

## PROVINCIAL LEGISLATURE.

First session of the Sixth Parliament.

## FIFTH DAY.

MONDAY, JAN. 26, 1891.

The speaker took the chair at 2 p.m.

## LIBEL ACT.

On motion of Hon. Mr. Beaven, a bill relating to libel in civil cases was read a first time; second reading on Monday next.

## THE HESPERUS' SEIZURE.

Mr. COTTON moved that a respectful address be presented to the Lieutenant-Governor, requesting copies of all correspondence, that have passed between any department of the Government and any other persons, concerning the seizure of the schooner Hesperus, on or about Oct. 10, 1889, and the arrest of the owners and crew of the said vessel.

The hon. senior member for Vancouver explained that the Hesperus, with a crew of four men and a cargo of general stores, had sailed from Vancouver on a coasting cruise. She was seized by the police of Nanaimo on a charge of selling liquor to Indians.

Three of the crew were acquitted by the police magistrate; one was fined upon Indian testimony. This conviction was appealed, and the decision of the police magistrate overruled. The owners of the Hesperus had lost their all by the transaction, and it was something that should be equitably done.

The resolution was passed, without discussion.

## MILITIA AT WELLINGTON.

Mr. KETH moved that a respectful address be presented to the Lieutenant-Governor, requesting copies of all orders in council, correspondence, and papers connected with the sending of a militia force to Wellington last summer, and of their maintenance while there. It was, he said, a well known fact that an armed force had been sent to Wellington last summer for a purpose unknown. The circumstances required explanation, and it was to secure this explanation that the resolution was introduced.

The motion was put to the House, and would have been carried without discussion had not Hon. Mr. BEAVER claimed that an explanation from the Government of this whole matter was due at once.

Hon. Mr. ROBSON explained that the proper time for explanation would be when the correspondence referred to was laid before the House.

The resolution was adopted.

## A RETURN.

Hon. Mr. DAVIS presented the return asked for in reference to appointments made under the Provincial Reformatory Act.

## CACHIE CREEK SCHOOL.

Mr. SEMLIN and Mr. McKENZIE moved, that a respectful address be presented to the Lieutenant-Governor requesting copies of all orders in council and correspondence relating to the closing of the Cachie Creek boarding school.

## MR. SPEAKER'S RULINGS.

Hon. Mr. SPEAKER announced that he was now ready with his rulings on the two questions, the co-ordination of which he had asked time for. His rulings he proceeded to read as follows:

"The hon. member for Victoria City (Hon. Mr. Beaven) on Friday introduced the following resolution: That the principle of eight hours constituting a day should be adopted in carrying on Provincial public work. And that a clause should be inserted in all contracts for such to the effect that the hours making up a day's work of the workmen and laborers to be employed under it shall not be more than eight; and a penalty for the violation of such provision by the contractor should be included.

"The point of order as to the resolution was raised by Mr. Beaven during the discussion that ensued. I based my objection on the action of Mr. Speaker in 1885, in ruling out of order a bill providing for the regulation of day labor. Mr. Speaker ruled that the bill was an interference with trade and commerce, a clause of legislation not to be passed by the Dominion Legislature. Neither a copy of the bill, nor of the ruling has been preserved, but I am informed that the bill dealt with all classes of labor, whether employed by the Government or by private parties. Such being the case, the bill was clearly out of order.

My impression while listening to the debate on Friday was that the resolution of the hon. member for Victoria, city covered the same ground in effect, if not in words, as the bill ruled out in 1885; and that it was also an interference with the prerogative of the crown, inasmuch as the hon. member proposed to have the resolution, if accepted by the House, would increase the cost of government and act prejudicially upon contractors for private as well as public works.

But upon reflection I think that the resolution if adopted would not necessarily increase the financial burden of the country; because while it proposes to reduce the hours of labor on public works to eight hours a day, it does not demand that the laborer shall be paid for more than the time he has actually been employed. For instance, if a laborer is employed for ten hours, he is paid at the rate of twenty cents an hour for ten hours' work, there is nothing in the resolution asking the Government to pay a higher rate per hour for eight hours' work. The number of laborers might be increased by the innovation, but the total paid need not be greater than under the existing system.

