Weekly Colonist

FRIDAY, FEBRUARY 24TH, 1888.

THE PROVINCIAL LEGISLATURE.

Proceedings of the Second Session of the Fifth Parliament.

ELEVENTH DAY.

MONDAY, FEB. 20th.

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

There was no clergyman present at the opening.

RETURNS.

Hon. Mr. Robson presented a copy of the oath of office; also a return of all letters, correspondence, etc., relating to the aid granted to quartz mines; also all letters and correspondence relating to the discontinuance of the San Francisco mail service.

PETITIONS.

The petition of Geo. J. Ainsworth and Jno. T. Baker and others, in regard to the construction of a railway in Kootenay district was read and received.

The petition of the Esquimalt and Nanaimo railway, referring to the branch line proposed to be constructed to Beecher Bay, was read and received.

The petition of John Nicholson in regard to claims against the Esquimalt graving dock was read and received.

Hon. Mr. Beaven asked when it was the intention of the government to place the public accounts in charge of the public accounts committee.

Hon. Mr. Turner said that they would be placed before the committee in the usual way.

RESOLUTION re HON. MR. DUNSMUIR.

Hon. Mr. Humphreys moved the following resolution:

Whereas the Hon. Robert Dunsmuir, President of the Executive Council and member of the Legislative Assembly, commonly called Robert Dunsmuir, owner of coal mines, steamships, and President of the Esquimalt and Nanaimo Railway Company, did at divers times and places, in the presence of credible witnesses, who are prepared to aver on oath that the said Robert Dunsmuir did openly express his desire to annex Vancouver Island to the United States of America. And, further, that the said Robert Dunsmuir did utter his determination to exert his power and influence to promote such annexation; and that said Robert Dunsmuir did allege that such annexation would make him the richest man on the Pacific Coast, and that he would save the American customs duty on his coal by the operation.

And whereas it hath been alleged that the said Robert Dunsmuir did use similar disloyal, open and advised speaking at Portland, Oregon, United States of America, and such open, advised and disloyal speaking was printed and published in the Portland *Daily News*, 23rd December, 1887, and reads as follows:

"Mr. R. Dunsmuir, of Victoria, who came to Portland last Friday to attend the railroad celebration, is still in the city. Yesterday his two sons, one from Wellington, B.C., and the other from San Francisco, came here to confer with him in regard to their coal business in San Francisco, and an extension of the Esquimalt and Nanaimo Railroad to reach the Dunsmuir's new coal mines, eighty miles beyond Nanaimo. Mr. Dunsmuir regrets that the price of coal has been forced up so high in San Francisco, and object of his conference with his sons, who manage that end of their business, is to effect a reduction. Besides his coal and road and steam and sailing vessels, Mr. Dunsmuir owns a large area of timber lands on Vancouver Island. The day before he came to Portland he sold his timber on 50,000 acres to a Michigan lumberman for $250,000. The magnitude and value of his various enterprises, as well as the ability of their management, places Mr. Dunsmuir in the first rank among the business men on this coast. The only regret we have heard him express respecting his situation is that Vancouver Island is not a part of the United States. It would be to his pecuniary advantage if that were the case, for during the past eleven months of this year he paid $210,000 in duties on his coal in San Francisco. But, apart from this private consideration, he is rightly of the opinion that it would be better for British Columbia if it belonged to the United States of America, since its natural commercial interests are with this country."

And whereas, such open and advised speaking is disloyal to the Queen, a violation of allegiance and oath of office sworn, and subscribed by the said Robert Dunsmuir as President of the Executive Council and member of the Legislative Assembly; be it, therefore,

Resolved, That an humble address be presented to His Honor the Lieutenant-Governor, praying that His Honor may be pleased to transmit the foregoing resolution to His Excellency the Governor-General of Canada, humbly entreating His Excellency to nominate and appoint a "Royal Commission of Inquiry," to take evidence and examine witnesses touching the alleged open and advised speaking of the said Robert Dunsmuir.

The hon. mover said before he entered upon the consideration of the question, he wished to state at the outset that he had reduced a few remarks to writing so that he might not be misunderstood. He simply relied on his position in the house to make whatever charge he believed in the interest of the province. He would not offer any extensive remarks on the resolution. The government had decided to vote it down at a caucus and he did not expect to receive justice. But the inquiry was not limited to this house. The ministers of this government made the ridiculous mistake of believing themselves the representatives of the Queen. The Dominion governor-general had only the power to appoint such a commission. The hon. gentleman quoted an act of Lord Dufferin in dealing with the Pacific scandal. He also read an opinion of M. Doutre, which was in regard to a similar matter. He thought it would be admitted that this house had not the power to appoint a committee to inquire into such an extraordinary case as the present one. He had just read the oath of office, which was of a peculiarly binding character. The position was a very simple one. If the president of the council was not guilty of the charges, he would allow the passage of this resolution. But if he was guilty and knows he is guilty, he would use every influence in his power to defeat such an inquiry. If a man was not guilty of such a charge, he would not ask that it be tried by a trumpery committee of this house, but allow it to go to an imperial inquiry. He did not intend to accept any amendment that might be offered, but he would only support the submitting of the question to the Dominion government, who might appoint a set of men for whose integrity there would be no question. He cared for no man's opinion in this house, but he felt that the sooner they wrecked the members of the cabinet, the better for the country. He would refuse to submit his witnesses to any other courts but those named in the resolution; and if this was not conceded he would not go on with the enquiry.

