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The Semi-Weekly Colonist.

VOL. L. NO. 342. VICTORIA, B. C., FRIDAY, APRIL 8, 1910. FIFTIETH YEAR

ANTI-BETTING BILL COMES UP

House of Commons Starts Debate on Measure Proposed by Mr. Miller — Mr. Monk's Amendment Offered

INTENDED TO BE AN ALTERNATIVE

Hon. Clifford Sifton Speaks in Opposition to Miller Bill—Vote Expected to Be taken in the House Today

OTTAWA, April 6.—Miller's anti-racetrack gambling bill got a fair start in the house, and at the hour of adjournment was still running. It did not have any too enthusiastic a reception.

The greatest blow the bill got came late tonight, when Hon. Clifford Sifton, in an able speech opposed it as being unwise legislation aimed to take away the liberty of the subject and framed to make it a criminal act to do what some of the most reputable citizens were doing every day. Mr. Sifton, whose voice is rarely heard in Parliament nowadays, spoke effectively and with the old-time vigor which brands his utterances as having thought behind them, and he had an attentive audience while he dilated on the reasons why the measure in its present form should not pass.

An amendment which was moved by Mr. Monk in the special committee which spent some weeks in hearing evidence was moved by J. B. McColl. This amendment, which is intended by those who support it to be an alternative to the Miller bill, strengthens the present law against pool rooms, handbooks and tipsters' advertisements, limits the length of race meetings to not more than eight days of consecutive racing, with two meetings a year, and does not exempt the pains and penalties of the Criminal Code to "any person by reason of his becoming the custodian or depository of any money, property or valuable thing stated to be paid to the winner of any lawful race, sport, game or exercise, or to the owner of any horse engaged in any lawful race, or to bets between individuals or to be made on the racecourse of any corporate association during the actual progress of a race meeting."

Mr. McColl moved this amendment and Mr. Sifton seconded it. The real fight comes on tomorrow, when the house will divide on the amendment.

J. MARTIN REPLIES

Declares That J. M. Clarke Is Not Good Authority on Canadian Naval Policy.

LONDON, April 6.—Joseph Martin, of British Columbia and Winnipeg renown, now member for East St. Pancras in the British house of commons, writing to the Times this morning in reply to a letter of J. M. Clarke, declares the latter's knowledge of facts connected with Canada's naval policy, with which he attempts to deal, to be very inadequate.

Mr. Martin at the conclusion of his letter, says: "Mr. Clarke refers to the parochial views of my constituents, and to many of my supporters in St. Pancras as coal heavers. I would back almost anyone of these coal heavers against Mr. Clarke in a polical discussion touching the affairs of the Empire. If his address before the Empire Co-operative League at Westminster Palace Hotel, close by the houses of parliament, a short time ago, is a fair sample of what he is capable of, to use a sporting phrase, my coal heavers could 'give him cards and spades,' and yet win every game."

New Tariff Is Blamed.

HAVERHILL, Mass., April 6—The responsibility for for the high cost of living was laid at the door of the Payne-Aldrich tariff by nearly every speaker at the annual meeting of the Massachusetts retail grocers' and provision dealers Association here today. One hundred and seventy-five delegates were present.

Interior Rifle Association

NELSON, B. C., April 6.—At a well attended meeting of the council of the Interior B. C. Rifle association preliminary arrangements were completed for its second prize meetings here on June 7-10. The prize list has been considerably increased, and a feature this year will be shooting by the Nelson cadets. The ranges will be added to and greatly improved.

Railway Work in Alberta

EDMONTON, April 6.—Grading was commenced yesterday on the completion of Tofield-Calgary branch line Camrose into Calgary. This line will be finished this year. Work has also started on the Calgary C.N.R. branch. By the end of the week there will be 1,000 men working on railway construction at this end of the province. Several hundred men are needed.

C. P. R. Liners Delayed

MONTREAL, April 6.—The announcement was made this afternoon that the C. P. R. would not proceed with the construction of the two new Atlantic liners at this time. In a conference with Sir Thomas Shaughnessy and Mr. Bosworth, after Mr. Arthur Piers had presented the plans, they were gone over, with the result that they found them unsuitable, and new ones will be prepared.