For the same reason private contractors would not be injuriously affected through the eight-hour system on Government works, and the resolution is not an interference with trade and commerce. These grounds, contrary to my first impression, I now hold to be sound. The resolution is within the powers of the House.

The point of order taken by the hon. member for Cowichan (Mr. Croft) is as to the admissibility of the resolution moved by the honorable member for Victoria (Hon. Mr. Beaven).

"That the House should not pass a resolution on the subject of the eight-hour system, until the Committee on Railways should see that all private bills granting franchises or rights contain a section pro-

viding against the employment of Chinese on any work to be undertaken in pursuance of the bill."

Objection is taken that the resolution asks the House to relegate to a select committee powers that reside exclusively in the House. Our own rules of order being silent on the point (as they are, unfortunately, on many others of equal importance), I have recourse to "May." Therein I find many instances of special instruction given to the private bills committee with certain bills, but no instance of instructions general in their character, that is that apply to all private bills, beyond those embraced in the standing orders.

The resolution before the House is not mandatory in terms, but an expression of opinion such as the resolution conveys is always a command, and if passed by the House must be respected as such by the private bills committee.

An anti-Chinese clause which would operate advantageously if inserted in some bills might prove ruinous to the scheme if inserted in others. A hard and fast rule, such as that offered by the hon. member for Victoria, to apply to private bills, would have the effect of the standing orders cannot, in my opinion, be left to the private bills committee to insert, but must be at the discretion of the House, as each bill comes before it for legislation. I therefore rule that the point is well taken, and that the resolution is in order.

The rulings were ordered to be entered on the journals of the House.

## ENTER MR. NASON.

A telegram from the returning officer at Barkerville was read, showing Mr. Nason to have been elected to fill the seat of the late Mr. Joseph Mallon.

The House, in committee of the whole, recommended that Mr. Nason be allowed to take his seat, and this report being adopted, he was introduced to Mr. Speaker, and escorted to his seat by his colleagues, Hon. Mr. Robson and Mr. Rogers.

## PRIVILEGE.

Hon. Mr. TURNER, for the first time in his life, rose to a question of privilege. He complained of mistreatment contained in a letter entitled "The Hon. J. H. Turner," and signed J. N. Muir, which appeared in the Evening Times of Saturday. Mr. Muir accused him of attacking him when he (Muir) had no chance to reply. The fact was that he (Mr. Turner) had not opened his mouth, except to vote for Mr. Beaven's amendment. If all Mr. Muir's grievances were as groundless as this, they were not worthy of much consideration.

Hon. Mr. DAVIS had also to complain of untrue statements contained in the News-Advertiser of January 22nd. He was said to have defended the Premier's private character. This was untrue; Mr. Robson was quite competent to look after his own character.

## STANDING COMMITTEES.

On motion of Hon. Mr. Robson, the standing committees on railways and on mining were fixed as previously announced.

## CONTAGIOUS DISEASES OF ANIMALS.

The House went into committee, Mr. Smith in the chair, to consider a bill to prevent contagious diseases among animals. The committee reported progress; to sit again on Monday next.

## SUPREME COURT REFERENCE ACT.

The bill was read a third time and passed.

## INJURIES TO WORKMEN.

Hon. Mr. DAVIS, after explaining the principles of the bill to secure compensation for workmen under certain circumstances, moved its second reading.

The bill was read a second time and committed, with Mr. Martin as chairman. They will report on the bill with amendments; report to be considered on Tuesday.

## EIGHT HOURS A DAY.

On the debate upon Mr. Beaven's resolution being resumed.

COL. BAKER contended that the enactment of such a law as that proposed would be detrimental to the interests of the workman. The passage of such a resolution as that offered meant, practically, an increase of taxation, of which the Government would have to pay their part. If the Government paid the same for eight hours' work as for ten, they would not receive the same value for the money, and up the taxes would have to go. From Government work the principle would spread to private interests, and the effect at the present time would be disastrous to the interests of the province. A reduction of the hours of labor would, to be successful, have to be an international arrangement. If this resolution was passed it would be introducing the thin edge of the wedge of socialism. The adjustment of the differences between labor and capital would have to be solved soon, but the solution, too, would have to be something for all nations to deal with. For one to attempt the work of reducing the hours of labor would prove disastrous to that nation's commerce. He should certainly vote against the resolution.