Mr. Semlin seconded the resolution.

Hon. Mr. Dunsmuir said he would only say a few words. He did not intend to lower himself by making what might be termed a reply to the mover of the resolution. He could take the resolution and pull it to pieces, for there was not a word of truth in the whole statement—it was a tissue of falsehoods. He left the dealing of the matter entirely with the house and would be satisfied with its action. (Applause.)

Hon. Mr. T. Davie said the mover of the resolution was just as wrong in saying that it had been decided between the government and its supporters to vote his motion down as he was shewn to be the other day when, after his assurance that everything brought up by him was to be voted down, seven of his resolutions were carried *nem. con.* The amendment which he (Mr. Davie) was about to offer had not been seen by a solitary member of the house save the hon. gentleman who will second it. The hon. member for Comox had stated that he wanted an Imperial court of inquiry, and to nothing short of this would he produce his witnesses. This meant that there was to be no inquiry at all.

Hon. Mr. Humphreys—I said a commission appointed by the Governor-General.

Hon. Mr. Davie—The effect would be the same and would mean indefinite postponement which was evidently what the hon. gentleman wanted; what justice demands is a speedy investigation whilst the matter is yet fresh. The hon. gentleman now sought to recede from responsibility for the gross libel which he had placed on the orders on 27th January and continued until last Thursday.

Hon. Mr. Humphreys asked if the words "gross libel" were in order. He did not care about it, but if that latitude were to be allowed he would soon sicken members opposite. There was another thing he wished to know about. He had noticed the applause in the galleries when government members had spoken and the speaker had taken no notice of it, but when the galleries had on two occasions applauded him, Mr. Speaker had promptly called the galleries to order.

Mr. Speaker—The statements of the hon. gentleman are incorrect. There has been no disorder in the galleries on this occasion. At other times, when the galleries had accorded applause to either side of the house, he had promptly stopped it.

Hon. Mr. Beaven—The hon. gentleman, Mr. Davie, is out of order in referring to a notice of motion not before the house.

Hon. Mr. Davie—I will soon place it before the house.

Hon. Mr. Davie then moved the following amendment, seconded by Mr. Martin—To leave out all the words after "Whereas" on the first line, and add: "the Hon. T. B. Humphreys, in his capacity of a member of this assembly, on the 27th January, 1888, placed notice of moving a resolution upon the orders of the house, and permitted such notice and resolution to remain upon the orders continuously until the 16th February instant, inclusive;

And whereas such resolution reads as follows: [Here is inserted the original.]

Be it therefore resolved, that a select committee be appointed to enquire into the statements of the said Hon. T. B. Humphreys as contained in the said proposed resolution, and to report their deliberations and the evidence taken by them to this house, with power to call for persons, books and papers.

Continuing, Mr. Davie said as to the expression "gross libel," to which the member for Comox had taken exception, the term was quite in order and strictly accurate as applied to the resolution. A libel was any writing calculated to hold another up to public hatred, contempt or ridicule, whether it might be justified or not was another matter, but *prima facie* every defamatory publication is a libel. It used to be the rule that the greater the truth was, the greater the libel. Therefore the truth of any publication does not prevent its being a libel. If its author can justify it he escapes responsibility. Now, the hon. member for Comox had given his own individual responsibility during the last three weeks for the truth of the matters he wished now to allege as rumors only. Up to last Thursday he had repeated every day of the week that witnesses stood ready to substantiate the charges against the President of the Council, upon oath, but now after having maligned him for three weeks he quietly proposes to escape all responsibility by a withdrawal. But this should not be allowed. Members are not to be allowed, under protection of the privileges of this house, to utter slanders which, if repeated elsewhere, would subject those making them to serious consequences. The house had already learned that the statements contained in the resolution were the subject of a libel suit at the present time which would soon be brought on for trial. The effect of such a delayed investigation as proposed, would be to delay this investigation also. A jury would have to pass upon the libel, and he would venture to say that this constitutional tribunal was just as competent to do justice as any court appointed outside of the province. but a committee of this house would afford a double chance to those who wished to make the attack and escape responsibility. It was not the decision of the committee which was sought. It was the evidence which the house and public regard, and if the report should not be borne out by the evidence, the house would know how to deal with it. A short hand reporter should be employed to take down the evidence. The appointment of a commission meant an unnecessary expense, besides a dilatory and unsatisfactory way of dealing with the case. The suggestion that the monetary influence of the President of the Council would defeat enquiry was beneath notice, as inferring that every member of the house was open to ordid influence. The resolution was nonsensical. It consisted of preamble only until you came to the resolution—which was that the preceding resolution (when there was none) should be transmitted, etc. (Laughter.)

