RETURN

To an Order of the House for a Return of copies of all correspondence between the Government and any person whatsover, in connection with the employment of Chinese or Japanese labour below ground in the metallurgical mines of this Province.

JAMES BAKER,
Provincial Secretary and Minister of Mines.

Provincial Secretary's Office,
28th February, 1898.

Letter from C. B. Rabson to the Attorney-General, dated 15th September, 1897.

Under the "Mine Labour Act, 1897," clause 12 prohibits Chinese underground in metal mines. I proceeded to lay information against R. Blewett, Manager Van Anda Mine, before A. A. Forbes, J. P. Said J. P. refused to take the information on the ground that said Act was not constitutional.

I might add that the said Forbes is living in Blewett's house, Van Anda, and same is the place to apply to the Dr. for a summons. There I was accosted by E. Blewett and ordered out of the Doctor's office.

Such is the state of affairs at Van Anda. Kindly inform me how to proceed in this matter against the Manager of Van Anda, since Dr. A. A. Forbes, J. P., has refused to take the information. Said Manager Blewett is an American citizen. Trusting you will inform me by return.

Letter from Deputy Attorney-General to C. B. Rabson, dated September 17th, 1897.

I have the honour to acknowledge the recept of your communication of the 15th inst., asking instructions how to proceed under the "Inspection of Metalliferous Mines Act, 1897,"

I beg to call your attention to section 34 of such Act and also to recommend that proceedings, if any, be taken before a Justice other than one residing on the mine and under the same roof as the Manager.

Letter from A. A. Forbes, J. P., to Attorney-General, dated 15th September, 1897.

I beg to inform you that a party came to me to lodge information against the Van Anda Mining Co., of Texada, the complaint being the above Company are employing Chinamen underground in defiance of the law. Consolidated Statutes, 1897, Cap. 27, Act 12.

Having heard that there has been a decision given in the Courts against the above Act I deemed it best not to take the information until I could communicate with you on the subject.

Will be obliged for instructions on the matter. This question is of grave importance up here amongst the miners.

Letter from Deputy Attorney-General to A. A. Forbes, J. P., dated September 18th, 1897.

In reply to your communication of the 15th inst., respecting proceedings under section 12 of the "Metalliferous Mines Inspection Act, 1897," I have the honour to inform you that a case raising the constitutionality of a similar provision in regard to coal mines, stands for hearing at the next session of the Supreme Court of Canada at Ottawa.

I would further draw your attention to section 34, of the same Act, which requires the prosecution to be instituted by an Inspector under the Act, or with the consent in writing of the Minister of Mines.

NANAIMO, B. C., 4th January, 1898.

DEAR COLONEL BAKER,—I am informed by reliable correspondents on Texada Island that Mr. Blewett, of the Van Anda mine, is discharging all of his white miners and substituting in their places Chinese miners, contrary to the spirit and provisions of the "Metallurgical Act" passed last session. From what I can learn the wages of the whites were reduced to the sum of $2.00 per diem, out of which $1.00 per diem was deducted for board. Apart from the attempt to lower wages which, of course, is a matter strictly of the company's concern, but which in the interest of labour should, if possible, be prevented, I am also told on the very best authority that previous to the last visit of Mr. Carlyle, most of the miners were Chinese, and further *that not one of these heathens was possessed of a mining licence*, whereby the Province lost a considerable sum to the revenue. Mr. Bate, the assessor and collector for the district of North Nanaimo, collected a poll tax which, by the way, was paid by Mr. Blewett with or by a cheque which, on presentation at the bank, was refused acceptance, and it was some time before the amount was finally made good. From all I can hear they are a "snide" outfit, and of little good to the country. What I would take the liberty of suggesting is that some person be authorised to at once proceed to Texada, and if any difficulty is found in enforcing the "Act" so far as it deals with "Chinese" above or below ground, that he (the authorised person) should at least see that no Chinese person is allowed to work around the mine unless he has paid and has the necessary licence to do so. But some steps should also be taken to guard against impersonation. There cannot be the least shadow of a doubt but that each and every Chinese person will (and be assisted to a certain extent by the Company) endeavour to make one licence do duty for more than one. In fact, I very much fear that some attempt might be made to make these licences, the property of the company should the original owner leave the employ, to do duty for any that might take their places. In the meantime much dissatisfaction has existed among the white miners during the whole of last summer because they have been compelled to have licences while the Chinese have escaped "scot free." I am not surprised at it. I hope that this matter will receive the attention of the Department so that the miners of Texada Island may have their minds disabused of the idea that the laws of this country are, so far as the Government is concerned, administered only in the interests of the Mongolian. The remarks that I have made allude, with equal force, to other parts of the Province where Chinese are permitted to work in metalliferous mines.