Hon. Mr. BEAVER spoke at length in support of the original motion, and Mr. CROFT replied, denying the conclusions drawn by the leader of the Opposition in regard to the success of the eight-hour system in Australia, and also denying that more work could be done in eight than in ten hours.

Mr. HALL spoke briefly in favor of the resolution of the question to a select committee for investigation. He believed that this was the proper course to pursue, although the eight hours a day cry was a popular fad.

For the same reason private contractors would not be injuriously affected through the eight-hour system on Government works, and the resolution is not an interference with trade and commerce.

These grounds, contrary to my first impression, I now hold to be sound. The resolution is within the powers of the House. The point of order taken by the hon. member for Cowichan (Mr. Croft) is as to the admissibility of the resolution moved by the honorable member for Victoria (Hon. Mr. Beaven).

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for him to devote to manual labor, was the real question to consider.

The debate was adjourned, on motion of Hon. Mr. Davis.

The House rose at 5:45 p.m.

## NOTICES OF MOTION.

By Mr. KELLIE—To move for a select committee, to consist of Semlin, Brown, Smith, Cotton and the mover, to take into consideration all matters referring to the Kootenay reclamation reserve scheme, with power to ask for papers and all other evidence that may be deemed expedient, and report to the House.

By Mr. SEMLIN—To move for copies of instructions sent to the commissioners appointed to carry out vote 192 b of last session, together with all correspondence in relation to the question.

## QUESTIONS.

Mr. SMITH, to ask the Provincial Secretary, in relation to the intention of the Government during the present session to introduce a bill to extend the boundary of Yale district for all governmental purposes, so as to include that portion of Lillooet district which is now, according to the Constitution Amendment Act, 1890, included in Yale district, for election purposes.

SIXTH DAY.  
TUESDAY, JAN. 27, 1891.

The Speaker took the chair at 9 o'clock.

## NEW BILLS.

Dr. MILNE introduced a bill to amend the Sunday Observance Act. Second reading Monday.

Hon. Mr. DAVIS introduced a bill to make certain provisions respecting municipalities; also bills to amend the Land Registry Act, to amend the Lumber Act, and to further amend the Supreme Court Act.

## VANCOUVER JUDICIAL DISTRICT.

Mr. HORNE moved, seconded by Mr. COTTON, "that it is expedient to make the City of Vancouver and a portion of the New Westminster District into a new Judicial District, to be known as 'Vancouver Judicial District,' with headquarters at the city of Vancouver. Said new district to be bounded as follows:—Commencing at Point Grey; hence in a south-easterly direction following the coast line to the North Arm of the Fraser River; thence along the north shore of the North Arm to the south-east corner of lot 331, group 1, New Westminster District; thence due north to the north-west corner of lot 69, group 1; thence due north to the north-east corner of lot 8, group 1; thence due south to the southwest corner of lot 5, group 1; thence due east to the northeast corner of lot 113, group 1; thence due south to the southwest corner of lot 170, group 1; thence southeasterly along the southern boundary of lot 170, group 1, to the Coquitlam river; thence across said river along its eastern bank to its junction with the Fraser river; thence northeasterly following the right hand bank of the Fraser river to the mouth of Pitt river; thence following the western bank of Pitt river and lake to the extreme northern point of Pitt river; thence on a line due north to the northern boundary of New Westminster district; thence westerly along the northern boundary of the said district to the shore of Desolation Sound; thence following the western boundary of the district to the place of commencement."

While the resolution was being read a number of maps showing the district were distributed. The mover explained the advantages of and the necessity for making the proposed judicial district, with all necessary facilities. Vancouver being the only city in the province which was not a judicial district, all the legal business of the city had to be transacted at New Westminster, a circumstance which was productive of great expense, delay and trouble. The Vancouver press, he noted, viewed the proposition with great favor. Vancouver being the largest and most populous city of the province, it was growing at that time, and he was disappointed that the Attorney-General had not been able to say that he had, since then, laid the matter before the Dominion Government. He favored the adoption of the resolution, suggesting that a notice of motion be given for the production of all papers and correspondence had with the Dominion Government on the subject.

The resolution as amended by Mr. Brown was then adopted.

