

DECISION AS TO JAPANESE

Privy Council Uphold Appeal of British Columbia in the Famous Tomy Homma Case—History of the Now Celebrated Action.

Japanese, whether naturalized or not, cannot exercise the franchise in this province, says the Victoria Times.

The appeal was argued before the judicial committee of the Privy Council late in June or early in July, the province being fortunate in their counsel, Christopher Robinson, K. C. of Toronto, one of the cleverest jurists of the whole Dominion.

The principal underlying the whole case was the right of naturalized Japanese to be registered as voters. The action arose in this way. Tomy Homma, a naturalized Jap, applied to the collector of votes for the electoral district of Vancouver city to have his name entered on the register of voters.

According to section 3, R. S. B. C., 1897, chapter 67, "The expression 'Japanese' is to mean any native of the Japanese Empire or its dependencies not born of British parents and include any person of the Japanese race, naturalized or not."

Tomy Homma appealed to the county court with the result that the late Chief Justice McColl, who heard the appeal, ordered his name to be placed on the register on the ground that the above enactment in so far as it purported to affect naturalized

Japanese was ultra vires of the provincial legislature. This decision raised a storm throughout the province, and the collector appealed the case to the full court of British Columbia.

The latter court upheld the decision of the late chief justice, and a great deal of interest was awakened by the decisions handed down as well as by the facts brought out in argument.

It was held on the other hand on behalf of the province, that the case was intra vires by virtue of sub-section 1 of section 92, which places the amendment of the constitution as to the office of Lieutenant-Governor, under the exclusive control of the local legislature, and that the matter of naturalization and aliens was in this case merely incidental to the franchise.

As Judge Walkem pointed out in giving his ruling on the case, and as was frequently mentioned in discussions on the matter in the house, his right to the franchise is not really an inherent right even to natural born British subjects, and thus there was really no conflict with the Naturalization Act, as quoted. It was pointed out that the franchise is withheld from certain people in Canada, and that there are numerous limitations in conferring it.

Nevertheless the court held that they were bound to disallow the appeal as the judicial committee of the privy council had held that "the legislature of the Dominion is invested with exclusive authority in all matters which directly concern the rights, privileges and disabilities of alien residents of Canada, whether naturalized or not."

The above decision by the full court was given at Vancouver, on the 9th of March, 1901, and on the 21st of the same month the deputy attorney-general, H. A. McLean, asked leave to take an appeal to the privy council. The application was opposed, but allowed by the court, security being given for five hundred pounds.

The subsequent history of the case appertains to the hearing before the privy council as stated above.

When Chucky was 7 he went to church willingly for the first time. His previous attendance was not prompted by piety unless the reverence in which he held his mother might be called a sort of vicarious piety. He had gone to church because she wished it and because the sometimes wept in fear that he was destined to be "a trial" to her devout heart.

But now he went gladly, almost eagerly, and her gentle face shone as it had not shone for weeks. Having achieved short hair for the first time since babyhood, Chucky had an overmastering desire to show himself. He yet wore the big lace collar and the low cut shoes which in his mother's wistful eyes served as flimsy but palpable barriers against the hardening influence of years.

either of piety or unmanlike obedience. "Send him up to me," said the father, "and I'll find out why the boy has lost his sudden streak of devotion: I'll take him to church if you say so, ma, but I intended—that is, I hoped to go fishing."

When the child slouched into the room his father, immersed in a book mumbled: "What's the matter? Are you sorry you had your curls cut off, Chucky?"

"No, sir." "Will you go to church with me?" "Yes, sir." "Will you go alone?" "No, sir."

"My boy," said the father, laying down his book, "you're afraid of somebody. Has the Schneider boy got you 'bluffed'?"

"He runs out at me," said the child, shifting his feet. "Why don't you 'get back' at him?" "He's bigger'n me, sir."

"Get a rock or—haven't you a baseball bat?" "Yes, sir (brightening)."

"Well, take that with you, and if he tries to run, you score him." "All right, sir."