Wishing you a happy and prosperous New Year, believe me to be

Yours, etc.,

(Signed) W. WYMOND WALKEM.

Lt.-Col. the Hon. James Baker,
Minister of Mines, Victoria, B. C.

PROVINCIAL SECRETARY'S OFFICE,
VICTORIA, B. C., 10th January, 1898.

DEAR SIR,—I am in receipt of your letter of the 4th instant in relation to the collection of mining licences from Chinese working in mines.

I am forwarding a copy of your letter to Mr. Bray, with instructions to look closely into the matter.

I am, etc.,
(Signed) JAMES BAKER,
Minister of Mines.

W. Wymond Walkem, Esq., M.P.P.,
Nanaimo.

PROVINCIAL SECRETARY'S OFFICE,
VICTORIA, B. C., 11th January, 1898.

SIR,—I am directed by the Minister of Mines to forward, herewith, for your information, a letter from Dr. W. W. Walkem, M.P.P., in which he represents that Chinese are being employed at the Van Anda mine on Texada Island, contrary to the provisions of Section 12 of the "Inspection of Metalliferous Mines Act, 1897."

The Minister desires that you will cause inquiry to be made respecting the correctness or otherwise of the said representation, and report to him the result of such inquiry.

I am, etc.,
(Signed) A. CAMPBELL REDDIE,
Deputy Provincial Secretary.

M. Bray, Gold Commissioner,
Nanaimo.

GOVERNMENT OFFICE,
NANAIMO, B. C., January 13th, 1898.

SIR,—I have the honour to acknowledge yours of 11th instant, enclosing W. W. Walkem's letter in reference to the Chinese employed in the Van Anda Mine on Texada Island. I beg to state that I have heard from parties that the Company have discharged the white miners because they would not work for $2.00 per day, and are now employing Chinese. This company were employing Chinese last October when I was up on the Island, and I then called their attention to the "Metalliferous Mines Act,", and I also called their attention to the "Mineral Act," section 8, and said I required a Free Miner's Certificate from all of their workmen, but they were hard up at the time and I could not get the money from them, but would give me a cheque for the amount, but having $140.00 worth of cheques at that time which the banks refused to honour, I did not want any more on that line; but last month they squared up the cheques, and I think they are in funds now. If you think it advisable, I can go up or send a constable to make these collections for their Chinese Free Miner's Certificates and lay an information under the "Metalliferous Mines Act of 1897." I purpose going down to Victoria to-morrow, and I will call on you either to-morrow or the following day and discuss the matter and receive your instructions.

Yours, etc.,
(Signed) MARSHAL BRAY,
Gold Commissioner.

P.S.—Find enclose Walkem's letter, as per your instructions.

M. BRAY, *G. C.*

A. Campbell Reddie, Esq.,
Deputy Provincial Secretary, Victoria, B. C.

PROVINCIAL SECRETARY'S OFFICE,
VICTORIA, B.C., 18th January, 1898.

SIR,—With regard to your letter of the 13th instant respecting the reports that have reached you as to the employment of Chinese at the Van Anda mine, and intimating that on a previous occasion you had called the attention of the Company to section 12 of the "Inspection of Metalliferous Mines Act," I have to request that you will take steps to ascertain if the Company are infringing the provisions of the said section, and in that event to proceed by laying an information as provided for in the said Act.

I am, etc.,
(Signed) JAMES BAKER,
Provincial Secretary and Minister of Mines.

The Gold Commissioner, Nanaimo.

NANAIMO, B. C., 26th January, 1898.

DEAR SIR,—With regard to the employment of Chinese in the metallurgical mines on Texada Island, I fancy that some difficulty may arise in the application of the penalty, from the indefinite directions as contained in the Act; but I see no difficulty in the collection of the mining licences from these Chinese and their punishment for not having them. I understand the Raven mine was worked by Chinese last fall, and I cannot understand why the Chinese who worked in that mine were not compelled to take out mining licences. Not only is the employment of Chinese in these mines detrimental to the country, and especially to the labouring element who are living in it and helping to build it up, but the permitting of these Chinese to work in the mines without taking out the necessary licence, which is exacted so strictly from whites, does not give the labouring element that confidence in the administration of even-handed justice in the Province which they should have. I am not one of those who are inclined to allow Americans to come in here and practically set our laws at defiance, and I feel certain that you, as Minister of Mines, will take the same stand, but it is a matter of regret that the collection of this part of the revenue from these miserable Chinese should not have been attended to before this, as I feel certain that many of them will escape the tax altogether. At any rate these Americans, who would not be here if it were not for their own benefit, ought to be taught the lesson that their Chinese friends must contribute to the revenue of the country.

I am, etc.,
(Signed) W. WYMOND WALKEM.