Hon. Mr. Beaven said he had asked the leader of the government the other day the policy of the government. It was important that such a statement should have been made. In view of the resolution of the hon. member for Comox which had been placed on the notice paper it would have been an act of wisdom on the part of the hon. provincial secretary to have stated that it was not the government's intention to annex Vancouver Island to the United States (laughter). The hon. finance minister had been instrumental, as proved by his own signature, in sending quite a colony to the United States.

On a question of order by Hon. Mr. Davie, the hon. leader of the opposition was requested to confine himself to the question.

Mr. Beaven, continuing, stated that it was his opinion there were members in the ministry who did not understand their position. What the country wanted to know was, is it the government's intention to favor the annexation of Vancouver Island to the United States. In discussing the amendment, he thought it desirable that witnesses should be examined under oath.

Hon. Mr. Dunsmuir—Hear, hear; I would like that.

Mr. Beaven said that he was glad to know it. Referring to the course to be pursued, he did not think outlined by either resolution or amendment was a correct one. The Dominion government might ignore the matter altogether. This house should pass a strong resolution authorizing a commission to inquire into the matter and this commission could take evidence under oath, and then the house would arrive at the facts of the case. The amendment merely required that the hon. member for Comox should prove his allegations. What the country wanted to know whether it was the policy of the government to annex Vancouver to the United States. Mr. Beaven, referring to the hon. president of the council made some remarks which Mr. Dunsmuir getting on his feet to a point of order called "bosh."

Mr. Beaven said that that gentlemen might not know sense when he heard it, and therefore thought it was "bosh."

Hon. Mr. Dunsmuir—That's what it is. (Laughter.).

Mr. Beaven said that the reason that the hon. gentleman occupied his seat in the cabinet was on account of his wealth, not of his brains.

Hon. Mr. Dunsmuir—I have a much stronger brain than you have. (Laughter.)

Mr. Beaven appealed to Mr. Speaker to keep order, and Mr. Speaker answered that he could not while hon. gentlemen talked across the floor and not to the chair.

Continuing, Mr. Beaven moved an amendment to the amendment that the house pass a statute authorizing a commission to inquire into the allegations of the hon. member for Comox against the President of the Council. He would be loth to believe that there was not one gentleman in the province with sufficient integrity to inquire into such a question, and that they were compelled to ask the Dominion government to appoint a commission. He trusted the propositon he had suggested for the inquiry would meet the desire of the hon. gentleman from Comox, that of the hon. mover of the amendment and of the hon. President of the Council.

The Hon. Mr. Robson said one could scarcely help feeling surprised at the discussion which had arisen upon the subject when one considered all the circumstances. In a foreign newspaper of no high standing had appeared what purported to be the result of an interview alleged to have taken place between the hon. the President of the Council of this province and a person representing that paper, and the hon. the President of the Council had taken immediate proceedings in a court of justice to prove the report false, and had repeatedly denounced it as utterly false in his place in this house. He (Mr. Robson) had some very recent experience of the unreliableness of newspaper reports. In newspapers of our own he had been charged with the grossest kind of misconduct that it was possible for a minister of the crown to be guilty of, viz.: using his position for the purpose of corrupting justice at its fountain. He had, from the nature of the charge, been compelled to meet it in a court of justice, and it had been conclusively proven that there was not a single atom of truth in it. Such was his experience with our own papers, it was hardly reasonable to expect better things at the hands of those on the other side of the boundary line. Indeed, he had every reason for believing it would be proved that, in the present instance, the so-called report of an interview had no foundation in fact, but was concocted for a purpose (applause). It appeared to him very questionable how far it was wise for the house to attach so much importance to statements of the kind, more especially when appearing in obscure newspapers published in a foreign country, and he was not at all sure that we were not making ourselves ridiculous. With regard to the conduct of the member for Comox, he proposed, from considerations of self-respect, to abstain from criticising it; but he desired to say a few words about the course proposed by the resolution. This house was the custodian of its own purity and honor. Now it was stated broadly that such was the influence and power (through his great wealth) of the hon. the president of the council that no justice or fair play could be expected in this house; that its committees could not be relied upon and that to refer any matter to them was a mere mockery. This he must characterize as a gross slander upon the house, and this side of the house hurled the foul and cowardly imputation back with inexpressible indignation in the teeth of him who uttered it. (Applause.) But it was more than a slander upon the house. It was a slander upon the electorate, which had sent nineteen out of the twenty-six members to support the present administration. (Applause.) As he had already said this house was the proper custodian of its own honor; but what did the resolution propose to do? It proposed to relegate its rights and responsibility to a commission appointed by the Imperial authorities. In fact, the mover of the resolution practically asserted that we must not only go beyond the walls of this house but across the continent and even across the Atlantic for justice,—in order to find material fit to enquire into an absurd newspaper cock-and-a-bull yarn about an hon. member! (Applause.) He was sure the house would know how to maintain its dignity, assert its rights and resent insults heaped upon it wholesale by one who should be the very last in it to prate about honor and incorruptability. He submitted that the proper course to pursue was to appoint a select committee of its own members, to take evidence on oath and report to the house, which would then become the High Court to decide whether the President of the Council should be crucified, drawn and quartered, or whether, as was far more probable, the member who had brought the charge should receive his deserts. (Applause.)