The boy stamped down into the basement like a soldier under orders. His father watched him go down the walk under the sifting spring sun, fight with his war club over his shoulder like a Puritan going to the meeting-house in the days when the Indians lurked. And together for a space the mother and father of the boy waited in the veranda to see whether their son would come home routed, weeping, perhaps beaten. He did not come.

"I guess he ran the blockade," said the father. "I'd as lief he stayed at home as to fight on Sunday," said the mother ruefully.

But at noon he came back, his hat proudly hoisted on his shoulder, his clothes in tatters, his face smeared with dry mud and congealed blood, his eyes sparkling, his prayer book really so clutched in his dirty brown hand.

SIX MONTHS ON STRIKE

Barbed Wire and Guns Guard the Shop

Union Pacific Yards and Shops Present the Appearance of a Fortress.

Omaha, Dec. 20.—The Union Pacific yards and shops today present the appearance of a fortress. On the outside they are protected with high board fences, surmounted by rows of barbed wire, and they are guarded within by a force of armed men under the direction of W. H. Esterline of St. Louis, who makes it his business to fight strikers.

Within a stone's throw from the company's property union pickets, under the leadership of William Richler, are closely watching every movement of the non-union workmen imported here from all over the east, who are housed and fed behind the battlements.

Only 400 men have been out on strike at Omaha against the Union Pacific, and yet this condition has prevailed since last June, which goes to show that there is force behind determination, and a wise policy as well as numbers.

In clever generalship and shrewd management this long Omaha strike is without a peer, and that after a six months' bitter struggle the union leaders have still the public opinion and the entire press of Omaha in their favor speaks volumes to the impartial observer.

On the other hand, a prominent official of the Union Pacific said to me this morning that the Omaha papers had willfully lied about the company's position, and that the public had been misled from the start. The newspaper men tell a different story.

At the present time in the various machine shops spreading from Ogden, Utah, to Council Bluffs, there are only 1,500 men in open hostility to the Union Pacific, and yet it would be impossible to calculate the loss to the company. Impossible, I say, because the officials of the company deny any loss, damage or obstruction whatsoever to business, while knowing outsiders, newspaper men and the strikers declare that the company's power has suffered so seriously that it has been forced to suspend its trains in two; that in order to deliver the mail in accordance with the government contract it has been forced to put on special trains for this sole purpose, and it is asserted here that heavy fines have been accumulated at Washington against the company for breaches of contract.

The machinists estimate that the company will have lost more by fighting the strike than it could have gained in five years by the installation of the "piece work" system, which the strikers declare is the bone of contention. All this was vigorously denied by the same official of the Union Pacific this morning, and he went so far as to maintain that, to the contrary, the business of the company has steadily increased and that the motive power was never in better order, but the "Daily Bulletin," issued by the strikers, reports a long list of "dead" and incapacitated engines.

The length and bitterness of the strike considered, there has been a singular absence of violence and singing. One man—a Chicago non-union man by the name of Earl Caldwell—was murdered in the month of October. The company laid the guilt of his death at the doors of the union pickets, but the coroner's inquest fixed the guilt on two of the Union Pacific's employees.

Costly Homes. The number of private residences erected on such lots this year has been \$97,000 above the price of the land on which they have been built. These are reckoned only fairly good houses. Sixty-seven residences of a higher class erected this year are fetching from \$500,000 to \$600,000. It is reasonably safe to say that in no city in the world have so many magnificent private residences been erected at such enormous cost as has been the case on Manhattan island, average cost of twenty-nine houses particularly during the last three years.

Address to the Electors of Dawson by C. W. C. Tabor.

To the Electors of District No. 1, Yukon Territory. Gentlemen,—Having been nominated as a candidate for election for District No. 1 for the Yukon council, it has become my duty to announce to you my views on matters politic affecting the welfare of the Yukon territory.

My interest, and the interest of every earnest man, is in and for the development and advancement of the resources of this territory, and I am of the opinion that such development is worthy of assistance, in so far as such may be possible, by government aid.

