese were excluded, it would simply mean a strike for higher wages, an advance in the price of coal, which the workmen with others in the province would have to pay for. If they introduced this sort of precedent, other workmen might seek for legislation which would be detrimental to the interests of the coal miners. He would vote honestly in the matter, and believing it in the interests of the real workingman, he would oppose the passage of this Chinese clause.

Mr. Semlin thought in the face of the petitions which had come from various parts of the province, it was foolish to contend that opposition to the Chinese clause would be in the interests of the workingman. He intended to vote honestly in this matter, and would support the passage of the Chinese clause.

Mr. Beaven said they were promised at the opening of the session that legislation would be introduced for the purpose of protecting the coal miner, and it was expected that the government would have introduced legislation tending to this end. But from remarks which had fallen from hon. gentlemen opposite it was seen that they intended to oppose the clause restricting the Chinese, which the miners had asked for. He believed that it would be more honorable for members of the government to oppose the second reading of the bill, as the Chinese clause was the real principle of the bill. The president of the council had stated that the delegates who had come down here were not representative miners, but if that was the case how was it that the petitions were so largely circulated and signed, and presented to this house and no dissent made from the genuine miner.

Hon. Mr. Dunsmuir said the genuine miners did not attend the meetings and took no part in the agitation. The delegates represented the Knights of Labor.

Mr. Beaven could not understand why the genuine miner did not take some action and petition the house.

Hon. Mr. Dunsmuir—They are afraid.

Mr. Beaven would like an explanation on that point.

Hon. Mr. Dunsmuir—If they were to take any part against this agitation they would probably be treated to a lighted powder can, thrown in their house. It had been done before.

Mr. Beaven said that he did not believe that such acts would be committed.

Hon. Mr. Dunsmuir—It has been done before—in Nanaimo.

Mr. Beaven said he could not see why the miners should be afraid of the Knights of Labor. They were more likely to be afraid of the owners.

Hon. Mr. Dunsmuir said "no." A miner could pack his kit, demand his pay and go at any time.

Mr. Beaven said that the miners were not in the same independent position as the hon. president of the council, and probably would not act as had been suggested. So far as the miners were concerned he had always found them an industrious, honorable, intelligent class.

Hon. Mr. Dunsmuir—So they are, the genuine miner.

Mr. Beaven, referring to the constitutionality of the Chinese clause, claimed that it was competent for the house to pass and enforce it. They had passed several acts in 1886, legislating against the employment of Chinese on certain works which had not been disallowed. Referring to the accidents which had taken place, Mr. Beaven said that they were of great injury to the province.

Hon. Mr. Dunsmuir—So they are, and I know it too well.

Mr. Beaven said he could not understand why the interests of the coal mine owner and the coal digger were not one and the same, and he could not see why the owners did not accept the amendments offered by the miners. To his mind this was a bill which should pass as a whole. He did not think it right that hon. gentlemen should favor the second reading of the bill and then mutilate it in committee.

Hon. Mr. Davie thought it quite competent for an hon. member to vote for the second reading of any bill and then seek to improve or eliminate any single detail of its provisions while in committee with other hon. gentlemen. He intended to vote for the second reading of this bill, and then exercise his judgment during its consideration in committee. If he thought that the Chinese clause would aid the miner in preserving his life he would be willing to risk its unconstitutionality, and vote for it, for he would consider it a desirable end to attain; but he did not think it would benefit the miner. Quoting the bill excluding Chinese from voting as an evidence of the power of the house to exclude them from working in coal mines was absurd, for they had exclusive control over the franchise. It being near six, the hon. gentleman moved the adjournment of the debate.

House adjourned.

THIRTIETH DAY.

TUESDAY, March 20.

Mr. Speaker took the chair at 2:15 o'clock.

Prayers were offered by the Rev. Mr. McLeod.

PETITIONS.

Mr. Semlin presented a petition.

The petitions from Kootenay district setting forth the desirability of aiding the construction of the Kootenay Railway and Navigation Co. was read and received.

REPORTS.

Col. Baker reported that the private bills committee had found the preamble proved in the bill to incorporate the Harrison Hot Springs Tramway Co. Received.

