

THE NELSON ELECTION.

A careful study of the situation made the Colonist feel unable to share the anticipations of those who expected Mr. Farwell to be elected in Nelson. It realized that many things were in Mr. Hume's favor. His personal popularity would secure him support from those who would like to see him keep the position of cabinet minister. The natural wish of the people of his constituency to keep the portfolio of mines, which in the event of his defeat would go to Rossland, the prestige attaching to that fact that he is a member of the government and the assistance of government patronage all contributed to strengthen his position. If he could carry the constituency when in opposition, as he did at the general election, it seemed reasonable to think he could not easily be defeated under existing circumstances. While, therefore, we chronicle Mr. Farwell's defeat with great regret, we cannot say that it is much of a surprise.

THE SUPREME COURT.

Bill No. 63 is to amend the Supreme Court act. The first change made in the law as it stands is to repeal the section requiring certain specified qualifications for appointees to the court, which section is declared never to have been in force. This is an objectionable change. In all the older provinces the judges must be selected from the respective bars of those provinces under the terms of the B. N. A. act, until the laws as to property and civil rights in the several provinces have been assimilated. The intention of the legislature in passing the section now to be repealed was to assert a similar right for this province. Whether or not such a right can be constitutionally asserted may be an open question, but however this may be, it is surely no part of the duty of the provincial legislature to surrender that right. The studied effort of the present government seems to be to efface the province and belittle every right that has been due hitherto to its rights under the terms of Union. If we are not mistaken, this is the first time that any province of the confederation has been asked by its Attorney-General to give up any right of this nature without making a struggle to retain it.

The principal feature of the bill is the establishment of as many registry offices in the province as the Lieutenant-Governor-in-council shall think necessary. This may be a convenient arrangement for suitors, but we suggest that there ought to be a central registry office for the Supreme Court, where all records would ultimately find their way, at least so far as the final result of suits is concerned. There ought to be one registry office in the provinces where all decrees, orders and judgments are preserved. The record of proceedings up to judgment may possibly without any serious inconvenience and with some convenience to suitors be kept in the district where they reside or do business. It may be well to have a record of the conclusion of all suits in the localities where they are instituted; but the records of a court are complete unless there is a central registry office where the final result of all suits is recorded. The proper place for such a record is at the capital. In making these observations we are influenced by the consideration that the bill referred to appears to make it possible that records of judgments may be recorded in one of many places, and a person desiring to ascertain facts as to a person's standing would be put to great trouble and expense.

THE FIRE HALL BY-LAW.

To-day those citizens, who possess the right under the Municipalities act, are called upon to vote upon what is called the Fire Hall by-law. It may be necessary to explain that this by-law does not contemplate the borrowing of any more money, but simply authorizes the city council to devote a portion of the market building to the purposes of a fire hall, and to use for that purpose the ordinary revenue of the city or the proceeds of the sale of the Yates street fire hall. There does not seem to be any reason why this should not be done, and it is not easy to suggest why the by-law should be defeated. Nevertheless we have seen in Victoria that through sheer squally desirability propositions, when submitted to vote, have been frustrated. Hence it is well to remind the taxpayers of the fact that the vote is to be taken to-day, and that they ought not to overlook the necessity of voting.

THE DISFRANCHISE BILL.

The opposition had much the best of the debate on the bill to amend the election law. As those who read the full report in the Colonist noticed, the discussion was principally over the disfranchising section. As it is the intention of the government to put the bill through in its present shape, so far as that feature is concerned, nothing that can now be said in the press will alter any votes, but it is desirable that the public should be brought to realize exactly what has been done, so that they may decide upon their propriety.

If the proposal were simply to deprive from registration officers and men of the Imperial service who have no other qualification than a six months' residence in the province, the Colonist would raise no objection. That is to say, we would not favor legislation allowing a company of infantry stationed temporarily in the province to vote, and if the law as it has hitherto stood permitted that, it ought to be amended; but the proposed change takes away the right to vote from the whole resident staff at Esquimalt or any-

where else where persons connected with the Imperial service may be stationed in this province. This cannot be justified, and it must be conceded that no one on the government side of the house attempted to justify it.