Members of the Yukon council occupy a position of trust, not only with regard to the formation of local laws, but also in effecting the amendment and improvement of laws peculiarly within the jurisdiction of the federal government affecting this territory. The duty of the members of the council can be most efficiently carried out by a strict regard to local issues and interests irrespective of party politics as defined by federal issues, and I deem it necessary in the interest of the territory that members of the council elected should be removed from the influence of party as defined by federal politics. Therefore, I seek election absolutely free from party, and, if elected, shall endeavor to fill the position as representative of the people of the Yukon territory without reference to party influence.

I am in favor of and will support earnestly a strong progressive policy in the interest of all classes of the community, and shall endeavor to advance to the best of my power the following matters which vitally affect the interest and future of this territory. Dependent as we are now on Ottawa, I am strongly in favor of a wholly elective council for this territory, with control of all legislation affecting purely local matters, and having control of all local offices and officials. The domain of the territory is now, and will be for many years, possibly, the property of the federal government, who alone will have the power to make laws affecting lands, timber, mines, etc., but a local legislature here, if representative wholly, would exercise a greater influence on Dominion legislation than it can as at present constituted.

Productive labor, which is the source of all wealth, should be protected and provided for by every possible means of legislation. Having labored myself at one time, I am able to appreciate the disability under which labor struggles. That good and sufficient laws for the protection of labor should be enacted is agreed by all, and it would be my particular care to see that such should be enacted and the laborer protected, if I become a member of the council. Other matters of government assistance and government legislation affect labor perhaps more seriously than the lien law, and I deem that measures which will assist in procuring employment for labor are of as great import as laws which protect the wages of labor. I am in favor of the government providing the means of bringing water to such points on the hills as will enable the miner to work out the low grade gravels of this country. This is a matter which should be undertaken and carried out by the government alone and not entrusted to private enterprise. If water is placed in such position that these low grade gravels can be successfully and profitably worked, it will tend to provide employment for labor here for many years to come.

I am in favor of the government assisting in the development of this territory by the purchase of diamond drills to be rented for prospecting the lower strata, and further in assistance by such ways and means as may commend themselves to the prospecting and development of quartz and placer mining.

An assay office should be established at once in Dawson by the Dominion government where the miner could procure a certificate of the value of his dust which would be negotiable at par, or where the miner could sell his dust at its assay value. The abolition of a tax on the gross product of gold, and if such tax is required for revenue purposes, that the same should be made on the net product of the mine. Wagon roads should be constructed at all times from settled centres to creeks, which work has shown to be productive and profitable. These roads are necessary and will enable miners in procuring provisions at a lower rate and to work their ground at a greater profit to themselves.

Post offices and schools should be established in districts as soon as the increase of population will warrant the same. The mining laws of the country are in an unsatisfactory condition, subject to change at any time, and I am of opinion that the time has arrived when a settled law should be substituted for the present mining regulations. I will advocate and endeavor to have passed by the parliament of Canada a mining code, free from ambiguity and which laymen as well as lawyers can understand, and such code I suggest among other matters should provide for a more secure tenure to placer mining claims, and, further, that claims in new districts be restored to their original length of 500 feet. Mining licenses and fees for renewals and registration should be reduced. The present compensation fee in lieu of representation work should be abolished, and all mines represented by work alone. There are many other matters which will come before the council affecting this territory and many which private members could bring their influence to introduce. That the water front should be and become the property of the city is only a matter of equity, and, if possible, the Yukon council should bring their influence to bear upon the Dominion government to give to the city of Dawson the strip of ground which should have originally formed part of the townsite. Many of the above questions are matters of Dominion legislation solely, but on all members of the council interested and eager for the welfare of the Yukon territory will devote the duty, either by resolution of the council or by personal recommendation, to influence having such legislation enacted by the federal authorities as will be towards the advancement of the territory. Many matters of importance now unforeseen will from time to time arise concerning the welfare and good government of the Yukon territory. My interest is the interest of the territory. Here my home is, here will my life-work be carried out. This is a territory of unknown possibilities whose varied resources are just beginning to be appreciated by thinking men. The chief industry is the production of gold, isolated from other portions of Canada, with but little interest in common therewith, the people of this territory must work out their own future, and by keeping before our minds at all times the territory and what is best in her interest such legislation can be secured as will secure her future progress and advancement, and to such legislation I shall, if elected, direct my earnest endeavor. My life for the last five years is before the electorate. If you decide me worthy of your confidence, I shall endeavor to fulfill the trust imposed on me in a manner which will prove satisfactory to the people and in fulfillment of the policy which I have above partially outlined. I am, yours truly, C. W. C. TABOR. Dawson, Jan. 9th, 1903.