Mr. Semlin said that if Mr. Humphreys had receded from his position so had the government. He referred to a question which came before the house some years ago with reference to a member of the government being interested in iron mines on Texada Island, and claimed that on that occasion the leader of the house had claimed that the matter was one to be dealt with outside the house. Much more should the same procedure be had in this case. The committee appointed by a house in which the government greatly outnumbered the opposition, could not fail to be partisan. He claimed again that the government, in stating that the matter was an unimportant one, had receded from the views they previously expressed. He did not care whether Mr. Humphreys' resolution on Mr. Beaven's amendment was adopted, either would answer the purposes.

Hon. Mr. Davie wished to make a few remarks upon the power of committees to compel the attendance of witnesses, and to examine them upon oath. If a witness refused to attend before the committee it could be reported to the house and the house could issue an order for his attendance which would be compulsory. Then as to the power to administer oaths, it had been the invariable practice in this house to examine witnesses under oath and, although he knew the authority had been questioned, the power undoubtedly existed. Upon the dry dock committee, which sat in 1882, the witnesses were examined on oath, and on that occasion Hon. Mr. Walkem, who now adorns the Supreme Court bench, submitted to be examined as a witness under oath. Honorable members opposite might refer to the House of Commons in Canada which (until recently when given it by the imperial parliament) had no power to administer oaths, but this inability arose from section 18 of the B. N. A. act, which was distinctly confined to the House of Commons, whereas the legislatures of the provinces are controlled by no such limitation as contained in section 18, but by the effect of clause 14 of the terms of union and the Interpretation act had full power to administer oaths.

Mr McLeese quoted an instance where a witness had first refused to be sworn, but on it being stated that his evidence otherwise would be rejected, he consented to be sworn. Why—the hon. president of the council could pay witnesses to remain away.

Hon. Mr. Dunsmuir said rather, he would pay them to come.

Mr. McLeese said he would take that *cum grano salo*. (Great Laughter.) He believed the committee would be a farce.

Col. Baker said he was astonished to hear the remarks of the hon. member for Yale who said the country would have no confidence in a select committee. This was a peculiar statement considering the fact that members of this house were the elected representatives of the people. He was also gratified to hear the remarks of the hon. leader of the opposition condemning the request of the hon. member for Comox to go to the Dominion parliament for a commission

Mr. Beaven said that he did not condemn any hon. gentleman's remarks. What he had said was that it was not necessary or desirable to go to Ottawa.

Col. Baker said that he understood the remarks condemnatory by implication.

Mr. Grant thought that the inquiry should be proceeded with at once, but did not consider a select committee would attain the object desired. There had been several occasions when a statutory commission had been appointed to inquire into less important cases than the present one. He was anxious to see the hon. President of the Council cleared at the first possible moment from the charge preferred. The commission proposed to be appointed could also be given power to inquire into other matters that might justly engage their attention. He would support the amendment to the amendment.

Hon. Mr. Humphreys, in closing the debate, said the discussion had been entertaining if not instructive. He did not propose to waste any time on the opinion of the honorable acting attorney-general. There was nothing so reprehensible as the position he held in this house, and the country would like to know what it was. He was now acting as senior counsel in a case instituted by the hon. president of the council against a newspaper proprietor. He was paid by the crown to do her business and he was paid by the president of the council to act for him. He considered such a position as discreditable and dishonorable. He thought it was high time that proceedings were taken against that hon. gentleman for sitting in the house unconstitutionally. He (Mr. D.) questioned his career, but had he not a career—and what a career. He proposed to prove that his remarks inside and outside this house, that the present government was the most corrupt on the face of the earth (laughter). He challenged any member of this house to prove any of the charges made against him as a public man or private individual. He set the house at defiance to prove anything against him. He was not an angel, but he was an angel and nearer heaven than some of the hon. gentlemen in this house. (Laughter.) With regard to the leader of the government, he was told by the hon. president of the council that the hon. provincial secretary was dead broke when he acceeded to office. When he was two years in office he had stated that he had paid from $250 to $500 per acre for all the land he held in Burrard Inlet. He (Mr. H.) knew later that at that time he had not paid one cent. He would also like to know how these palatial residences were erected. He would prove before this house was prorogued that he was the most corrupt man that ever sat in this legislative assembly.

Hon. Mr. Robson requested that the words be taken down.