Mr. Fry presented a second report the railway committee, stating that the preamble had been proved in the Kootenay Lake Railway Co. bill. Received.

Mr. Fry presented a third report of the railway committee stating that the preamble had been proved in the bill empowering the E. & N. railway to construct a branch line to Beecher Bay. Received.

LICENSE ORDINANCE.

Hon. Mr. Davie moved, seconded by Mr. Allen, that this house do immediately resolve itself into a committee of the whole to consider "An Act to amend the Licenses Ordinance, 1867."

The hon. mover said the bill referred to wholesale licenses only, to which there was no restriction, as in the case of granting of retail licenses. While the present law might answer in the cities, yet in distant districts it did not act with justice. The principle of the bill was to prevent a man who applied for a retail license before a bench of magistrates and had been refused, from again coming to that bench and by complying with the law obtain a wholesale license to sell liquor. The bill would place the wholesaler in the same position as the retailer as regards his application in districts not municipalities.

House went into committee, Mr. Higgins in the chair.

Hon. Mr. Davie moved that the act be reported to the house.

This carried and the resolution was reported to the house, and the bill was read a first time; second reading Thursday.

RESPECTING RECOGNIZANCES.

Hon. T. Davie asked leave to introduce a bill entitled "An Act respecting Recognizances."

Leave granted; bill read a first time; second reading Thursday.

LICENSE ACT.

Hon. Mr. Robson moved, seconded by Mr. John, that this house do immediately resolve itself into a committee of the whole to consider the desirability of reporting to the house "An act respecting the sale of intoxicating liquors and the issue of licenses therefor."

The hon. mover said that the bill was one to govern the liquor traffic. The bill was introduced by himself as a private member of the house, and was in no sense a government measure.

Hon. Mr. Davie said that he had to inform the house that it was with the consent of his honor the lieutenant-governor that the bill was introduced in the shape it was. It was not a government measure, and hon. members could treat the bill as they thought best. He would not discuss the measure now, but would await until it came before the house in the usual way, until which time he would reserve discussion.

On a question by Mr. Beaven, for the copy of the message referred to, it was discovered that through an error it had not been sent over with the other documents.

Hon. Mr. Davie said the course adopted was the usual one; a minute of the executive had been approved by his honor, and he (Mr. Davie) was authorized to state his consent to the house.

Mr. Beaven, on a point of order said that the bill could not be introduced without a formal message.

Mr. Speaker ruled so, and the matter was deferred.

INCORPORATED COMPANIES.

Hon. Mr. Davie, in moving the second reading of the bill allowing incorporated companies to change their names, said it was merely for the purpose of allowing solvent companies to change their names, as in other countries.

Mr. Grant thought the four weeks notice was too limited.

House went into committee, Mr. Ladner in the chair.

The committee reported the bill complete with amendments. Received; to be considered Wednesday.

ABSCONDING DEBTORS.

House went into committee on the Absconding Debtor's Bill, Mr. Allen in the chair.

The committee reported the bill complete with amendments.

Received, to be considered Wednesday.

MARRIED WOMEN'S PROPERTY.

This bill was read a third time and passed.

COAL MINES ACT.

