

# The Daily Astorian

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## THE MISADVENTURE OF BRITISH COLUMBIA.

The minister of justice of the Dominion of Canada has informed the premier of British Columbia that the act of parliament of that colony, imposing a head tax of \$50 on each Chinaman seeking an entrance, is disallowed. The ruling comes in time to let in a large cargo of coolies from the way of Victoria. British Columbia, at present in an evil hour for herself, cast in her lot with the Dominion. The consideration was a railroad, which has not yet been finished, and is not likely to be for a long time to come. Previous to the annexation, British Columbia was a vast unpopulated territory, and was not to be called an independent colony. It was competent for it to enter upon any legislative policy which might be considered to be essential to its welfare, subject only to the imperial government of home.

But by the union with Canada the supreme direction of affairs appears to have been transferred to Ottawa, but on what principle cannot be determined. The act excluding the Chinese, if anything, was an act laying a bearing on imperial rather than Canadian policy. Canada, being a colony itself, can have no distinctive foreign relations. There is no treaty between Canada and China. But whether the power to disallow the act in question lies properly at the capital of the Dominion or not, it has already been exercised. A former act of the British Columbia parliament was disallowed some years ago on the ground that Chinese laborers are needed for the construction of the Canadian railway. The chances are that the disallowance now is based on supposed to be based on a like consideration.

But the imperial government itself has been more tender of the wishes of the colonies than Canada shows herself to be of those of her latest acquisition—that is to say, British Columbia. The act passed by some of the British Columbia parliament which is a much as get capitation tax on Chinese for the purpose of excluding them, was first negatived in London. But when they were passed a second time the imperial government acquiesced and permitted them to go into operation. It is an error in the first place to assume that there is any treaty between England and China which permits Chinese immigration. The United States is the only civilized nation that possesses a Burlingame treaty. The diplomat who imposed that compact on us, and who changed his allegiance to do so, made a demonstration on several European nations, for the purpose of extending that one-sided arrangement, but the sentimental pyrotechnics were fired off without the least effect. The long-headed statesmen in those countries are not much in the habit of going off at half-cock. What he induced us to do, was to concede to the Chinese privileges accorded to other foreigners, and accept in return the privileges accorded by China to all others. But the privileges are not equal. Foreigners in China must reside in the treaty ports; they cannot travel in the interior without passports; and can only engage in certain lines of business. Furthermore, we had all these privileges before the advent of Burlingame, under the "most favored nation" clause, usual in all treaties.

But even if there was a treaty in the way it would not be an insurmountable bar to exclusion. The average editor will get it into his head some time before the millennium that in this country and in England the last act of the congress or parliament is the expression of the national will. If it conflicts with any treaty the treaty goes to the wall. This is the law in this country repeatedly laid down by the supreme court of the United States. That it is the practice in England is sufficiently proved in the recent passage in parliament of an act modifying the extradition treaty with this country, and that without asking our leave. The remedy for the country whose treaty is so modified is the *ultima ratio*, but that is something which the nature of things, would not be resorted to except in the most extreme cases. But the act of imposing a head tax of \$50 on each Chinaman seeking to enter the colony is not the only act passed by the parliament of British Columbia, on the subject under discussion, at that time. A second was formulated which, as it relates to matters of internal police, ought to impart validity to it, unless by the act of union, British Columbia surrendered absolutely its right to self-government.

The act imposes a tax of \$10 upon every Chinaman over 14 years of age in the province, and a yearly tax of \$10 as long as he remains. Any Chinaman found without a license is to be fined \$40. Every employer of Chinese is to furnish a list of those in his pay. Every toll-gate keeper is to make the passing Chinese exhibit his license. Any person employing Chinese without a license is to be fined \$50. The price of a miner's certificate for Chinese is fixed at \$15 per annum. The penalty for evasion is \$30. These facts are recited to show how the Chinese are dealt with in her countries.