This being done, the Hon. Mr. Humphreys continued, and he agreed with much that had been said by the hon. leader of the opposition. The term "corruption and dishonest" was mild when applied to government members. He could not understand how hon. gentlemen who had spoken to him about them before this session could now support them. There were two reasons why he could not consent to the proposal of the hon. member for Comox—it was simply intended that the inquiry should be a farce—they desired to make both judge and jury. He did not want to place his witnesses in a position where they, as evidenced by the threats of the provincial secretary and the hon. president of the council, would be sued for libel. He was satisfied in his conscience that the charge against the hon. president of the council was true, and it was necessary that an inquiry should be made into the loyalty, if any, that gentleman possessed. There were other hon. gentlemen whose acts should be enquired into, and the question whether the president of the council was guilty or not had nothing to do with this house. He did not ask that a court of inquiry should be instituted, but that the prayer of the resolution be granted. He did not believe that he could get even-handed justice in the house. He thought that the hon. president of the council possessed too much influence on account of his wealth. They could go back a short time when the hon. gentlemen opposite would have considered the hon. president of the council as not being worthy to spit upon (hisses). He contended that, owing to the influence of a metallic character, hon. gentlemen opposite and the government were afraid to speak their minds in regard to the president of the council. To remove it from all taint of partizanship the enquiry should be made in the way he suggested it. The way proposed by the government was calculated to defeat the inquiry. The reputation of the president of the council—his honor—his oath was concerned in this inquiry. His (Mr. H.'s) change of the wording of the resolution was not his own desire, but was in consideration of the opinions of the hon. gentlemen with whom he had the honor to act, and he called upon them to prove it. (Government members—Hear, hear.) It must be remembered that the hon. gentleman was acting with the wealthiest combination on the Pacific coast. His position was that the hon. gentleman's loyalty should be placed above suspicion. There was nothing wrong in his endeavoring to prove the charges he had brought—if they were untrue, why no harm was done. He repeated again the statement that he did not believe in the independence of the government and hon. gentlemen opposite. The influence of one man controlled them. If they went to the United States they would find that the senate was the most corrupt senatorial body that ever existed, except that which existed in Rome after Cæser's downfall. Corruption was growing in Canada—in the legislative bodies of Canada. It had come to this point that it was time that Canadians should question whether such a state of corruption and rascality should be allowed to exist. In this province one-third of the best arable land was in the hands of syndicates who did not pay one cent for it. Mr. Humphreys again reiterated his opinion in regard to the corrupt character of government members. He was surprised at the apathy of the people of the province with all this iniquity staring them in the face. Honesty had no price in this province but he hoped that the people would no longer tolerate such a condition of things. He had hoped this proposition of his would have been accepted by the house, but he considered it a farce to follow such a course as that proposed by the amendment. If the inquiry was not allowed, he was going to take it to a higher court where it would be more secure.

Hon. Mr. Dunsmuir desired to deny some of the false assertions which the last speaker made, but he was ruled out of order.

Hon. Mr. Davie—The hon. gentleman from Comox always makes slanderous statements when there is no chance for reply. (Hear, hear.)

Hon. Mr. Humphreys—If you will cross over here and make such a statement I will give you all my sessional allowance. (Derisive laughter.)

The amendment to the amendment was put and lost on the following division:

Yeas—Beaven, Grant, McLeese, Ladner, Orr, Humphreys, Semlin—7.

Nays—Robson, Davie, Turner, Vernon, Martin, Allen, Croft, Fry, Thompson, John, Anderson, Duck, Baker, Cowan, Mason, Higgins—16.

The original resolution was lost.

The hon. acting attorney general's amendment was carried on a similar division to the first.

Mr. Beaven said the proper course for the opposition to take, was to decline to have anything to do with it.

Hon. Mr. Davie named the following as members of the committee—Baker, Fry, Martin, Semlin, Ladner, Orr.

All opposition members declined to act, and Messrs. Duck, Allen and Anderson were appointed members of the committee.

The hon. provincial secretary presented the report of the minister of mines.

House adjourned at six o'clock.

NOTICES OF MOTION.

Hon. Mr. Davie—To ask leave to introduce a bill intituled an "Act for increasing the efficiency of the County Court."

Hon. Mr. Davie—To ask leave to introduce a bill entitled "An Act to amend the Assize Court, 1885."

Mr. Semlin—To move that a respectful address be presented to his honor the lieut.-governor asking his honor to urge upon the Federal government the importance of establishing weekly mail communication through British Columbia with Rock Creek.

Mr. Beaven, to move on Thursday next—Whereas Mr. J. H. Turner, a member of the legislative assembly; now a member of the executive council and minister of finance and agriculture, attached his signature to the following document, which was circulated extensively in the United States of America and Canada:

"To the lovers of civil and religious liberty in America: The bearer, Mr. William Duncan, for thirty years a devoted missionary of religion and civilization in British North America, and during the whole of that period well-known to the undersigned, is on his way to Washington deputed by the native Christian brethren of Metlakahtla to confer with the United States authorities on matters affecting their interests and desire.