Hon. Theo. Davie, continuing the debate, referred to his remarks of the previous afternoon. The protection of life was the principle of the bill; the exclusion of Chinese one of the details proposed for the carrying out of that principle. Anyone might advance the principle and differ on the details. The franchise question afforded no argument in favor of its constitutionality as the constitution act gave the province full power to regulate the franchise, but when it was proposed to deny a certain class the means of earning their daily bread it was another matter. If it could be shown that the presence of Chinamen operated as a menace, or danger, their exclusion on public grounds might be supported, but in this case the proposed legislation on its face showed that it had no such object. If the object was to exclude ignorant men on the score of danger—it must be admitted that an Indian was as ignorant as a Chinaman—yet it was not proposed to exclude the Indian from the mine. In fact we had been told that the Vancouver Coal Company had exchanged them for the Chinese. It had been shown on the previous day that the occupation for which Chinamen were employed was filling boxes, wheeling cars, and so forth—utterly unskilled labor which the white miner would not descend to—and which, if Chinamen were to be excluded, would have to be undertaken by some class of laborer just as ignorant, or perhaps more so, than the Chinaman. Hence, if the presence of ignorant men was a danger, it would not be removed by displacing the Chinamen. Statistics had shown that but two or at best three accidents out of forty had been caused by Chinamen, and that the last explosion had been a powder one caused by a blown out shot which had been negligently set. As a consequence of these experiences it was now suggested as a remedy—exclude the Chinamen. He (Mr. Davie) could not see that the evidence pointed to such a remedy. The result then was that the proposal was not aimed at the protection of human life, but as a blow against Chinese generally, which opened up an entirely different question. Some years ago when the anti-Chinese agitation had commenced there was just cause for it. The Chinamen were pouring in in hordes, and it became imperative in the interest not only of our laboring classes, but of society in general, to place a check upon their incoming. The same necessity still existed—further influx of Chinese was undesirable, and if any attempt to promote it were attempted it should be stopped. The measures adopted by the house since he (Mr. Davie) had first sat in it had been productive of excellent results. The Dominion parliament had been converted to the necessity of restricting Chinese immigration and the labors of those opposed to their further increase had caused their going out by shoals instead of their coming in by hordes as formerly. The work had been accomplished. Those which remained, particularly in the coal mines, could well be utilized. They performed the meanest kind of labor, wheeling trucks, etc., which most white men would consider there was no occasion for them to do. Without their labor present experience shows that the output of coal would not equal one-half of its present dimensions. The investment of the profits arising from the large output of coal is what we are mainly looking forward to for the development of the country. With one-half the coal output, the mines would be barely run at a profit, if not closed down altogether, and in such case where was the laborer to procure the means of subsistence. Here we are jubilant at the prospect of the opening of new mines at Comox which means work for the unemployed, and gain for all classses. Yet what chance is there for new mines to be opened when there is not sufficient labor to work the old ones. We expect an extension of the Island railway north and south to Beechy Bay, so as to open up connection with the American system, and so create general prosperity, and where is the money to promote these enterprises coming from except as fruit of the very labor which we are proposing now to prohibit. Then, again, whilst the quantity of coal got out of the mines would be reduced more than one-half with consequent loss to the province, the miners would demand the profit left to them by stopping the Chinamen in the shape of increased prices, which again means the public in general having to pay $2 or $3 a ton more for coal. This with poor people means suffering and want. Coal was now $10 a ton where $8 was formerly charged, and if the stoppage of Chinese had occurred in the depth of winter there would have occurred suffering and destitution. It is not as if there was an over-plus of labor of this particular class; then we might talk of the advisability of dispensing the undesirable classes, but here ships have to be sent away for want of laborers to fill them. The best interests of the country would be injured by excluding Chinese, and to show that he (Mr. Davie) was in accord with the views of his constituents on this subject he need only to refer to the meetings which the agitators of this anti-Chinese movement had endeavored to get up in Victoria. On the first occasion they could not get sufficient to form an audience, and had to adjourn for two days, and on the second occasion they had a very poor and unenthusiastic gathering.

Hon. Mr. Humphreys—There were between three and four hundred.

Hon. Mr. Davie—Well, placing it at that—you have not more than half the capacity of Philharmonic Hall, which on the occasion of an ordinary public meeting is packed to the door. Consistently with the extravagant imagination of the member for Comox the amount can be placed at about one-half of what he says. When the people of Victoria wanted to support or denounce any particular measure they knew how to do it. The House had been assured that the agitators did not represent the views of the miners. He was sure this was the case. The reason the latter did not renounce their authority was that they did not want to be subject to worry and annoyance. The same thing always occurred in strikes. The laborers were not in accord with the ringleaders, and prayed for the reign of terror to cease. The statement that the Vancouver Coal Company had yielded to the pressure, and discharded Chinamen, afforded no argument. He (Mr. Davie) placed but little dependence upon the petitions presented to the house—people signed petitions to get rid of the persons bothering their lives—others did not trouble themselves about what they contained, and others again signed them under misrepresentation. A large proportion of the signers were non-voters, and many non-residents. If the people were here to demonstrate their favor of the movements the meetings would be got up. He was quite satisfied that the people of Victoria would be satisfied with his action in the matter.

