

Foresore Rights for Trap Sites.

What Are the Powers of the Province to Grant Them?

Attempt of Nova Scotia to Exercise Sovereignty Over the Beds of Harbors Comes to Naught—Correspondence That May Be Studied With Some Profit by Attorney-General Eberts.

As a sequel to the late Victoria election, and to some extent as a result thereof, the British Columbia government removed the reserve on the foreshore of the southern end of Vancouver Island, and almost immediately the whole coast line was staked off and notices of applications for trap sites were given. The government has not yet granted any foreshore privileges, the delay being probably due to the failure of the attorney-general to come to a decision on the constitutional points involved. He evidently does not know "where he is at," possibly the following will be of some assistance to him.

In the year 1890, the Nova Scotia legislature passed an act, entitled "An Act respecting Foreshores and Beds of Rivers and Lakes." The provisions of this act, the correspondence that ensued between the Minister of Justice and the Attorney-General of Nova Scotia in respect to the relative powers of the Dominion and Provincial governments in the matter of the foreshore, and the ultimate fate of the statute, are relevant to the proposed action of the British Columbia government in the matter of foreshore privileges for trap fishing, and a publication of the facts of the Nova Scotia case will therefore be of interest to the British Columbia authorities as well as to the numerous applicants for trap sites along the shores of Vancouver Island.

The Nova Scotia Act dealt not only with rivers and lakes, but also with harbors. On the 18th April, 1900, and before the time for disallowance had expired, the Minister of Justice's department called the attention of Attorney-General Longley to the following provisions of the act in question:

Section 1 authorized the Governor-in-council to issue grants or leases of any flats, beaches or foreshores in any harbor.

Section 2 provided that such grants, when issued, should vest absolutely in the simple of the land conveyed in the party receiving them, subject to any control or restriction in the provisions of the act relating to the navigation of any lands covered with water embraced in such grant.

Section 3 provided that applications for grants or leases of the beds of harbors shall be made in writing to the Attorney-General.

Section 4 appropriated the money to be received from the granting of water lease or the leasing of the beds of any harbors.

Section 5 prohibited any person to use or occupy any foreshore or beach, or to have obtained a lease of the lands so situated, under the provisions of the act, until he has obtained the approval in council, upon application, to authorize the leasing of a fish trap on the foreshore or beach on any part of the coast of Nova Scotia.

The Deputy Minister, in his letter of the date mentioned, then proceeds:

I am directed to state that all these provisions appear to the Minister of Justice to be objectionable. The sections to which I have referred, either expressly or impliedly sanction the authority of the Lieut.-Governor in council to grant or lease the beds of harbors, and appropriate the income arising from the disposal of such property, but inasmuch as these harbors have been held to belong to the Dominion and not to the provinces, the legislation mentioned can only be regarded as affecting the public property of Canada, and, therefore, ultra vires. Section 10, authorizing the leasing of fish traps or weirs on any part of the coast, is, in the minister's opinion, so far as it intends to sanction the use of fish traps or weirs, ultra vires as affecting the regulation of fisheries. The word "leasing," I suppose, is to be construed as licensing, and what the section seems really to intend is to enable the Lieut.-Governor in council to authorize the use of traps, or weirs, on any place on the coast to be specified. This he certainly could not do except where consistent with Dominion legislation. As to leasing the bed of the coast, within the three-mile limit, it is at least doubtful whether a provincial legislature has any authority. It seems to the minister at present, therefore, that this act ought to be disallowed, unless it be amended so as to remove the objections to which I have referred."

I have the honor to be, sir, your obedient servant,

E. L. NEWCOMBE,
Deputy Minister of Justice.

The correspondence that followed was somewhat lengthy, but as a condensation might fail to bring out all the points made on both sides, it is here given in full:

The Hon. Attorney-General Longley to the Hon. the Minister of Justice:

Halifax, N. S., 25th April, 1900.

Dear Sir:—I have the honor to acknowledge receipt of a communication from Mr. Newcombe, the deputy minister of justice, dated the 18th inst., respecting an act of the legislature of Nova Scotia, chapter 4, acts of 1890, entitled, "An Act respecting Foreshores and Beds of Rivers and Lakes."