Lt.-Col. Hon. James Baker,
Minister of Mines, Victoria, B. C.

PROVINCIAL SECRETARY'S OFFICE,
VICTORIA, B. C., 29th January, 1898.

DEAR SIR,—I am in receipt of your letter of the 26th instant in relation to the collection of mining licences from the Chinese, and I have already given instructions to the Government Agent to ask his serious attention to the subject.

I am, etc.,
(Signed) JAMES BAKER,
Provincial Secretary.

W. Wymond Walkem, Esq., M.P.P., M.D.,
Nanaimo.

PROVINCIAL SECRETARY'S OFFICE,
VICTORIA, B. C., 29th January, 1898.

DEAR SIR,—I enclose copy of letter received from Dr. Walkem, and shall be obliged if you will give your close attention to the subject without delay.

I am, etc.,
(Signed) JAMES BAKER,
Provincial Secretary.

Marshal Bray, Esq., Government Agent, Nanaimo.

NANAIMO, B. C., January 29th, 1898.

SIR,—I have the honour to state in reference to your consent of 18th inst., to lay information against the Manager or Agent of the Van Anda Copper & Gold Co., Limited, if they were employing Chinese under ground in contravention of the provisions of section 12 "Inspetion of Metalliferous Mines Act," that I sent Provincial Constable McIndoo to Texada Island on 27th inst. He went to the Van Anda Co. mines and found them employing 8 or 10 Chinese below ground. McIndoo got the names of two Chinese and the names of two white men to be used as witnesses for the prosecution, and the name of the present Manager or Foreman, as Mr. Blewett, the supposed Manager, is in Chicago. McIndoo then went to the local Justice of the Peace, A. A. Forbes, who lives on Texada Island, to lay the information, and gave him my letter explaining that your consent was given to me to institute the prosecution, and that all I wished (to save time and the expense of another trip to Texada) was for him to take the information, and that Mr. Bate would hear the case either on Texada Island or here in Nanaimo. Mr. Forbes positively refused to take the information which McIndoo had prepared for the prosecution of said Company, on the ground that he, Forbes, personally had no written consent from you that a prosecution should be instituted and that he did not care to whom your consent was given, but that he must have your consent to him personally. Now, this is a very strange action of Mr. Forbes, as he was not asked to institute a prosecution but only asked, as a Justice of the Peace, to take the information.

If I understand the Act aright, prosecution is instituted and at the hearing if such consent could not be produced, the Justice hearing the case would, of course, dismiss the same. This stand taken by Mr. Forbes is certainly incomprehensible unless he is interested in the Van Anda mine, and in that case his action is perfectly plain but very foolish. Mr. Forbes takes another point for the defendants, namely, that the Manager, Mr. Blewett, is away and the man now in charge of the mine, E. Reed, is not Manager, but Mr. McIndoo questioned Mr Reed, and Reed says he is the Foreman of the mine and that he hires and discharges the men. Now, in this case, if he is not the Manager he is the Manager's agent and has control of the mine during the Manager's absence, and will come under section 29 of the Act in any case. Now, Mr. Forbes' action in this matter puts the Government to more expense, as the constable will have to lay the information here and go up to Texada on Thursday next, the 3rd of February, to serve the summons on Mr. Reed and on the witnesses for the prosecution, and either Mr. Bate will go up to Texada afterwards to hear the case, or have it tried here in Nanaimo. If the case is heard on Texada, I will have to go up to prove your consent, and I cannot very well spare the time, therefore I think the case had better be heard in Nanaimo as no doubt the defendant will want counsel. Please let me know if this is agreeable to you and also please to let me know if Mr. Reed is to be prosecuted as manager or agent, and please to let me know if, under the circumstances, on or before Wednesday next, the 2nd February, I shall go on with the proceedings in order that I may send the constable up on Thursday morning next. If you have not time to write please wire yes or no. I might state that the miners on Texada are considerably worked up about the action of Mr. Forbes in this matter, and he has not helped himself any by informing them that he proposes writing to you to have the proceedings stopped. Mr. Forbes is living in the Van Anda Company's house and probably he feels himself under obligations to them, but his actions and conduct have always been, to say the least, very erratic.

I have, etc.,
(Signed) MARSHAL BRAY,
Government Agent.

The Honourable James Baker,
Minister of Mines, Victoria, B. C.

NANAIMO, B. C., 30th January, 1898.

DEAR SIR,—Since my last communication to you Constable McIndoo has returned from Texada Island, whither he had gone for the purpose of laying information against the Van Anda Co. for a breach of the "Metallurgical Act" in employing Chinese below ground. He was unsuccessful in his mission, not in the lack of the necessary evidence on which to lay an information, but in getting your latest appointee to the position of J. P. to take the information. I understand he positively refused to take it, on grounds which I suppose will be reported to you by the Gold Commissioner. I was not surprised to hear this, as I had been informed by a resident there that if the J. P. took any information his residence there would be of short duration, as he is, so I understand, under the thumb of the foreman or manager of the Van Anda Mine.