Hon. Mr. Turner thought it strictly honest for him to vote for the second reading of the bill and reserve the right to oppose the Chinese clause while in committee. The previous agitation against the Chinese as a class was a different matter from that to-day directed against the Chinese as regards their employment in coal mines. He did not think that the evidence taken proved that the Chinese were dangerous. He thought that the manager's statements in regard to the safety of mines was more trusty than that of the miner working at the face, no matter how excellent he might be in his own work. The stoker or deck hand's evidence would not be taken in preference to that of the officers of a steamship in an inquiry as to the best means for providing additional safety; and he thought the same should operate in the present case. The present proposed interference with one of our chief industries is a serious matter, and if carried into effect would result in detriment to that industry. If such legislation was permitted it would soon be directed against other industries—that of salmon canning for instance. He was sorry that there were certain industries in the province that could not be prosecuted without the assistance of Chinese, but such was the case, and coal mining was one of them. He thought the remarks of the hon. president of the council that a better intelligence on the part of the miner and an exercise of greater care on his part, were the best means of protecting them. It was also correct that a colliery conducted on the highest principle of perfection was to the benefit of the coal owner as well as the miner himself. He could not honestly vote for the Chinese clause for it would be an unwarranted interference with an important industry, and would simply result in detriment to the development of the mines and would favor an increase in the price of coal.

Mr. McLeese spoke in favor of incorporating the Chinese clause in the bill.

Hon. Mr. Dunsmuir, in explanation, said that there seemed to be a lack of information as to the character of the explosions. There was a great deal of difference between a gas explosion and those resulting from powder or dust. After a gas explosion there was an afterdamp altogether different from that produced by powder or dust. Any manager or miner going down after any explosion could readily determine whether the accident was caused by gas or powder. In the afterdamp after gas it was impossible to live, while after a dust or powder explosion a man could live in the atmosphere for some time. The recent explosion was first started by powder which ignited the dust, and thus caused a combination of the two. It was found after the inquest was over that there had been fifty-four pounds of powder in one section, besides one young man who was working in rock had a number of sticks of giant powder, none of which could be found. Everything proved that it was a powder explosion.

Mr. McLeese asked why it was that such a large amount was allowed in the mine. It seemed monstrous.

Hon. Mr. Dunsmuir said that each man was allowed four pounds of powder daily, but they pursued every means possible to smuggle extra powder into the mine. One of the managers of his mine noticed a miner bulging out at his waist and on being examined he was found to have some sixteen pounds of powder on his person. It was through these surreptitious methods that powder was accumulated in the mine, and certainly it was not a fault of the owners or managers.

Mr. Croft said that the evidence presented and the arguments adduced had caused him to come to the conclusion that the introduction of a Chinese clause was inconsistent and injudicious. The working of mines in other parts of the world by Chinese proved that they were neither the dangerous or ignorant element that it was endeavored to make them out to be. They had also shown during their employment in other industries in the country that they were careful and intelligent workmen. He would certainly have to oppose the Chinese clause.

Mr. Grant considered the expressions of hon. gentlemen opposite were altogether inconsistent with the opinions they held some years ago before election. The hon. gentleman explained the reasons that had led him to the decision to support the Chinese clause in the bill. He did not think that it should come into operation immediately, but the owners should be given sufficient time to secure other labor to replace them. This was the first time that he favored legislation against Chinese.