From his communication I am led to believe that in your view there are phases of the act which are objectionable, and that authority is assumed by the provincial legislature which exceeds the powers conferred upon it by the British North America Act. I am going to submit considerations which induced me to believe that in framing the act I kept strictly within the powers and prerogatives distinctly conferred upon provincial legislatures. As to whether in this regard I am right, or your view will ultimately be found to be the true one, is a question, of course, which may be fairly open to debate and difference of opinion, and can only be adjusted by courts of the last resort, after the matter has been thoroughly threshed out in every respect.

But the particular point I wish to call your attention to now is the inconvenience and undesirability of determining the matter at issue between us by any such drastic step as disallowance. This act was passed more than a year ago and already many leases have been issued upon the faith of it. If oyster beds in the province, and large sums of money have been expended by the provinces in improving and developing the fisheries of the province, and the beds of harbors, and the property rights have thus been acquired, and of which would be thrown into confusion and jeopardy by the disallowance of

a disaster, an injustice, and bordering close upon an arbitrary act, and I must, therefore, strongly protest against the exercise of any such power. I do not see my way clear at present to recommend any substantial changes in the terms of the Act. I am willing, however, to submit every

only those parts of what might ordinarily fall within the term "harbor," on which public works had been executed, became vested in the Dominion, and that no part of the bed of the sea did so. Their Lordships are unable to adopt this view. The Supreme court, in arriving at the same conclusion, founded their opinion on a previous decision in the same court. In the case of Holman vs. Green, where it was held that the foreshore between high and low water mark on the margin of the harbor became the property of the Dominion as part of the harbor.

The only qualification of Holman vs. Green by the judicial committee is stated as follows: "Their Lordships are of opinion that it does not follow that because the province, why not so express the matter plainly? It is the construction of the section according to its letter which, of course, would govern, and not the present intention of your government in administering it. The section is objectionable for two reasons, first, because it may be construed to authorize the Lieut.-Governor in council to license the use of traps and weirs, fishing by means of which may have been lawfully prohibited by parliament, and secondly, because it may be held to authorize the leasing of fishing stations upon the open coast, within the three-mile limit. The latter objection is, no doubt, a debatable one, but it is, in the minister's opinion, the only objection stated to this

the act. None of these lesser exceeded the powers conferred upon us by the British North America Act, and yet these leases are issued under and by virtue of this particular act of the legislature.

In regard to the leasing of what is strictly called fishing privileges, such as the leasing of lobster traps and weirs, I may state that by an arrangement between the department and the Minister of Marine and Fisheries, we are not seeking to exercise any such powers as are vested in the Dominion. All lobster traps and weirs in Nova Scotia are still licensed by the department of marine and fisheries, and no such powers are being exercised by the department of marine and fisheries, and we have not attempted to interfere, although the other provincial governments are disposed to interfere, with the absolute and unrestricted exercise of the Dominion at large. We don't want control of the fisheries. We want the responsibility of regulating and protecting the fisheries to be vested in the Dominion authorities, as represented by the department of marine and fisheries. All we want is the right to lease out land, and that is all we are seeking by this legislation.

I am disposed to think that when the matter is reduced to its ultimate course of reasoning, and the highest judicial tribunal come to a decision on the point, it will be found that the rights of the province extend unquestionably to the exercise of ownership of lands covered with water surrounding the shores of all the provinces, and the control of navigation and of the fisheries surrounding these shores is vested in the Dominion.

I regard Holman and Green as a proposed decision, and one which is partly disposed of by the latest decision of the judicial committee of the Privy Council, and when the matter comes to be determined more fully and definitely, the very last vesting of Holman and Green will be torn to shreds.

The Dominion authorities have supreme control over harbors in respect of navigation and in respect to the ownership of all improvements which go to make up the commercial purposes of the harbor itself, but the land underneath the water of harbors is most unquestionably the property of the provincial government, and that will ultimately be found to be the inevitable conclusion which judicial authority will reach. The land belonging to the foreshore of the province generally is admittedly in the province. The Dominion legislature has gone so far as to pass an act declaring it is in the province. No serious contention has ever been made that it was not in the province. The only serious contention that has been made is the feeble contention that the word "harbors" in the act of the Dominion legislature is too broad, and that it includes the land under the water of harbors, and that the act is therefore ultra vires. I think it will hereafter puzzle the erudition of the judicial mind to determine the very nice question as to where the action of the winds and waves has gone to be sufficiently force to vest the foreshore in the province, and it gets sufficiently mild and calm by protecting bays to become a harbor and vested in the Dominion. The real fact of the case is that the water, the navigation and the control and regulation of fisheries of the foreshore are in the Dominion, but the terra firma, the land under this water, is undoubtedly an extension of the property which the British North America Act vests in the provinces.

