

COAL MINERS' REGULATION ACT

A Review of the Legislation and Litigation Proceeding the Late Appeal.

An Act That Is Utterly Worthless Because of the Incompetency of Somebody.

The following resume of legislation and litigation affecting the act prohibiting the employment of Chinese, underground in coal mines will assist our readers to an understanding of the present position of this unfortunate act. It is taken from the Nanaimo Free Press.

At the session of the provincial parliament held in 1890, an amendment was passed to the Coal Miners' Regulation Act of 1897, which on the face, appeared to prohibit the employment of Chinese underground in the coal mines of British Columbia. However, the uncertainties of the law were soon made apparent. On June 20th, 1890, Mr. A. Dick, inspector of coal mines, laid a communication before the legislature, signed by Mr. P. Planta, stipendiary magistrate, charging Mr. Frank Little, manager of the Union colliery, with employing Chinese underground, contrary to the statute, etc. The magistrate decided that he had no jurisdiction, "owing to the omission in the act, which does not constitute the same to be an offence, in respect of which conviction can be made and penalties enforced by magistrates."

The matter then laid in abeyance till early in this year, when, at the solicitation of the Miners' Union, the provincial government submitted the question of the constitutionality of this anti-Chinese amendment to the full court of British Columbia, and the constitutionality was sustained, as the following extracts from the judgment clearly show.

"The question submitted to the court is whether the restriction against the employment of Chinese underground in coal mines is within the legislative authority of the province. The answer is in the affirmative. The restriction is not in conflict with the rights of aliens; (2) as an interference with trade and commerce; (3) against the constitution of British Columbia; and (4) in violation of the rights of the Chinese."

"It is necessary to examine the act in which this restriction appears. The act is one making regulations with respect to coal mines and, in the opinion of the court, it is not in conflict with the rights of aliens; (2) as an interference with trade and commerce; (3) against the constitution of British Columbia; and (4) in violation of the rights of the Chinese."

"The first portion of the act is the one which we are concerned with—section 3 prohibits the employment of boys under 12 years of age in coal mines. Section 4 prohibits the employment of women and girls, and also Chinese underground in coal mines."

"In a recently patented automatic change maker the coin is placed in tubes and the proper size, fitted with sliding plates at the bottom, which are operated by levers to push the bottom coin out when the lever is pressed."

"To catch moles as they run through the underground passages they have dug a new trap has a row of sharp teeth attached to a sliding rod to drop and pin the rodent fast as soon as the trigger entering the hole is disturbed."

"Shoguns can be changed into rifles by an auxiliary barrel which slides inside the shot barrel and is fitted with a shell ejector, the rear of the inner barrel being of the same shape as the shell cartridge and carrying a flange so it fits tightly."

"In a new propelling device for bicycles two cylinder air pumps are attached to the head of the machine, to be operated by raising and lowering the handle bars. A compressed air motor is geared to the driving socket wheel to run the machine."

"A safety pocket, which can be used in any garment, is provided on one side of its mouth with a flat spring, and on the other side with a spiral spring, which rests on an elastic strip and presses tightly against the flat spring to keep the pocket closed.—Chicago News."

MATCHES MADE OF PAPER.
It is predicted that paper is the coming material for matches. The prospect of the wooden match industry being appreciably affected by a new process for manufacturing matches of paper is held to be extremely probable, particularly as the best wood for this purpose is constantly growing scarcer and more costly. The new matches are made of paper, and weigh much less, which counts for much in exportation. The sticks of the matches consist of paper rolled together on the bias. The paper is rather strong and porous, and when immersed in water, the sticks will float. The substances sticks well together and turns with a bright, smokeless, odorless flame. Strips one-half inch in width are first drawn through the combustible mass and then turned by machinery into long, thin tubes, pieces of the ordinary length of wood or wax matches being cut off automatically by the machine. When the sticks are cut to size they are dipped into phosphorus, also by machinery, and the dried head easily ignites by friction on any surface.

"It is computed that 20,000 tons of canned salmon are consumed annually in the United States."

"Always avoid harsh, purgative pills. They make you sick and then you have to take more pills. Little Liver Pills regulate the bowels and make you feel better. Dose, one pill."

Windsor's
Purges and Best for Coughs and Colds. No adulteration. Never fails.

"All cases of weak or lame back, backache, rheumatism, will and relief by wearing one of our Carters' Backache and Rheumatism Backache Plasters. Price 25 cents. Try them."