STRIKE THREATENED

Men of Building Trades in Berlin Dissatisfied With Present Hours and Wages.

BERLIN, April 6.—The officers of the government are doing what they can to avert the threatened strike in the building trades. Some 350,000 members of the Socialist federation of trades unions and the Christian trades unions, including builders, carpenters, masons, bricklayers and laborers, have rejected the wage scale offered by the master-builders. The men seek shorter hours and increased wages, and insist that the new wage tariff shall be drawn up by an equal number of representatives of employers and employees. The master-builders have declined to agree to a mutually decided wage scale.

Students and Police Fight

MONTREAL, April 6.—There was a small-sized riot at the corner of St. Denis and St. Catherine streets this evening, in which a couple of hundred Laval students and about 20 police men were engaged. The trouble started when the constable on the beat warned a student standing with a number of others on the corner to refrain from spitting on the sidewalk. The student's response was an attack on the policeman. Another policeman on a passing car saw the tumut and jumped off and went to his fellow officer's assistance. In a minute there was a free-for-all fight. Another constable arriving at once saw that reinforcements were required and telephoned for more men. They came in a hurry. By this time the policemen originally in the row were beaten up, while some of the students were also hors de combat. The number of students had greatly increased, and they had also armed themselves with eggs. They greeted the reinforcements with a fusilade, but the policemen stood their ground and finally ousted the students, some arrests being made. The fire brigade was also called out, but their services were not required.

LIMIT ON BOATS FOR CANNERS' USE

Provincial Government May Withhold Licenses Until an Agreement Is Reached—Intimation From Ottawa

VANCOUVER April 6—The provincial government, through deputy commissioner of Fisheries Babcock has notified certain salmon canneries in Vancouver that it is now considering the question of withholding operating licenses until such time as the canners reach an agreement as to limiting the number of boats fished by canneries. The operating licenses are those known as cannery licenses, and the right of the province to impose such licenses, for revenue purposes, is upheld by a decision of the privy council.

In the view of the canners, this action on the part of the provincial government does not mean that it is the intention of the provincial authorities to take drastic measures to prevent the operation of canneries until licenses are granted, rather is it the impression that the move is made for the purpose of hurrying the canners to a decision in respect to the boat limit question in line with the view of the government. The canners declare that they possess operating licenses from the Dominion government and that under these they are entitled to work their canneries though they admit that the dual licensing system makes it impolitic that offence should be given to either government.

By the terms of the decision of the privy council in respect to an eastern fishing question, in which Dominion and provincial rights came into conflict, it was recorded that the federal authority had the power to impose licenses for taxation purposes, and also had the right to pass regulations for the restriction of fishing, it was also determined by this decision that the provinces had the right to impose licenses for revenue purposes, but had no authority to restrict fishing operations by the passing of regulations.

According to a communication sent by the department of marine and fisheries at Ottawa to the canners the federal government is inclined to agree with the contention of the provincial government that a limit should be placed on the number of boats which a cannery may fish. This stand on the part of the Dominion government was so it is stated, unexpected by the salmon canners who will meet shortly to discuss the situation created by the new view of the Ottawa authorities.

Sovereign Bank May Re-open

TORONTO, April 6.—That the Sovereign Bank may again open its doors before long was the announcement made in court today, when Chancellor Boyd, in the non-jury sitings, held the hearing of the Stavert-McMillan case, which has already occupied three days.

Insurance Commission

NELSON, B. C., April 6.—The royal commission on insurance commenced its sessions here this morning. Besides the commissioners, J. H. Lawson, barrister, and A. W. Foss, secretary of the underwriters of British Columbia, were present. The sittings here will occupy some days.

Boycotted by Labor Unions

TORONTO, April 6.—At a meeting this morning of representatives of all the labor unions in Toronto it was decided to boycott the Toronto baseball team, the lacrosse team and other teams controlled by L. Solman and J. J. McKaffrey, on account of alleged unfairness to organized labor in all construction. Another ground for complaint is the fact that Mr. McKaffrey runs a non-union house.