Mr. Higgins said he had pursued the same train of thought as the two last speakers and had arrived at a different conclusion. He was of opinion that the Chinese were not an element of danger below ground. The petitioners had failed to make out their case against the Chinese, and he would vote against the anti-Chinese clause in committee. The hon. senior member for Comox had shown by official documents that not more than 8 per cent. of the disasters were attributable to Chinese. So far as underground work was concerned he would be glad to see it all done by Chinese, and our own flesh and blood employed in easier and safer and more profitable positions above-ground. Since Chinese had ceased to be employed at coal mining the output had declined one-half, and coal from localities where Chinese labor is not inhibited is superseding our coal in the foreign markets. Two great steam colliers owned in the province are dismantled because they cannot get cargoes, and other vessels have been delayed since December and are not loaded yet, and others are forced to go to Seattle to complete their cargoes. His idea had always been that the moment Chinese were excluded from working in the mines, there would be an influx of white miners. But such is not the fact. There is a scarcity of labor at the mines. If, as in European countries, young men and boys were specially trained at Nanaimo for coal mining, there would be a strong reason why the celestial class of labor should be shut out. But youthful white labor is wanting here. The calling is hazardous and few parents desire to expose their offspring to the dangers of a miner's life while there are avocations of a less dangerous character open to them above ground. Hence we are raising few if any home-made coal miners and are compelled to fall back on an undesirable class to supply the labor demand or sacrifice the most important and profitable industry in the province. If the question was one that affected labor only he would vote for the clause. But its affects extended far beyond the workingman. It involved the withdrawal of capital and threatened our commerce with annihilation, a calamity that would rest on the workingmen as well as on every other class. The Attorney-General has told us that the bill, if carried into court with the protective clause, would be declared unconstitutional and the miners would lose the measure of protection that the remaining clauses of the bill will provide. Under these circumstances, he could not see his way clear to voting for section one, and would cast against it in committee.

Mr. Allen as a member of the mining committee was of the opinion that not one word had been proved against the Chinese. It was his opinion that the agitation was simply instituted by the Knights of Labor for the purpose of placing themselves in a position to dictate to the miners.

Mr. Orr did not think that the petitions which had been presented had been fairly considered by members of the house. If there was a desire to sift this Chinese question to the bottom, a careful investigation should be made and the evidence well considered. The course suggested by the remarks of the hon. member for Esquimalt might be adopted, and the Chinese given exclusive working of the mine for a year as a test. He would vote for the second reading, but would reserve his right to take any exception in committee he might deem fit.

On the motion being put it was carried unanimously.

Mr. Beaven asked for the names.

Mr. Speaker said that he could not take the names as there was no division. The only occasion that came near to such a case was when there were twenty-five members in the house, twenty-four voted for and the leader of the opposition voted against.

The house went into committee, Mr. Cowan in the chair.

The first clause was read and considerable confusion occurred on its being put, the opposition claiming it had been carried. The chairman ruled that nothing had been decided.

Hon. Mr. Dunsmuir said that he was pained that the members of the opposition, sworn to protect the interests of the province, should endeavor to seriously injure one of its most important industries. They aimed a blow against the mining industry. If the Chinese were excluded from the mines, it would be dealing a deadly blow to that industry. If he thought the Chinese a danger he would be the first to remove them from the mines. Why the explosion in No. 5 Pit would break the back of one hundred thousand dollars. Selfish reasons alone would compel him to desist from employing labor dangerous to his property. It would be impossible to produce coal in this country without the assistance of labor such as the Chinese, unless at a greatly advanced price. And high cost of fuel would to a great extent injure every industry in the country, for without cheap fuel it would be impossible to profitably run factories, steamers, etc. These agitators did not care what became of the coal industry. If their dictation was followed in the matter, they would probably be purchasing coal in ounce parcels at the drug store. After the last explosion he had been approached by miners—they were not his own, but these agitators—and asked to do away with the employment of Chinese, but he had told them it would be impossible to carry on his mines without such labor, though willing to do without them, if possible, as much as they were. However, he had consented to do away with twenty-five per cent of them every three months if other labor could be got, as he preferred white labor, which would make a better country than with the Chinese. Necessity, however, knew no law, and they had to carry on the industries of the country with the best material they could get. As he had put his hand to the plow to open up the country, it ill became the Opposition to retard development simply for political purposes. He had been requested to turn the Chinese out at a moment's notice—otherwise the miners would refuse to work—but was aware at the same time that many of the miners did not favor the demand of the committee. Some of the Chinese, like white men, were very improvident, and would have starved after being discharged, if assistance had not been rendered them by himself and some of the miners. This certainly was not a humane action. Had he shut down the works and thus thrown all the white miners out of employment, which was in his power to do, he would have been loudly accused of inhumanity. And yet this was what the agitators desired him to do towards the Chinese.

It being now six, the hon. gentleman moved that the committee rise and report progress.

Carried, and the house adjourned.

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