I was present and took part in the argument of the fisheries and foreshores case before the judicial committee of the Privy Council, and was extremely careful in interpreting the word "harbors" as it is used in the Nova Scotia statute cannot be interpreted so as not to include public harbors, and, therefore, what this act professes to do is to authorize the Lieut.-Governor of Nova Scotia in council to grant the foreshores and beds of harbors which the British North America Act, as construed by both the Supreme court of Canada, and the judicial committee, has declared to be vested in the government of Canada.

The reference in the fisheries case, to grants or leases made in pursuance of such provisions thereof as are intra vires would therefore become inoperative. So far as the provincial government has dealt with the beds or foreshores of public harbors, the consequences are of no avail as matters stand, and disallowance as to them would be harmless. The importance of the matter is that the legislature of Nova Scotia has enacted a statute authorizing the Lieut.-Governor to deal with the public property of Canada, and you do not see your way clear to recommend any substantial change in the terms of the act. Under such circumstances the minister presumes that in the event of disallowance, the legislature would take any steps which might be necessary to confirm proceedings lawfully taken under other portions of the statute which were competent to the legislative, and those holding vested rights must, in the minister's opinion, look to the provincial authorities for such confirmatory provisions as may be necessary or expedient.

The section with regard to licensing fish traps, etc., seems, in the view of the minister, to cover a good deal more than what was intended, as stated in your letter. If you merely intend to authorize the Governor in council to grant leases of fisheries or fishing privileges belonging to

act which is open to serious doubt.

I have the honor to be, sir, your obedient servant,

E. L. NEWCOMBE,
Deputy Minister of Justice.

The Hon. Attorney-General Longley to the Deputy Minister of Justice:

Halifax, N. S., 28th May, 1900.

Dear Sir:—I must confess that I have read your letter of the 28th inst. with very great surprise and very profound regret. I am a minister should undertake to advise His Excellency the Governor-General to disallow, for the mere reason of differing views on the subject of its constitutionality, an act so important in its character and so vital in its operations as that now under consideration, seems to me unusual and open to question.

I am responsible of any of the difficulties and complications of such a step as that of attaching to the provincial government of Nova Scotia, I am going to propose concessions, which, while not commending themselves to my judgment as being imposed by the British North America Act, yet being of no immediate practical concern, had better be abandoned as far as the province is concerned, than to be subjected to the evils which might arise from disallowing an act, on the faith of which some hundreds of people have invested money and are carrying on an important enterprise.

The concessions I propose are as follows: Let the repeal absolutely the clause relating to fish traps and weirs, about which we cannot agree, and which we do not propose, under existing circumstances, to put into execution.

And, to declare that the act is not intended to apply to public harbors upon which improvements have been made, and to leave out harbors altogether, and to stand the act because all our oyster leases are located in places which might very well be designated as harbors. Every arm of the sea is a harbor in the larger sense, and I am sure that the judicial committee of the Privy Council will never see any such interpretation of the word "public harbors" as found in the schedule of the British North America Act as to reject them from every place of oyster leases along coasts.

It seems to me that, in undertaking to introduce and carry legislation in the direction indicated above, further action on the part of the federal authorities would be suspended.

Yours very truly,

J. W. LONGLEY.

The Deputy Minister of Justice to Hon. Attorney-General Longley:

Department of Justice,
Ottawa, 2nd June, 1900.

Sir:—I have the honor to acknowledge receipt of your letter of 28th ultimo, and directed to state that the minister does not consider the remarks contained in the last paragraph of your letter can properly apply to the present situation. There was and perhaps still is difference of opinion as to what is the meaning of judicial interpretation, was intended by the expression "public harbors" as used in the said schedule of the British North America Act; but, while those holding views different from the ones which were contained in the act, were not bound to acquiesce in the decision, yet the law must be administered subject to the interpretation of the courts, and it cannot, in the opinion of the minister, be seriously urged that the judicial committee has not clearly determined that public harbors, including the beds thereof, became, under the British North America Act, vested in the government of Canada. That being so, it seems to the minister the undoubted duty of this government to retain the administration of the property in its own hands, and, the courts already having pronounced upon the subject, there seems no remedy in the present case but repeal or disallowance.