OPPOSE CHANGES IN TARIFF LAW

Chairman Payne Refuses to Call Ways and Means Committee to Consider Bill of Representative Folker

PLAN TO RELIEVE FOOD SITUATION

Tariff Would Be Open to Amendment All Through, and Business Would Be Disturbed Too Much, Says Payne

WASHINGTON, April 6.—Flatly declining to precipitate a "tariff disturbance," by calling a meeting of the ways and means committee of the House to consider placing cattle and meats on the free list for one year to relieve the high price of food, Chairman Payne in an open letter to Representative Foelker of New York declares a majority of the committee opposes any amendment to the new tariff law.

Mr. Foelker, in a reply asks the committee to reconsider, and if it will not grant a hearing and is opposed to the bill, that it will report the bill adversely and thus give the members of the whole house a chance to say whether they are in favor or against this measure.

Mr. Payne says in his letter that he canvassed the Republicans of the committee and that they opposed the Foelker bill because they did not believe the tariff amendments it proposes would improve conditions, and that if the committee brought in such a bill and it came up in the House for consideration "the tariff law would be open to amendment in every paragraph and would disturb business so long as the result was uncertain, and halt, if not destroy the wonderful advance in business which followed immediately after its enactment. I cannot think of anything that would be more disastrous."

Mr. Payne credits the great demand for foodstuffs to the increase in business and wages and almost universal employment of labor, and says: "All the people have plenty of money, which tends to extravagance and waste."

INSURANCE POLICIES

Decision Rendered by Manitoba Judge Important to People Who Hold Them.

WINNIPEG, April 6—A decision of the greatest importance to insurance City Oil Company vs. the Standard companies and people generally was rendered today in the litigation known technically as the case of the Prairie Mutual Fire Insurance Company. It refers to the technical nature of the defence, and places responsibility on the insured to comply strictly with all details of the policy. The plaintiffs took out a policy in the defendant company on their premises in St. Boniface for $3,500. The defence raised was that gasoline was kept on the premises contrary to the provision contained in the policy.

It was contended that gasoline was an illuminating oil, and that the policy was wide enough to cover plaintiffs' general stock. There was a further point argued that the plaintiffs had not given any itemized list of the loss.

Justice Metcalfe gave judgment in favor of the defendants, holding that the defence was most technical, but the parties had made their contract. The condition was a condition precedent to the right of recovery, and the assured having made the contract must strictly comply with its provisions. Neither the want of knowledge of the effect of the contract nor the carelessness of the insured to inform himself of its contents in any way helps him in his difficulty.

The result may be startling to the community, and individuals may anxiously scan their policies to try, if possible, to find out what they mean. A written contract must be interpreted as it is found. It is understood that there will be no appeal.

RIVAL LAUNCH OWNERS FIGHT UNIQUE BATTLE

Use Their Craft to Ram Each Other While Passengers Screamed With Fright

SAN PEDRO, April 6.—War between launch owners running between this port and Long Beach has reached a stage that will probably result in interference of inspectors and possible revoking of the licenses of masters.

Yesterday afternoon while the launch Comiguin was at the Fifth street landing she was rammed by the Virginia. The Comiguin is owned and operated by Arthur Mason and the Virginia by Capt. Napier, between whom, it is claimed there has been bad blood for several months.

Mason retaliated by trying to ram the Virginia. Then the Napier rammed the Comiguin again. The Virginia was not injured, but a hole was stove in the Comiguin's bow. Each boat was loaded with about 100 passengers and women screamed and children cried. There was a heavy shock and amid the tooting of whistles by the angry boatmen fighting for landing, confusion reigned.

Another Warship Accident.

SANTA CRUZ, Cal., April 6.—A stand pipe is said to have burst on the U. S. cruiser Maryland today, killing one man. The ship sailed for San Francisco before the report could be verified.

TO BENEFIT EMPLOYEES

Western Union Company Will Devote Profits to Improvements and Wage Increases.