"Like the Pilgrim fathers of old, this afflicted but prospering and thrifty flock seek a refuge from grievous wrongs, and hope to find it under the American flag. They prefer abandoning the home of their fathers and the precious fruits of their industry to submitting to the violent seizure of their land and the intolerable sting of religious greed and interference. We therefore most respectfully commend Mr. Duncan and his mission to such brothers and friends in our sister country—the land of the free—as may be disposed to use their influence in aid of the oppressed. (Signed)

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J. H. TURNER,
Member of Provincial Parliament, Victoria, B. C., 16th November, 1886.

And whereas, the provincial government appointed commissioners to enquire into the Metlakahtla disturbances, whose report was considered by the legislative assembly, and the following resolution adopted:

Resolved, that in the opinion of this house there is valid reasons for believing that the Indians of Metlakahtla and the Northwest coast, and Queen Charlotte islands, have been taught that the Dominion laws relating to Indians have no application to these tribes, and that the lands outside these reserves are still the property of the Indians;

That these teachings have led to widespread dissatisfaction amongst the Indians, and the white settlers who are carrying on mining and other important industries in the west coast district, are liable to be interfered with;

That under the terms of union and the British North America Act, the control of the Indians and the management of their lands is vested in the Dominion government;

Resolved, that it is the duty of the Dominion government at once to take active and energetic steps to enforce the Indian act in its integrity amongst these tribes, and to compel obedience to the law.

That the provincial government proceed to carry out the survey of the lands at Mission point as government land.

Resolved, further, that in the meantime the provincial government take measures to protect the white settlers from the encroachments of the Indians.

And whereas, many hundreds of the industrial native population of the province have left "the homes of their fathers" through the instrumentality of the above letter signed by Mr. Turner and have settled in the adjoining territory of Alaska, and deprived the province of the results of their industry; and whereas the conduct of Mr. Turner in becoming a member of a government which has allowed such "grievous wrongs" to be inflicted on a portion of our population and caused them "to submit to the violent seizure of their land" is highly inconsistent with what is right.

This house is of opinion that the action of Mr. Turner in this matter was highly prejudicial to provincial interests, and that he should be removed from his position as an adviser of his honor the Lieut.-Governor.

Mr. Humphreys to move the following resolution: Whereas the administration of intestate estates in the province of British Columbia is expensive and unsatisfactory; be it therefore resolved, That a select committee be appointed to enquire into the state of the law, and the methods of administrating such estate, with the view to the greater security of the public. The committee to have power to call for persons, letters, books, documents and accounts whatsoever relating to such estates, and to make such recommendations to this house as may be found expedient.

Mr. Humphreys—to move an order of the house for all letters, papers, documents whatsoever relating to or connected with the estate and disposition of the property of Isaac Humphreys, deceased intestate

TWELFTH DAY.

TUESDAY, Feb. 21.

Mr. Speaker took the chair at 2:15.

Prayers were said by the Rev. Dr. Reid.

PETITIONS.

Col. Baker presented a petition from Edward Humphrey, of Wolf creek, Kootenay, and others, respecting the incorporation of the Crow's Nest and Kootenay Lake Railway company.

Mr. Bole presented a petition from the corporation of New Westminster praying to be allowed to introduce and pass an act incorporating the city with specified territorial limits, etc., and granting certain powers and privileges; also a petition from J. R. Brown, of New Westminster district, and others, praying to be incorporated under the name of the "Harrison Hot Springs Tramway Co., Limited."

Hon. Mr. Robson presented a petition from residents of Westminster district, with regard to the fencing of the Canadian Pacific railway.

THE GRANVILLE SQUATTERS.

Mr. Martin presented a progress report containing certain evidence of the select committee appointed to enquire into the matter of the Granville squatters.

PUBLIC ACCOUNTS—REPORT RECEIVED.

Hon. Mr. Turner moved, seconded by Hon. Mr. Robson, the public accounts to date be referred to the public accounts committee.

Mr. Beaven called attention to the fact that the public accounts had been delayed in being referred to the public accounts committee.

PRIVILEGE.

Mr. Higgins asked the leader of the government when it was the intention of the government to hold night sessions.

Hon. Mr. Robson said it was a matter that rested with the house. When sufficient business had accumulated to warrant night sessions they could be held.

Mr. Beaven, referring to the petition in regard to alleged corrupt practices at the last Victoria election, asked what was going to be done in the matter.

Hon. Mr. Robson said it was usual for a resolution to be brought forward, and when such was done, the government would be prepared to take every necessary step in the matter.

Mr. Beaven said as such a commission would require an expenditure, a resolution from him would be of no effect. Such a resolution came within the prerogative of a minister of the crown.

Hon. Mr. Robson said he was astonished that the hon. leader of the opposition was stultifying himself in the ground he had taken. The hon. gentleman had the previous day moved that a commission be appointed, which would entail a large expenditure, and to-day he took an exact opposite ground. It was quite competent for that hon. gentleman, or any other member of the house, to move such a resolution, and when it was made in regard to the Victoria election the government would support it. He was now endeavoring to sneak out of the responsibility of moving such a resolutian.