Political Announcements YUKON TERRITORY. Dr. Alfred Thompson Is a candidate for the Yukon council from the Dawson district. The support of the electorate is respectfully requested. VOTE FOR AND SUPPORT The Labor Candidate for the Yukon Council, District No. 1. GEO. K. GILBERT Committee Rooms: Union Hall, cor. Second Avenue and Princess Street.

For Member of the YUKON COUNCIL Dawson District No. 1. C. W. C. TABOR

For Yukon Council Candidate for District No. 1, which includes Dawson, Fortymile, Miller, Glacier and Boucher. WM. THORNBURN If elected I shall endeavor in every matter to act for the general good of this territory, and I trust my many friends will give me their vote and influence.

For Member of the Yukon Council District No. 2. ARTHUR WILSON

For Member of the YUKON COUNCIL District No. 2. M. G. B. Henderson

FOR YUKON COUNCIL To the Electors of Electoral District No. 3. Gentlemen,—I hereby announce myself a candidate for election as one of your representatives in the Yukon territorial council and solicit your votes and influence in my behalf. JOHN PRINGLE. Bonanza, 30th Dec., 1902.

FOR MEMBER OF THE YUKON COUNCIL, DISTRICT NO. 1. A. J. Prudhomme

FOR YUKON COUNCIL. Dawson, Yukon Territory, December 26th, 1902. To the Electors of the Electoral District No. 3.— Gentlemen— Owing to petitions signed by numbers of voters from the census requesting me to become a candidate for the Yukon Council, District No. 3, I have decided to accept the nomination, and if elected the people of the Yukon Territory may rest assured that their interests will be protected and safe guarded to the best of my ability. Yours obediently, MAX. LANDREVILLE.

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CHUCKY

By J. H. Rafferty.

When Chucky was 7 he went to church willingly for the first time. His previous attendance was not prompted by piety unless the reverence in which he held his mother might be called a sort of vicarious piety. He had gone to church because she wished it and because the sometimes wept in fear that he was destined to be "a trial" to her devout heart. But now he went gladly, almost eagerly, and her gentle face shone as it had not shone for weeks. Having achieved short hair for the first time since babyhood, Chucky had an overmastering desire to show himself. He yet wore the big lace collar and the low cut shoes which in his mother's wistful eyes served as flimsy but palpable barriers against the hardening influence of years. Deep down in his rebellious heart Chucky longed for the day when he might wear a sweater and long pants. He would only let him appear behind the altar rail in the, to him, glorified attire of incipient manhood. The girls of the town thought that the boy was "tough for his size." They did not know that he was only developing that ambition to repress his weakness only to show them at the time and in the manner which, to his small mind, seemed seemly and best. But the second Sunday after his birthday a sudden reversal of temper puzzled his mother. When she told him to prepare for church he sulked, objected and finally howled his protests. She threatened, coaxed, bribed. He should have a penny for himself. He should get a holiday from school. She would tell Father Tearlake. "Why won't you go, my son?" asked his mother. "I don't want to." That was the only answer he would give. She told him he might wear his "everyday waist" with the turndown collar, that he might have his boots—anything in reason if he would go. That was the final argument, but it only served to dry his tears. She was puzzled and ventured to appeal to his father, who, unhappily for her hopes, set Chucky a lofty example

Cause of Stage Fright

An expert claims that stage fright really comes from a disordered stomach. He argues from this fact that persons in Dawson contemplating appearance should be careful of their diet and always buy groceries of Dunham, where they are always sure of getting the purest and best.

Slush—"Well, aunt," remarked the city man, on a visit to his old home in the country, "it certainly does look like snow." "Looks like snow?" exclaimed the native. "Why, it's snowing now." "Yes, and I say it looks like snow. Snow never looks like snow in the city."—Philadelphia Press.