NEW YORK, April 6.—Improvements and increased wages for employees rather than melons for stockholders is to be the aim of the Western Union Telegraph company hereafter.

This resolution was accepted today at a meeting of the executive committee of the company in New York: "This committee recommends that no increase in the present rate of dividends be made until the plant of the company, wherever it may be found necessary, is placed in the highest possible condition; the working condition of the employees improved and their salaries re-arranged, recognising in this re-adjustment, merit, proficiency and length of service modified by location."

President Clowry, of the company, said in explanation of the committee's action: "All earnings above the present dividend of three per cent. per annum will be put into the property in order to raise it to the highest standard of efficiency. The company has plans for improving the working conditions of its employees and rearrangement of salaries. There will be no horizontal increases. Our policy will be to treat employees individually as human beings, not in bulk as a mathematical problem, rewarding merit as it deserves in all cases."

Winnipeg Tailors Strike

WINNIPEG, April 6.—The journeymen tailors all over the city walked out on strike at noon today. They are demanding an increase in pay of ten per cent. for ordinary work and an increase of nearly fifteen per cent. for what is technically known as "extras." It is estimated that over 400 men are affected by the strike. Negotiations that have culminated today have been proceeding for some months, but it was not until three days ago that the merchant tailors received any intimation that the men were likely to strike.

WOULD CHANGE CHARTER METHOD

Senator Davis Proposes to Give Power to Railway Commission—Says Too Many Charters Are Granted

OTTAWA, April 6.—The senate met today after a week's adjournment. Senator Davis moved a bill to provide for the incorporation of railway companies by the Railway Commission instead of by act of parliament, as at present. This was similar to the best practice in the United States. He saw no reason why the time of parliament should be taken up in solemnly passing charters for the authorization of railroads which never would be built and which the promoters knew would never be built. Statistics showed that from 1900 to 1909 parliament had authorized 65 companies. Outside the C. P. R., Grand Trunk, Grand Trunk Pacific and Canadian Northern there had only been 461 miles built, and that by 16 companies. This showed chartermongering. Under his bill, before a body of men could get a charter from the Railway Commission, they would have to do preliminary surveying, which would cost about $250 a mile. That expenditure would discourage chartermongering. His bill would apply to the big companies and would prevent them holding routes against rivals by only chartering them. They would have to build or let some one else do so. It would prevent overbonding of the lines, for the surveys would show the approximate cost of the road and guide the commission in authorizing bonds to an amount only which would be paid. This would prevent people buying bad bonds and work to keep down traffic rates.

Senator Davis moved that, "in view of the rapid increase of land values in the western provinces this senate is of the opinion that the school lands in these provinces should be withdrawn from sale and leased only until such time as they can be sold to the best advantage in the interests of the schools of the province in which they are situated.

Sir Richard Cartwright said that he had no objection to discussion going on, but he could not consent to the motion, which was a bald proposition to deprive the government of the control of certain lands. He was not prepared to agree to that at present.

Senator Davis said that he did not seek to take the lands from the interior department, but wanted to lay his views before that department to show it that it would be better to hold than to sell these school lands. The previous government had wisely set aside a generous portion of the public domain for the benefit of schools.

Under Pure Food Law.

NE WYORK, April 6.—Dr. Julian Thomas, balloonist and motorcar racer, was found guilty today of violating the United States pure food law in the manufacture of a proprietary remedy which the government contended was misrepresented in the published advertisements. The penalty is a fine of $20 for the first offence. An arrest of judgment pending an appeal was granted.

Czarina in Good Health

ST. PETERSBURG, April 6.—Empress Alexandra furnished the best possible refutation of the recent reports that she was in serious ill health when today she received United States Ambassador Rockhill. If one may judge from appearances, Her Majesty had duly recovered her normal condition. The audience marked the resumption of the social life of the court in full vigor, which has been suspended practically since the war with Japan. The series of formal presentations for the members of the diplomatic corps and the grand dukes and duchesses has begun.