Mr. Beaven said that if the hon. gentleman had too thick a brain to understand the difference between an abstract resolution and one asking for a commission.

Hon. Mr. Robson said he should not talk too much about brain—it was not a question of brain at all.

Mr. Duck asked that the petition be read. This done, Mr. Duck said the petition had nothing to do with the resolution quoted by the leader of the opposition. There may have been bribery on the part of the opposing candidate; so far as he was concerned there was none on his part.

The question as to whether any member had power to bring in such a resolution was referred to Mr. Speaker, who decided that it was in the power of the house to proceed. If left with the government, it would give them the power to *burke* any enquiry.

Mr. Humphreys was of opinion that the matter rested with the house.

Hon. Mr. Davie quoted authorities to show that the resolution was in the power of any member of the house to move; there was no charge against any member of the legislature. If such enquiries were altogether in the hands of the government it would make it possible for the government to defeat any enquiry. So far as this government were concerned, they were only too willing to institute it.

Hon. Mr. Robson referred to the resolution, and thought that it referred to a member elected for this house. There was no direct allegation against the hon. gentleman lately returned for Victoria city. Until some such bribery was shown to have appeared, the government could not move in the matter. A roving commission should not be given to enquire into any and all questions for the purpose of seeing if any bribery prevailed. It might have altogether been confined to the opposing candidate (hear, hear).

Mr. Beaven thought the leader of the government was out in his contentions.

Hon. Mr. Dunsmuir saw it reported in THE COLONIST that the hon. member for Comox had stated in his speech that he (Mr. D.) had said the provincial secretary was dead broke when he acceeded to office. This was strictly a falsehood.

Hon. Mr. Humphreys said first that the report was wrong; after consultation with Mr. Grant, he said he would reiterate the statement that the hon. president of the council had told him what he yesterday averred. On his word of honor he would again state that it was true (derisive laughter).

Hon. Mr. Dunsmuir—On my word of honor I again say that the statement is a falsehood (applause).

Several members tried to talk at the same time, and Mr. Humphreys objected to the language used by the hon. gentlemen opposite.

Mr. Speaker said that he had taken down a number of remarks which the hon. member for Comox had used yesterday, and they were far without parliamentary usage. The hon. gentleman was very quick to take exception to language, but he himself frequently made use of unparliamentary language and should be the last to question it in others (applause).

Hon. Mr. Humphreys said that the trouble was the opposite side had not the manner, had not the voice that he possessed (great laughter). When they called him to order they merely said that such and such statements were false, or some other such brief remark.

Hon. Mr. Robson said on a point of order—

Hon. Mr. Humphreys (loudly)—What is your point of order?

Mr. Speaker—You will please keep quiet. The hon. gentleman is not addressing you.

Hon. Mr. Robson thought the discussion was traveling far beyond all reasonable limits, and asked Mr. Speaker to use his authority.

Hon. Mr. Humphreys endeavored to speak again, but Mr. Speaker would not allow further unparliamentary discussion.

COAL MINES REGULATION.

Hon. Mr. Humphreys said he would allow the bill he had given notice for amending the "Coal Mines Regulation Act" to be deferred for the present. He had a bill partly drafted, but as there were others who had taken the matter up, he would leave his bill out for the present.

Hon. Mr. Dunsmuir said he would like to see the hon. gentleman bring his bill in. There might be something good in it.

Hon. Mr. Humphreys said the government had given a pledge to bring in measures to protect the miners, and they should fulfil it. It was a question of such importance that it would be better for the government to deal with it. If the government would give him permission he would bring in his bill, but he thought they should deal altogether with the question.

Hon. Mr. Robson said so far as the government's permission was concerned, the hon. member for Comox did not need it. In fact, he had rushed to the notice paper the first day of the session and placed a notice of his bill in it. He would like to ask what the members of the opposition was coming to—what they intended to do with the privileges of private members? Let the hon. member for Comox bring in his bill like a man (hear, hear.)

Hon. Mr. Humphreys said that he wanted to give the government a chance (Laughter.) He would drop his bill.

Hon. Mr. Robson—Just what I expected. He never intended to go on with it. (Hear.)

SHERIFFS' FEES.

Mr. Martin moved, seconded by Mr. Fry—That a select committee be appointed to enquire into the procedure which governs the office of sheriff and the remuneration of that office, and to suggest any legislation in respect of this office which may be deemed to be of advantage to the province, with power to call for persons, books and papers. Such committee to consist of Hon. Theo. Davie, Messrs. Mason, Bole, Fry and the mover.

The hon. mover said his object in moving the resolution was because a great deal of dissatisfaction existed in his district with respect to the office of sheriff; this officer in several instances having to travel considerable distances at great expense to parties interested.

Hon. Mr. Beaven considered the matter out of the power of the legislature to deal with.

Hon. Mr. Davie said that the legislature had the authority to enquire into the matter referred to.