"The employment of Chinese underground is forbidden by the amendment act, 1890, but any such employment is not made an offence under the act for which any penalty is imposed. Section 12 of the act of 1888 states in detail the several branches of the preceding sections which shall be considered as offences against the act. Sections 13, 15, 18, 19, 20, 27, 71, 79, all deal with particular cases which are to be treated as offences against the act and the legislature has been very careful in the enumeration of these various breaches for which penalties under section 95 can be recovered. A penal act should not be extended beyond the reasonable construction which the words will bear. The statute has prohibited the employment of Chinese underground; one effect of which would be that in case of breach of contract damages could not be recovered. The court is asked to read into the act a penalty which does not exist. The Statutes Interpretation Act, section 3, sub-section 2, provides that the court shall read into the act any words which are necessary to give effect to the intent of the legislature. This section says 'any wilful contravention of an act which is not made an offence of some kind shall be a misdemeanor and punishable accordingly.' The question is whether the provincial legislature can, in view of the B.N.A. Act, pass a penal law of this character, the language used clearly cannot be invoked to supply the lack of jurisdiction on the part of the legislature. It has the contrary effect and conclusively proves that the conviction in question was beyond the jurisdiction of the justices. This being so there is no need to discuss the question of ultra vires of the provincial legislature in passing the amendment to the Coal Miners' Regulation Act. If it was necessary I am bound by the opinion of the full court, which has the effect of a judgment, although only given at the request of the Lieutenant-Governor in council. It is not usual to give costs in questions where on certain the conviction is quashed, and there will be no costs."

"We were told at Edmonton that we might as well send back all our spare cash, as in the north there would be no need for money. Many a poor fellow sent all his money home, taking the service thus offered. My own experience assures me that they will regret that they believed the too enthusiastic Edmonton boomers."

"We go away from Edmonton about the middle of August, and found from the very outset that the information sent out all over the east by the Edmonton people was full of inaccuracies as to the distances between points. The distance from Edmonton to Athabasca Landing was 97 miles of rough road, whereas we had been told it was 47 miles of the best kind of road. That was a small matter, however."

"We had to pay \$75 for a boat and \$50 for an Indian to guide us to Fort Murray, about half way from the landing to Athabasca lake. We found, after we got to the lake, that we had to hire another at \$30 and three extra oarsmen at \$15 apiece. We got over the rapids above Fort Murray by making three passages. The danger that is encountered here is not mentioned in the Edmonton circulars, and the result was that many parties came down the river without guides, and having no information as to the rapids, and the result was that many lives were lost. Many parties were wrecked, and the bodies of some were found. No boat can go through there without being down to kindling."

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The Ministry Ignored the King-New Cabinet Formed.

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BLIND ABANDON THREE TIMES.
We started back, and to make a long story short, I may say that we were blown ashore three times and had to dig the boat out of the mud, unloading part or all the freight each time. The wind blew incessantly, and the best work we could do at the time was to keep the boat from being blown away by the wind and waves. We were finally blown ashore on an island opposite Chipewyan in the night time, and the next morning Captain Materson, who is known in Spokane, and who is stopping at Chipewyan, discovered us and sent some Indians over to help us get our stuff off the island."

CONVINCED IT WAS IMPOSSIBLE.
"At Chipewyan I concluded that I had a terrible lot of work to do. I don't like to admit that I am dumb, but I learned enough to convince me that the route is an impossible one. I talked with a professional guide and packer who was born in that section and who knows it as well as a man can from personal observation. He said that a man, even travelling without supplies to weight him down, cannot get to the river at any season of the year by that route and that he could only get over from the Peel river to the Porcupine in the spring, when the water is high, with an outfit of not more than 250 or 300 pounds. Other men who were familiar with the country told me the same thing, and I concluded that if old-timers could not make the trip we surely could not hope to accomplish it. I had kept money enough to bring me home, and I arranged with a trader to bring me out. He sent Indians along and we got through with great difficulty. It took us twenty-two days to get to Athabasca Landing, and the water was so low that the Indians had to drag the boat through the mud most of the way, and we walked at least 300 or 400 miles. The Indians were out two pairs of moccasins apiece every day. It was a fearful trip, and if it was not for the fact that now the snow and ice would have kept me at Chipewyan all winter."

EXPENSIVE AND DANGEROUS.
"My companions would not make back. They can get no farther this winter, and I am sure that if they attempt to go before spring, I fail to see how they can get ahead. They must pay a guide, if they can get one, \$20 from Chipewyan to Fort Smith, and it will cost \$35 more for a guide over the rapids, where the trip must be at least sixteen miles in the party in order to hoist the boat and supplies over the steep grades in making the portage. From Fort Smith across Great Slave lake the price is \$50, and across the Arctic coast, indeed, that lake is as big as Superior and is noted for its storms. Scarcely a boat that I saw was seaworthy even on quiet water. Almost all were scows or cat boats and were loaded until they were not more than four inches out of water. Even if they could get to Great Slave lake they could never cross it."

"Even if a man could get through, he could not possibly get to the Peel river before next September. His grub will be gone then and he will be hundreds of miles from the base of supplies. It is true that the Hudson Bay Company used part of this route for packing supplies into the far north, but they only went in the spring of the year, and each packer carried a light load, and went 26 miles a day, returning at once when the weather was bad. The company has been building itself up in the country parts of England, and looks forward to returning to Canada in the spring."