The Colonist is opposed to the disfranchisement of the civil service. It believes that no person otherwise entitled to a vote should be disfranchised because he has been regarded as a fit and proper person to occupy a position in the public trust.

The disfranchising bill, strictly construed, takes away the right to vote from members of the executive council. They are as much employees of the government as are the pages in the house. They are not the government. The government consists of the lieutenant-governor, executive council and legislative assembly. Here expression of the government is simply a colloquialism used to designate the executive council. It has no legal significance. Under the proposed disfranchising clause the auditor-general will be debarred from registration as a voter. He is not an employee of the executive council. Neither is the Queen's printer, nor the deputy provincial secretary. Neither are the government agents, nor the janitors in the public buildings. They are all employees of the government, but so also are the attorney-general, the finance minister and the other public servants who are members of the executive council. There is a real distinction here that ought not to be lost sight of, and it is this: The executive council is not the government, and the various members of the civil service are not employees of the executive council; but the members of the executive and every subordinate officer are in the employ of the government of the province. Members of the legislature are not government employees, for they are not in receipt of salary. They receive a sessional indemnity. The speaker might be regarded as a government employee.

THE DISFRANCHISE BILL.

The bill to amend the franchise law contains the following remarkable provision:

No judge of the Supreme or County court, no sheriff or deputy sheriff, no employee of the provincial government who is in receipt of a salary of at least \$25.00 per month, no sailor, marine or soldier in the Imperial service on full pay shall be entitled to have his name placed upon the register of voters for any electoral district.

There may be some object in disqualifying a Supreme court judge, as he may have to pass upon an election petition, but if a similar reason exists for disqualifying County court judges, we are not aware of it. County court judges are neither appointed nor paid by the provincial government and have nothing to do with elections; so that no greater reason exists for disqualifying them than for taking the vote away from collectors of customs or other appointees of the federal government. We fail to see any reason why a person in the Imperial service should not be allowed to vote. If he is otherwise entitled. In connection with the Esquimalt station there are now and will continue to be in increasing numbers, persons who are permanent residents of the community and yet receive full pay from the Imperial government. It is true that they may be subject to removal on short notice, but did not Mr. Attorney-General Martin himself, when he removed from Manitoba on short notice? Is not British Columbia full of people who may at any time remove to some other country? The law does not call upon any man to declare how long he intends to remain in the province before permitting him to vote. Why then bar persons belonging to Her Majesty's forces simply because they may in discharge of their duty to the Imperial government be called upon to cut short their period of residence here?

The disfranchisement of sheriffs and other government employees is objectionable on principle. It will lead to no end of difficulties. The bill does not say what the length of service must be to disqualify a person otherwise entitled to vote. We submit that if the rule applied to members making sales to government officers is good law, then no man who is hired to work on the roads for a month can be registered. If he takes pay from a policeman for his breakfast is to have a contract with Her Majesty, and we have had this rubbish pronounced as law and the province has been put to the expense of several elections because of it—then a man who hires with a road boss to shovel sand on a road is an employee of the government and if his pay amounts to \$25.00 a month he is disfranchised. So also is every school teacher disfranchised. They are employees of the government and they get at least \$25.00 a month of public money. The Attorney-General says this is his mistake. The whole section is his mistake.

This disfranchising section ought to be struck out of the bill. It is wrong in principle; it will work out badly in practice. It will lead to any number of difficulties arising as to the qualification of voters.

THE NORTH EAST KOOTENAY ELECTION.

Mr. Wells, claimant of the seat for North East Kootenay, may be said to be a very excellent gentleman, but what the people of British Columbia would like to be told is how he came to be elected by acclamation. The Golden Era, a government supporter, gives the following account of the nomination:

The returning officer, Mr. Griffith, was in Golden on Monday and was expected to reach Donald by No. 1 in time for nomination. The train was late, however, and it was not until the train drove to Donald, reaching there by 1 o'clock.