As to the amendments which you propose, I am to state as follows: If these were proposed in the form hereinafter suggested as an undertaking by you, you propose to demand by special your executive council, the minister would submit to His Excellency in council the propriety of allowing the act to remain subject to such undertaking for its amendment the word "harbors," but the minister

considers that it would be better not to undertake any such amendment, as the question as to what is or is not a public harbor may be amenable to determination, and there would very likely be interference as to the scope of the amendment. The amendment which your government would undertake to have enacted ought, in the minister's opinion, to be contained in the repeal of a section 10 with regard to the licensing of fish traps and weirs, and the issuing of a declaratory section to the effect that the act in question was not and is not intended to have any application to public harbors within the meaning of the said schedule of the British North America Act. Such an amendment would, of course, leave the question quite open to the courts with regard to any particular harbor as to whether it is a public harbor or not. If a public harbor within the meaning of the British North America Act it would be Dominion property and not within the application of the statute. Otherwise I presume the statute would operate. If your government is satisfied to give such an undertaking, will you be good enough to have a minute passed and a dispatch sent forward through the usual channels, after which the minister will report to His Excellency. As the period for disallowance is drawing to a close, this matter will not permit of very much delay. I have the honor to be, sir, your obedient servant,

E. L. NEWCOMBE,
Deputy Minister of Justice.

The undertaking asked for by the department of justice was given by the government of Nova Scotia, and at the next session of the legislature of that province section 10 was repealed, and a clause added declaring that the act was not and is not intended to have any application to public harbors within the meaning of that expression, as used in the third schedule of the British North America Act.

There is a very close analogy between the Nova Scotia legislation, referred to in the above correspondence, and which was undoubtedly ultra vires of the province, and the proposed sale or lease for trap fishing privileges of the foreshore of Vancouver Island by the British Columbia government. The applications, numbering hundreds, cover all the harbors, bays and open coast line from the islands in the Gulf of Georgia to the open Pacific ocean. In respect to all public harbors the province has no jurisdiction whatever, while in respect to the rest of the foreshore its claim to exercise authority is very doubtful. Under these circumstances it would seem that the British Columbia government will only be inviting trouble and incurring many confiding friends into heavy financial losses by undertaking to exercise an authority that it does not possess.

LODGE NOTES.

Prospect of Busy Winter Among Fraternal Societies—Some Social Events.

The present week has been a very busy one in lodge circles in this city, and it is quite evident that the winter, which of course means the social season is fast approaching, as in the majority of the lodges the increase in attendance over that of the past five months is very marked. The annual balls, dinners, soirees and tea parties of the various lodges are now being discussed, and taken altogether the season of 1902-03 promises to be a busy and jovial one for the members of the fraternal and benevolent organizations of Victoria.

The Sons of St. George have the arrangements for their masquerade ball well under way, and the committee in charge will endeavor to eclipse their success of last year. The Sons of England are making arrangements for their annual dinner, which takes place on December 12th. It is very probable that the departure from the practice of previous years will be made this time. The Far West Lodge, No. 1, K. of P., intend to give a housewarming at their new hall, situated in the "Red block," opposite the city hall, on Douglas street, on November 7th. Victoria is well represented this year on the various Grand and Supreme Grand lodges, and receive good share of the attention of the "Masters" Grand Lodge at New Westminster, Bro. A. Graham, as head of the Old Fellows of the province, is visiting the various up-country points on the mainland, and Bro. the Rev. W. Baugh Allen has been appointed honorary chaplain to the Supreme Grand Lodge Sons of England. Victoria certainly gets lots of advertisement in an indirect manner through grip and passport.

Fride of the Island Lodge, S. O. E. B. S., held their regular meeting on Tuesday last, there being a good attendance. The auditors' report for the previous quarter was read and showed the lodge to be in a good position in regard to finances, notwithstanding the fact that there has been considerable sickness during the quarter. An invitation was received from Secretary Allat, of the Loyal Orange Lodge, inviting the Pride of the Island to attend their church parade to be held on Sunday, November 2nd. The invitation was unanimously accepted and the lodge will turn out in good numbers that day. It was also decided that the lodge stay with the Federated Board of Societies of Victoria, B. C., for the year 1903. Bros. Drykes and Pomeroy were appointed a committee to wait upon Alexandra Lodge in regard to preliminary arrangements for the annual dinner on December 12th. The members of P. O. I. Lodge are in favor of having a dinner this year upon a different scale so that the Daughters of England and the wives, families and sweethearts of the Sons can all be invited. No action will be taken, however, until the next meeting.