CARDINAL GIVES VATICAN'S SIDE

Merry Del Val Says That Mr. Roosevelt Was Not Asked to Refrain From Approaching All Non-Catholic Bodies

ONLY METHODIST CENTRE BARRED OUT

Papal Secretary of State Says Question Was Simply One of Common Courtesy—Cardinal Gibbons at White House

CINCINNATI, O., April 6—In a special cablegram to the Cincinnati Times-Star today from Rome, Cardinal Merry Del Val, through Thomas Kennedy, rector of the American College in Rome, gives the following version of the Roosevelt-Vatican incident:

"When all is said and done, it was a question of common courtesy. The Holy See did not impose upon Mr. Roosevelt, as has wrongly been asserted, the condition of not approaching Methodists or other non-Catholic religious bodies in Rome. There are several non-Catholic centres in the city which do not behave in a bitterly hostile and offensive manner towards the Pope and towards everything that His Holiness and all Catholics hold most dear. The Methodist centre in Via Settembre systematically joins hands with the worst and most anti-clerical and anti-papal elements in the city, and they do so notoriously and in the most aggressive and insulting manner. Mr. Roosevelt himself has had a limited and mild sample in the declaration just published by them and which he has felt bound to deny.

"The Holy See, after the unfortunate Fairbanks incident, had reason to fear that Mr. Roosevelt, unwittingly and in perfect good faith, might be led into showing open sympathy and friendship for this hostile centre of aggression against the Catholic church in the heart of the Catholic world. Consequently, when Mr. Roosevelt applied indirectly and confidentially for an audience with His Holiness the Pope, the wish was courteously expressed that he would avoid being dragged into the objectionable position of appearing publicly to support the offensive campaign against the Pope in his own residence. Mr. Roosevelt replied, refusing all conditions or agreements, and thus allowed the possibility of his accomplishing what would be offensive to His Holiness. This was amply confirmed by his own secretary, Mr. O'Loughlin, who, when asked whether without any formal promise or expressed condition, Mr. Roosevelt would act as a matter of fact not go to the Methodist centre in Via Settembre, replied that he would give no such assurance, and that in his opinion Mr. Roosevelt was just the man to do it. In view of this attitude the audience became impossible. It is simply a question of common courtesy, and surely common courtesy is not incompatible with the rights and freedom of an American citizen."

Cardinal Gibbons

WASHINGTON, April 6—Cardinal Gibbons made an unexpected visit to the White House today, and when leaving said that the incident at Rome had been mentioned casually. "Both the President and I expressed regret over the incident," said the Cardinal, "but I assure you the mention of the affair was entirely casual."

VESSELS TIED UP

Naval Reservists Employed on the French Liners Plying Out of Marseilles Quit Work.

MARSEILLES, April 6.—The strike of naval reservists because of the employment on French liners of Arabs and others who are not French subjects, is causing serious inconvenience and financial loss. A score of ships bound for Mediterranean ports, Africa, and the east, are unable to sail. Six torpedo boats are assuring the mail service, while marines are held in readiness to make up the quota of a crew in emergency.

This afternoon the maritime court sentenced ten striking firemen each to ten days' imprisonment. The accused declared that they had left their ship because they feared violence.

M. Sherron, under-secretary of the navy, characterized the strike as not a labor struggle but a revolutionary movement started by a few agitators, who have terrorized the masses.

Out of Work and Despondent

SMITH'S FALLS, Ont., April 6.—Wm. A. Nichol, a Scotchman, 24 years old, threw himself in front of an express train at Glen Roy this morning and was instantly killed. It is believed that he was despondent through being out of work. He had recently been discharged from the Augus shops at Montreal.

CHICAGO, April 6—The possibility of a drop in the price of at least one item which enters into the cost of living, cured hog products, is seen in a very sharp decline, averaging $1 per barrel, in pork on the Board of Trade here today. The decline is attributed to the plentiful supply of corn at present in the elevators and the lower price of this cereal.

Mrs. C. R. Townley, of Vancouver, has gone on a visit of some months' duration to the Okanagan Valley.

SIXTY MILLIONS

Vast Expenditure Proposed on Construction of Subways in New York City.