Mr. Nelson in the late election. Mr. Wells was proposed by Hon. F. W. Aylmer, seconded by James Henderson, and Messrs. Joseph Lake, J. C. Greene, J. Campbell and W. L. Houston signed as assenters. Shortly after 1 o'clock the nomination of T. Forrest, the well-known local keeper of Donald, was tendered, but as it was too late it was rejected by Mr. Griffith.

There being thus no more nominations than vacancies to be filled, Mr. Griffith declared Mr. Wells duly elected by acclamation.

The Revelstoke Herald, opposition, calls the transaction a political crime, and makes the following statement regarding it:

The more the facts in the case of the recent by-election in North East Kootenay come to light, the clearer becomes the conclusion that a political crime against the liberties of the electors of the riding was committed. The result of the returning officer's simply inexplicable. It appears that up to the very last minute the supporters of the opposition were deliberately left in the impression that he intended to resign his position as returning officer and to nominate himself as the opposition candidate. Mr. Plowright left Golden the night before to be, as he thought, the deputy returning officer for the election and to carry it in Mr. Griffith's place. Papers nominating Mr. Griffith were in Mr. Pitts' hands on the day of nomination, and were actually tendered to Mr. Griffith himself when he arrived on the scene. It was only during the last half hour, seeing that Mr. Griffith was not on hand, and that, in fact, there was no candidate at all present, that the supporters of the opposition put in Mr. Forrest's name to Mr. Plowright.

Then, and not till then, was it discovered that Mr. Plowright had not got the writ with him, and had not taken the prescribed declaration. Then, a few minutes after 1 o'clock (four by the court house clock, seven by the watches of the returning officer) the train was the proper place for the Supreme Court to hold its sessions. It may be mentioned that the distance between Fredericton and St. John is about the same as between Victoria and Vancouver, so that in this respect the cases stand on the same footing.

MOVING THE COURTS.

The Daily Globe is authority for the proposition that the government intends to ask the legislature for authority to have Mainland moved to the city of Vancouver. Whether or not this is the first step towards the entire removal of the court from Victoria we do not know, but it is a step that cannot be defended. If it is right to have appeals heard at Vancouver, it is also right to have them heard at Nelson. That the court should shift about from place to place is a novelty in the country. Some years ago an effort was made in New Brunswick to provide for the hearing of certain appeal cases at St. John, instead of Fredericton, the capital. St. John is about six times as large as Fredericton, and the very great majority of the cases coming before the court originate in St. John or that neighborhood. Strong political influence was brought to bear to secure the removal, and nothing came of it, the conclusion being reached by the legislature that the proper place for the Supreme Court to hold its sessions. It may be mentioned that the distance between Fredericton and St. John is about the same as between Victoria and Vancouver, so that in this respect the cases stand on the same footing.

THE FIRST LESSON.

It is interesting to find such a strong representative American paper as the Oregonian quoting with approval this sentence from Francis Parkman: "Freedom is for those who are fit for it; the rest will lose it or turn it to corruption." This does not tally with the famous proposition of the Declaration of Independence, that "governments derive their authority from the consent of the governed." It recalls that other well-known saying that it makes a lot of difference whose ox is gored. While the right to prescribe what sort of government other people should have was being asserted by European nations alone the Oregonian and its contemporaries were quite certain that it was very wrong to impose upon any people a government that they did not want. Much of the enthusiasm over Cuba was worked up along this line. The Cuban patriots were lauded because they wanted to govern themselves, and the Spaniards were execrated because they wanted to do the governing. But when it comes to the Filipinos "the case is altered quite," and now we are told that people only should have freedom when they are fit for it, and whether or not they are fit for it is to depend upon the judgment of the people who want to govern them. In the course of two hundred years the Oregonian thinks the Filipinos may be fit to govern themselves, which is certainly a very long period of subjugation. In what is there said to the Filipinos "the case is altered quite," and now we are told that people only should have freedom when they are fit for it, and whether or not they are fit for it is to depend upon the judgment of the people who want to govern them. In the course of two hundred years the Oregonian thinks the Filipinos may be fit to govern themselves, which is certainly a very long period of subjugation. 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