NO SUPPLIES CAN BE HAD.
"There is another story or belief that should be corrected, and that is that supplies can be bought from the Hudson Bay Company at their far northern posts. This is not true. The company carries in only enough supplies for their own use and for trading with the Indians. It does not carry a pound of goods for sale."

"Mr. Foote leaves for Duluth this morning, but may return to Spokane soon to engage in his business of manufacturing cigars. He may tackle some other route to the Klondike in the spring, but he says he has no more of the hardships and unsavoury difficulties of the Edmonton route could be as widely circulated as the statements of its feasibility have been."

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"There is another story or belief that should be corrected, and that is that supplies can be bought from the Hudson Bay Company at their far northern posts. This is not true. The company carries in only enough supplies for their own use and for trading with the Indians. It does not carry a pound of goods for sale."

"Mr. Foote leaves for Duluth this morning, but may return to Spokane soon to engage in his business of manufacturing cigars. He may tackle some other route to the Klondike in the spring, but he says he has no more of the hardships and unsavoury difficulties of the Edmonton route could be as widely circulated as the statements of its feasibility have been."

THE LAST SAD ACT.
Remains of the Late G. M. Pullman Laid to Rest To-Day.

Chicago, Ill., Oct. 23.—The funeral services over the body of the late G. M. Pullman were held at the family residence. The officiating clergyman was Rev. Dr. N. D. Hill, of the First Presbyterian church. The latter was a visitor at the Pullman home on the night of the great fireman's death. The interment was in the family lot at Grace cemetery. The body was brought from the government's claim in full is understood to be the first condition of this plan. Mr. Sage's representatives announced last night that he had received subscriptions of over seventy-five million dollars within two hours of his announcement.

THE SERVANT ORIGIN.
The Ministry Ignored the King-New Cabinet Formed.

Vienna, Oct. 23.—The Neue Freie Presse declares that the sole reason of the Serbian crisis is the Serbian ministry, during King Alexander's absence from the country, sent a large order to the French government for rifles intended to be used by the Serbian army. His Majesty's reply was a rebuff of this until his arrival in Paris, when he was consulted by the French minister of foreign affairs, M. Hanotaux, regarding the difficulties of paying for the rifles, whereupon the contract was cancelled and the Smith cabinet naturally fell.

BLIND ABANDON THREE TIMES.
We started back, and to make a long story short, I may say that we were blown ashore three times and had to dig the boat out of the mud, unloading part or all the freight each time. The wind blew incessantly, and the best work we could do at the time was to keep the boat from being blown away by the wind and waves. We were finally blown ashore on an island opposite Chipewyan in the night time, and the next morning Captain Materson, who is known in Spokane, and who is stopping at Chipewyan, discovered us and sent some Indians over to help us get our stuff off the island."

CONVINCED IT WAS IMPOSSIBLE.
"At Chipewyan I concluded that I had a terrible lot of work to do. I don't like to admit that I am dumb, but I learned enough to convince me that the route is an impossible one. I talked with a professional guide and packer who was born in that section and who knows it as well as a man can from personal observation. He said that a man, even travelling without supplies to weight him down, cannot get to the river at any season of the year by that route and that he could only get over from the Peel river to the Porcupine in the spring, when the water is high, with an outfit of not more than 250 or 300 pounds. Other men who were familiar with the country told me the same thing, and I concluded that if old-timers could not make the trip we surely could not hope to accomplish it. I had kept money enough to bring me home, and I arranged with a trader to bring me out. He sent Indians along and we got through with great difficulty. It took us twenty-two days to get to Athabasca Landing, and the water was so low that the Indians had to drag the boat through the mud most of the way, and we walked at least 300 or 400 miles. The Indians were out two pairs of moccasins apiece every day. It was a fearful trip, and if it was not for the fact that now the snow and ice would have kept me at Chipewyan all winter."

EXPENSIVE AND DANGEROUS.
"My companions would not make back. They can get no farther this winter, and I am sure that if they attempt to go before spring, I fail to see how they can get ahead. They must pay a guide, if they can get one, \$20 from Chipewyan to Fort Smith, and it will cost \$35 more for a guide over the rapids, where the trip must be at least sixteen miles in the party in order to hoist the boat and supplies over the steep grades in making the portage. From Fort Smith across Great Slave lake the price is \$50, and across the Arctic coast, indeed, that lake is as big as Superior and is noted for its storms. Scarcely a boat that I saw was seaworthy even on quiet water. Almost all were scows or cat boats and were loaded until they were not more than four inches out of water. Even if they could get to Great Slave lake they could never cross it."

"Even if a man could get through, he could not possibly get to the Peel river before next September. His grub will be gone then and he will be hundreds of miles from the base of supplies. It is true