NEW YORK, April 6.—New York City is about to spend $60,000,000 on new subway construction. The special committee of the board of estimate appointed for the purpose decided today that this amount should be set aside, and a resolution to that effect will be introduced at Friday's meeting of thet board.

This money will, it is believed, assure construction of the Broadway-Lexington subway, a new route from lower Manhattan to the Bronx and the Broadway-Layfayette avenue subway in Brooklyn.

Ground for the construction of both routes will probably be broken this year, and the work pushed rapidly forward.

An Empire Need.

LONDON, April 6.—Sir Chas. Lucas assistant under secretary for the colonies publishes a paper on the result of his recent visit to Australia. He says the importance of cheap communications profoundly impressed him and the need therefor is still pressing. Lack of detail cabled information of what is occurring in Great Britain results in perpetual half-knowledge which he anticipates may some time prove dangerous.

American Immigration

WINNIPEG, April 6 — A special from Minneapolis says that not less than $250,000 passed through the Twin Cities' yesterday in the form of cheques, drafts and small currency in the pockets of westbound land-seekers, was the estimate of a railroad official who stood in the Milwaukee station when the Soo train northbound for Portal went out in two sections. All the roads that operate trains to points in the Canadian Northwest were crowded. Nearly all the people were farmers or land-seekers from the eastern and southern States.

SOCIALIST PLANS FOR MILWAUKEE

Promise Good Government for First Large City in Which They Have Obtained Control of Civic Administration

MILWAUKEE, April 6.—"The first step of the Socialist Democrat party will be to re-assure the people and relieve their minds of apparent fear that our victory means the entire overturning of business in this city," said Emil Seidel, Milwaukee's newly elected Socialist mayor, today.

"There is to be no Utopia or millennium—none of the wild antics that our opponents have charged to us. There will be no party bosses, no one-man policy. When we decide upon a course to pursue, there will be conferences with the other Socialists elected, and the best lines will be followed.

We shall give everyone in the party a chance to be heard and to voice his sentiments. Our plans are now in an embryonic condition, so I cannot discuss them now. As to corporations, we shall make them pay their share of the taxes and improve the lot of the working men.

"We will not do nothing revolutionary, nothing that would turn the tide of sentiment against us."

"If any question arises which the administration cannot handle we will refer it to the electorate as a whole.

"After all they are the only bosses. Socialism has been given a chance to show its merit. We can do this by insistent and consistent conservatism. In a way we are on trial and will show the people of what we are made.

"We have not promised the workingmen or the city at large an immediate panacea for ills. We have promised the best government that we can give and we are going to live up to this promise."

Victor L. Berger, whose reputation as a Socialist leader extends throughout the country, said: "This victory marks a new epoch in American history, and any man or woman who has helped to bring it about will naturally feel proud. This is nobody's personal victory. It is not Seidel's, it is not Berger's victory; it is a victory for a principle, a victory for progress, a little step towards a higher phase of civilization. It is the result of many years of hard work for the education and enlightenment of the working classes of Milwaukee."

Mr. Seidel was elected mayor by a plurality of 8,000, the largest on record in the city. The Social Democrats, all six aldermen-at-large and carried fourteen out of the 23 wards. Mr. Berger is one of the aldermen-at-large.

Mr. Foster's Intentions

OTTAWA, April 6.—Hon. George E. Foster has given out a statement that he has been suffering from muscular affection of the face and neck, but is getting better. He has been advised to keep quiet, and that he proposes to do so for some months, but he has not the least intention of giving up political life.

PITTSBURG, April 6.—The graft investigating grand jury late today returned a presentment ordering the indictment of Frank W. Hoffstot, a prominent steel manufacturer and banker, on two charges of conspiracy and bribery. Mr. Hoffstot now makes his home in New York. He is ordered indicted upon the charge of having in 1908 paid $52,500 to Charles Stewart, at that time a member of the select council, for the purpose of securing the selection of the Farmers' Deposit, Second National and German National banks as city depositories.