Mr. Higgins said at last session a similar resolution was passed unanimously. He had then pointed out that valuable property had been sacrificed at sheriff's sale owing to it not being properly managed, and if the management of this office was properly carried out there would be no need of this regulation. It was a matter which he hoped would at once engage the attention of the government.

Mr. Bole claimed the fees of sheriffs were exorbitant, and the odium attached to lawyers was due solely to the *et all* of the sheriffs in attaching enormous costs on trifling bills. Fewer sheriffs and first-class men would, in his opinion, fill the bill, and the bonds that the sheriffs were placed under in this province were bonds that bind not. It was a matter that required earnest consideration.

Mr. Higgins said that his object in referring to the resolution was in fairness to the debtor and creditor.

Hon. Mr. Robson said the matter referred to by the hon. member for Esquimalt had been overlooked solely owing to the illness of the hon. attorney-general.

The resolution carried.

PROVINCIAL STATUTES.

Mr. Beaven moved, seconded by Mr. Grant: "That a respectful address be presented to his honor the lieut.-governor requesting him to cause to be sent down to this house copies of all orders in council, and correspondence between the Dominion and Provincial governments, not printed in the sessional papers, with reference to the disallowance or otherwise of the Provincial Statutes passed in the sessions of 1884, 1886 and 1887."

Carried.

THE MINISTRY.

Hon. Mr. Beaven moved, seconded by Mr. Grant—That a respectful address be presented to His Honor the Lieutenant-Governor requesting him to cause to be sent down to this house copies of the orders-in-council under which the Hon. John Robson acts as Premier, and the Hon. Theodore Davie represents the Attorney-General's department, together with copies of the public notice that the statute requires should be given when the powers and duties of an executive councillor are assigned and transferred to another member of the council.

The hon. mover said the house was entitled to some explanation from himself. He had requested a few days ago that the hon. leader of the government give an explanation to the house as to the composition and policy of the present ministry. It was customary when such changes had been made took place to state the policy of the government in the future. He had asked the other day whether it was the policy of the government to annex Vancouver Island to the United States. It had been alleged that the president of the council favored that scheme. He claimed that the government as at present formed was unconstitutional. His opinion had been backed up in the case of the Manitoba Harrison government. However, three members had been added to the ministry since the last session of the house. It was said that the hon. chief commissioner joined the government to pay expenses. It was alleged that the hon. finance minister favored emigration to the United States. The hon. president of the council was often referred to as the owner of the Esquimalt & Nanaimo Railway, but this was not the case—he was simply the representative and figure-head of foreign capitalists.

Hon. Mr. Dunsmuir—No.

Hon. Mr. Beaven—The hon. gentleman says "no," but the names on the statute show that he is but a figure-head.

Hon. Mr. Dunsmuir—No. You are talking bosh.

Hon. Mr. Beaven, again continued, and said it was desirable to know if members opposite were supporting a government of annexation. (Laughter.) He referred to precedence in the cabinet, and quoted authorities to prove his opinion. He said that the premier was the only channel of communication between the minister and the lieut.-governor, and Hon. A. E. B. Davie being absent, it was desirable to know who was his representative, as it had not been announced in the official *Gazette*. No policy was announced by the government. Ever since the country had fallen into the hands of the present government it had retrograded. It was because he was not aware who was filling the office of acting premier that he asked for the papers referred to in the resolution. With regard to Hon. Mr. Davie, he believed that he had forfeited his seat in the legislature. In 1872 the Hon. Mr. McCreight was asked whether he had offered the then hon. member for Nanaimo (Mr. Robson) a portfolio. Mr. McCreight had answered that a place in the cabinet had been offered, but he would not accept without portfolio, and he had declined to grant that. Mr. Beaven referred to the constitutional principles which guided governments in their formation. Honorary members were usually taken in because they had performed some important duties to the state. The hon. President of the Council sat there, but what had he done? he had used his vote to enrich himself.

Hon. Mr. Dunsmuir, in explanation, said that he had never cast a vote in this house for any measure that affected him which was before it. If the hon. gentleman kept along in the groove in which he now was following he would hear something that was unpleasant.

Hon. Mr. Beaven again devoted his remarks to the President of the Council. He did not value the services of men who gave them gratuitously. He believed in paying them liberally and well (laughter), for he found that gratuitous services were generally dear. He would close by stating that it was the right of the house to know who the acting premier was, and how the Hon. Mr. Davie occupied his present position. (Applause from Mr. Humphreys.)

Hon. Mr. Robson said there was no need for the hon. gentleman to have made such a long speech—it was simply a bag of wind. There was no objection to the papers. (Hear.)

Mr. Grant said he did not like the contemptuous way in which the government treated the opposition. They would find when they came before the country that it would require afterward a powerful microscope to discover their supporters. (Laughter.)

Hon. Mr. Dunsmuir said he would have to say something on the remarks made. The policy of the government was a progressive one.

Mr. Grant (not in his seat)—Yes, you spend the money.

Hon. Mr. Dunsmuir—Yes, I paid you $70,000 the other day for a piece of land (great laughter