Hon. Mr. DAVIS Bill to secure compensation for permanent injuries suffered by workmen in certain cases was reported amended, read third time and passed.

## THE EIGHT-HOURS QUESTION.

On the resumption of the adjourned debate on Mr. Beaven's motion relative to eight hours a day's labor on Government work.

Hon. Mr. DAVIS remarked that there was a great deal more information to be obtained on this subject, and he therefore favored the proposition to have a committee to report. He spoke of the matter being in, as yet, a very unsettled and unsatisfactory condition. There were a number of questions which he should like to put to the leader of the Opposition, were the subject referred to a committee. Among them was, whether or not the leader of the Opposition when in office had reduced the hours of labor of the clerks and increased those of the working men employed by Government by as much as three hours. There was other interesting evidence which the member might probably be able to give.

Hon. Mr. BEAVER said he could not answer that question from memory. If he had done, as alleged, years ago, that was no reason why he should do so now.

Hon. Mr. DAVIS continued, that the thing he wanted to know was whether the leader of the Opposition would withdraw his motion, and let there be a fair and full inquiry into the subject. On an important motion like this, there ought not to be a divided vote. He wished to have the subject approached from the point of view of the public, and not merely of the laboring men.

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periodical circuits. After the passage of the bill in 1879, the Government appointed two additional Supreme Court judges—McCreight and Robertson, the latter, on his death, being succeeded by Justice Walkem. Nominally, Justice Gray was appointed to Westminster, Justice McCreight to Cariboo, and Robertson here nearest to his work. Justice McCreight, however, took the position that he accepted the judgeship without limit as to residence. The matter was brought before the Supreme Court, which affirmed that the bill could not limit the residence of judges appointed under the old Act. So the matter continued, until an arrangement was effected by Sir Alexander Campbell who relieved Judge McCreight from living in Cariboo, and he had since resided in New Westminster. Justice Walkem's residence was at Kamloops, but having more to do in Victoria than in his district he was compelled to reside in the city of Victoria. The other three judges resided here. The New Westminster district had therefore only one resident judge, and very properly complained. He would not say that the resolution would have the effect desired, as the decision lay with the Dominion government, to show how little provincial legislation was considered binding, there need only be considered the cases of Judges Gray and McCreight. The former's position was never combated, and as to Cariboo, the local law was a dead letter. He was afraid that all would simply come down to a matter of arrangement with the Dominion government. He thought that more would be effected by a resolution in favor of a strong report to the Dominion government as to the residence of another judge in the District of New Westminster. It was only a few days ago that the Government received a communication on the subject, saying that correspondence was going on, but it was impossible to say what would be done. He could assure the House that the governments, both of the Dominion and of the Province were not blind to the necessities of the case. There was a great amount of work at Vancouver, New Westminster and the outlying districts, but not as much as on Vancouver Island and in Victoria. It, however, amounted to about 75 per cent. of it. There was, he must say, more necessity for a new judge in New Westminster than for four in Victoria. That, however, was a question for the Dominion government to decide. He thought that the passing of the resolution would do no good the Government would not oppose it. The resolution would have no opposition from the Government. Each member of it would vote as he pleased individually. Personally, he agreed fully with the principle of another judge in the District of New Westminster. The members were possibly aware that there was a great necessity for the accommodation asked for. Vancouver was growing very fast, and it was but natural and right that it should ask for accommodations of this kind. He hoped the resolution would pass so as to strengthen the hands of the Government in the matter. A large community like the one in question was entitled to a judge, it being a great grievance that its people should be compelled to send to New Westminster to have their legal business transacted. Their defaulting debtors should be allowed such facilities for leaving the country before a process could issue against them. As far as possible, judicial facilities should be extended to that important section of country. He thought the present an opportune time to approach the Dominion Government on the subject, backed as the claim would be by a resolution of the House.

Mr. COTTON said it was not necessary for him to say anything in support of the resolution which, he trusted, would be carried as amended.

Hon. Mr. BEAVER said that, last session, he had brought up the matter, and he was disappointed that the Attorney-General had not been able to say that he had, since then, laid the matter before the Dominion Government. He favored the adoption of the resolution, suggesting that a notice of motion be given for the production of all papers and correspondence had with the Dominion Government on the subject.

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