SUNDAY BYLAW HELD INVALID

Court of Appeal Gives Judgment in Case of Vasilatos vs. City of Victoria, Involving Trader's License Conditions

JUDGMENT UPHELD BY THREE JUDGES

Decision of Lower Court Stands in Hovell vs. Law Society—Six Appeals Are Dismissed and Two Allowed

VANCOUVER, April 5.—"The contention of the city of Victoria that to grant a license to a trader without compelling him to sign a memo that he would do business only on week days would amount to an authority by the city to such trader to commit a breach of the Lord's Day Act, or any other law, is, in my opinion, quite fallacious."

This was the view of Chief Justice Macdonald in delivering judgment today in the traders' license case of Vasilatos v. Victoria, in which Mr. Justice Martin and Mr. Justice Galliher agreed with the Chief Justice in dismissing the city's appeal.

That appeal was from the order of Mr. Justice Irving granting the applicant a mandamus to compel the city to issue him a traders' license notwithstanding his refusal to sign an agreement, in effect, not to carry on his business of a vendor of fruit and light drinks on the Sabbath.

City Barrister Taylor, in addition to this contention dealt with by the court, urged that as the city of Victoria had power to pass by-laws for the observance of the Lord's Day, it could do indirectly in the manner proposed by the bylaw in question, what it had power to do directly under subsection 105 of the act. And with this the Chief Justic also disagrees.

"Section 175," his lordship says, "was in my view meant to confer upon the city merely the power to impose a tax for revenue purposes. A trader has the right to carry on his lawful business subject only to the liability to pay that tax.

"I do not agree with the proposition that what the city had the power to do directly, it could do indirectly. If that were so, the city could refuse to permit a trader to carry on business by refusing a license. Indeed, if that argument were sound, there would be no end to impediments which the city under cover of a by-law of this kind could throw in the way of legitimate trading."

To this the Chief Justice adds the paragraph above quoted, and concludes: "As to whether the use of Form B, in the by-law, is mandatory or not, I am inclined to think it is, but I do not decide that. What I do decide is that the license must be either in that form or to that effect, and cannot be withheld until conditions such as are imposed by this by-law are complied with by the trader. The appeal will be dismissed."

Mr. Justice Martin said he had come to the same conclusions for other reasons which he would later give in writing.

The court gave eight decisions, dismissing six appeals and allowing two. This was the only Victoria case. The two allowed were Kendall vs. Webster, a Vancouver case, and Farquharson vs. B. C. Electric Railway, also of Vancouver, in which the company was granted a new trial on the ground that the verdict of $11,500 for the plaintiff's injuries was excessive. Mr. Justice Irving gave a dissenting judgment.

In Hovell vs. the Law Society, the court divided, two allowing the society's appeal and two being in favor of dismissing it. The result is that the decision of Mr. Justice Morrison stands, upholding the contention of Barrster R. DeB. Hovell, of this city, in effect that the society cannot exact upon the final examination the $100 fee for call, notwithstanding that upon failure to pass the student or solicitor from another province is returned $75, the balance being held for the expenses of the examination. The chief justice and Mr. Justice Galliher agreed with the contention of the Society, Mr. Justice Irving and Mr. Justice Martin upholding the contention of the respondent, Mr. Hovell. The case will likely be further appealed.

Johnson vs. Clary, dismissed. McKay vs. Ferris, case from Mission City dismissed. Kendall vs. Webster, allowed. Defendant held to be trustee for the British Columbia General Contract Company, and as such accountable in connection with the sale by him of timber limits in the Bulkley Valley.

In McKenzie vs. Chilliwack, the widow of Daniel McKenzie again failed to recover $7,000 which the jury had awarded her for his death in the burning of the jail there four years ago. The trial judge, Mr. Justice Morrison, had entered a non-suit after the verdict had been returned, and with that dismissal of the case the court today agreed, holding not only that there was no negligence on the part of the city, but also that the city was not responsible for the acts of its constable or other officers.

There are 58 cases on the April list, hearing of which was commenced today.

School Board and Council

NELSON, B. C., April 6.—The city school board has taken legal action to compel the city council to retract its charge that the board had "wrongfully appropriated" certain funds.