When this so-called Dr. (?) Forbes was gazetted a J. P., I was perfectly amazed at the designation used by the Government, who styled him M. D. against the provisions of the "Medical Act." If I am not very much mistaken, this Dr. (?) Forbes is an American citizen, who canvassed the island with a petition for his own appointment, with a statement in his mouth that the Government intended to divide the district in two, and that it was therefore to the interests of those settled there to have him Dr. (?) Forbes, appointed to the Commission of the Peace. This man is not on the Medical Register of this Province, and consequently when he calls or styles himself an M. D. he is violating the Act. I am also told by a large majority of those who signed the petition that they would not have done so only that they did not like to refuse, as he had the petition in his own hand asking for signatures. Cranks of this description are better off the list of those holding Her Majesty's Commissions of the Peace.

I hope the Government will see their way to push this violation of the Act to the fullest extent of the law, and that they will go a step further and see that the companies employing Chinese are made accountable for the necessary licences which are so carefully collected from the white miners.

The employment of Chinese below ground in any mine is a souree of danger, and their presence in a mining camp a curse to the country.

I am, etc.,
(Signed) W. WYMOND WALKEM.

Lt.-Col. Hon. James Baker,
Minister of Mines, Victoria, B. C.

PROVINCIAL SECRETARY'S OFFICE,
VICTORIA, B. C., 2nd February, 1898.

DEAR SIR,—I am in receipt of your letter of the 30th ultimo, in reference to the employment of Chinese in the Van Anda Mine, and also calling my attention to the conduct of Mr. Forbes, J.P., in regard to the action taken by Mr. Bray in accordance with my orders.

The matter of the conduct of Mr. Forbes will be laid before the Attorney-General for his consideration, and you will have already learned that Mr. Bray has been given full instructions to take action in the matter.

I am, etc.,
(Signed) JAMES BAKER,
Provincial Secretary.

W. W. Walkem, Esq., M.D., M.P.P.,
Nanaimo.

PROVINCIAL SECRETARY'S OFFICE,
VICTORIA, B. C., 16th February, 1898.

SIR,—Adverting to correspondence relative to the violation of the provisions of section 12 of the "Inspection of Metalliferous Mines Act" by the Van Anda Company, and more particularly to your letter of the 29th ultimo to the Minister of Mines in the said connection, I am directed to forward for your information the enclosed copy of a letter from Dr. A. A. Forbes, J. P., reporting to the Attorney-General his reasons for declining to take the information laid in pursuance of the said Act.

I am, etc.,
(Signed) A. CAMPBELL REDDIE,
Deputy Provincial Secretary.

Marshal Bray, Esq., G. C.,
Government Agent, Nanaimo.

Letter from A. A. Forbes, J.P., to Attorney-General, dated January 8th, 1898.

Provincial Constable McIndoo, from Nanaimo, came before me to-day to lay information against the Van Anda Copper and Gold Mining Co., for working Chinamen underground in defiance of section 12 of Metalliferous Act. He brought a letter from Hon. M. Bray in which Mr. Bray said that he had received written authority from Minister of Mines to lay such information.

I find, under section 34 of same Act, it is required that the person laying the information must have the consent, in writing, of the Minister of Mines or that the prosecution be instituted by Inspector of Mines.

Mr. Bray's letter being unofficial, and the constable who came not being in possession of a written authority from Minister of Mines, I did not deem myself justified in taking the information.

I, therefore, pray that you will give me such instructions as will enable me to act according to law in this case.

I beg to draw your attention to correspondence of September 15th and 18th of this same case. On receipt of yours of September 18th last, I had an interview with Mr. Blewett, manager of the Van Anda Co. He stated to me that he would not work Chinamen underground any more. He discharged a number of his Chinamen, and retained a few to do surface work.

Since that date no Chinaman has worked underground except in the third week of December last, when a number of the white men quit work, leaving the shaft, which they were then timbering, in a dangerous condition of caving in, as its walls were loose and surface water forcibly falling.

Mr. Blewett was then absent, and the foreman had no alternative but to put a few Chinamen in for a few shifts to get the timbers in place and save the mine from caving in. He wrote at once to Mr. Blewett, stating the case and asking for more men. Men were sent at once and the Chinamen were displaced, and from that time to date no Chinaman has worked underground.

I am personally acquainted with these facts and state them in case they should have any bearing on the instructions you give me on the case.

VICTORIA, B. C.
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