But though balked for the time in his efforts to shut the door against the Chinese interlopers, British Columbia will be very apt to succeed in the long run. The Chinese are gathering so rapidly there that pretty soon it will be a question of life or death for the whites. But while Chinese exclusion is struggling to become the rule among our neighbors on the northern frontier, the people adjoining us in the south are not idle. They have imposed an admission fee of \$65 on coolies at Guaymas. The Mexicans are always very sharp in the collection of taxes. There will not be much dodging or evasion allowed down there. Whenever the yellow barbarian makes his appearance the bars are put up. It has been so for centuries, and is so to-day. The reason is that he is an invader rather than a settler; that he is unimpressible and unassimilable; and that he is given over to unspok-

## PRIVATE DETECTIVE WORK.

The announcement was made a few days ago of the arrest, in Marshfield, Or., and subsequent arrival in this city, in charge of Rufus Smith of Arizona, of Cicero Grime a notorious desperado, who was wanted in Arizona to serve a twenty-one years term in the penitentiary, having been convicted of implication in a stage robbery near Globe City, in August, 1882, when \$5,000 was stolen and Andrew Hall, Wells, Fargo & Co.'s messenger, and Dr. Vail were killed. The supposed desperado and assassin, a very mild appearing country boy of about twenty-three years of age, apparently a write-wall cell at the city prison for a few days past, an object of some curiosity. Yesterday, however, the astounding discovery was made that the prisoner was not Grime, at all, but Robert Alexander, a native of Whittier Island, Puget Sound, and of respectable parentage and character. He stoutly asserts his innocence and several persons yesterday, among others Detective Hume of Wells, Fargo & Co., and the superintendent of the private insane asylum at Stockton, from which the original Grime escaped, saw the prisoner and announced that there had been a mistake and this was not Grime. A private investigation was taken in custody of the man, and it was found that he was working in the Portland Ice company's works. About the 1st of February, 1884, he went to Coos Bay, and being a stranger there sought employment of a painting firm. He was at work painting on a house on the 2d ultimo when he was taken in custody by L. V. Pierce, a private detective who keeps a drugstore at Marshfield. Notwithstanding his assertions that he is not Grime, he was lodged in jail and the authorities in Arizona notified. A sister of Cicero Grime, a Mrs. Latt, residing in Oregon, heard of his arrest, and believing he was her brother, secured his release on a writ of habeas corpus. He was immediately re-arrested, and again thrown in a cell. He was taken into court and Mrs. Latt positively swore that he was not her brother. He was kept in jail, however, until the arrival of the officer from Arizona and has now been in custody thirty-seven days all told.

Yesterday morning Detective Hume, representing Wells, Fargo & Co., the losers by the tragical stage robbery, and the most active in the prosecution of Grime, decided, after consultation with Chief Crowley, to have Counsellor Alfred Clarke of the police department take necessary steps to secure the release of young Alexander, who was so unfortunate as to bear a strong resemblance to the notorious Arizona outlaw, for all parties concerned, even Smith, the officer in charge, were fully convinced that he had been misled and Alexander's assertions were true. So, under these instructions, Mr. Clarke sued out a writ of habeas corpus in the United States circuit court before Judge Sabin, and the case was set for hearing forthwith. The application was made in compliance with the recent decision in the Robb case, on the grounds that this was not the man, and that the warrant of the governor of Arizona was invalid as it failed to state that the man wanted had been indicted.

The prisoner was placed on the witness stand and narrated the story of his life, his capture and trip to this city, in substance as above. The superintendent of the asylum from which the genuine Grime escaped testified that Alexander was not his former patient. Detective Hume said he had investigated the case, was satisfied the wrong man was in custody, and in behalf of Wells, Fargo & Co., asked for his release.

Smith, the officer who brought the young man down, said that acting under instructions, and by authority of the necessary papers from the governor of Arizona Territory to the governor of Oregon, he had received the prisoner from Sheriff Lane of Coos county, who had taken him into custody about April 1st, on a requisition, believing him to be Grime, the man wanted. Since coming to this city, Smith said that persons that knew Grime had failed to identify the man as him, and he himself was satisfied that he had the wrong man.

Judge Sabin, after hearing this evidence, said he would not rule upon the point raised as to the validity of the warrant, for it involved grave questions and was not necessary at this time, for he said he thought the evidence sufficient and also because the state officer in charge of the prisoner raised no objection, but conceded he was the wrong man, to warrant the discharge of the prisoner, and it was so ordered. The judge will arrange his written opinion on the case, as the points involved are important, relating as it does to the question of the right of a court to release criminals on route, on sufficient showing as to their identity.

Alexander, of course, was very glad to be at liberty again, but he still is far from home, without money, and it is not known that any provision has been made for his return to the place from which he was forcibly removed.

—S. F. Bulletin.

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