The Victoria Acie, No. 12, F. O. E., met in Eagle hall, Government street, on Wednesday last, with a good attendance of members. A considerable amount of routine business had to be transacted, and it was the first time the new ritual, recently formulated by the Grand Lodge at Minneapolis, was read. The ritual is a slight improvement over the old one. The acie physician, Dr. Lucas, was present and gave the members a short but very instructive address. Matters in regard to social events for the near future were discussed, but laid over to the next meeting.

A CASSETT OF PEARLS.—Dr. Von Steen's Peppercorn Tablets would prove a great value to the disheartened dyspeptic if he would but test their potency. They're veritable gems in preventing the settling of stomach disorders, by aiding and stimulating digestion—60 of these health "pearls" in a box, and they cost 3 cents. Recommended by most eminent physicians. Sold by Jackson & Co. and Hall & Co.—64.

Geo. Nunn, of Hamilton, is staying at the Vernon. Capt. Yates, of Nanaimo, is at the Dominion.

only those parts of what might ordinarily fall within the term "harbor," on which public works had been executed, became vested in the Dominion, and that no part of the bed of the sea did so. Their Lordships are unable to adopt this view. The Supreme court, in arriving at the same conclusion, founded their opinion on a previous decision in the same court. In the case of Holman vs. Green, where it was held that the foreshore between high and low water mark on the margin of the harbor became the property of the Dominion as part of the harbor.

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In regard to the leasing of what is strictly called fishing privileges, such as the leasing of lobster traps and weirs, I may state that by an arrangement between the department and the Minister of Marine and Fisheries, we are not seeking to exercise any such powers as are vested in the Dominion. All lobster traps and weirs in Nova Scotia are still licensed by the department of marine and fisheries, and no such powers are being exercised by the department of marine and fisheries, and we have not attempted to interfere, although the other provincial governments are disposed to interfere, with the absolute and unrestricted exercise of the Dominion at large. We don't want control of the fisheries. We want the responsibility of regulating and protecting the fisheries to be vested in the Dominion authorities, as represented by the department of marine and fisheries. All we want is the right to lease out land, and that is all we are seeking by this legislation.

I am disposed to think that when the matter is reduced to its ultimate course of reasoning, and the highest judicial tribunal come to a decision on the point, it will be found that the rights of the province extend unquestionably to the exercise of ownership of lands covered with water surrounding the shores of all the provinces, and the control of navigation and of the fisheries surrounding these shores is vested in the Dominion.

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The reference in the fisheries case, to grants or leases made in pursuance of such provisions thereof as are intra vires would therefore become inoperative. So far as the provincial government has dealt with the beds or foreshores of public harbors, the consequences are of no avail as matters stand, and disallowance as to them would be harmless. The importance of the matter is that the legislature of Nova Scotia has enacted a statute authorizing the Lieut.-Governor to deal with the public property of Canada, and you do not see your way clear to recommend any substantial change in the terms of the act. Under such circumstances the minister presumes that in the event of disallowance, the legislature would take any steps which might be necessary to confirm proceedings lawfully taken under other portions of the statute which were competent to the legislative, and those holding vested rights must, in the minister's opinion, look to the provincial authorities for such confirmatory provisions as may be necessary or expedient.

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The Hon. Attorney-General Longley to the Deputy Minister of Justice:

Halifax, N. S., 28th May, 1900.

Dear Sir:—I must confess that I have read your letter of the 28th inst. with very great surprise and very profound regret. I am a minister should undertake to advise His Excellency the Governor-General to disallow, for the mere reason of differing views on the subject of its constitutionality, an act so important in its character and so vital in its operations as that now under consideration, seems to me unusual and open to question.

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The Deputy Minister of Justice to Hon. Attorney-General Longley:

Department of Justice,
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Sir:—I have the honor to acknowledge receipt of your letter of 28th ultimo, and directed to state that the minister does not consider the remarks contained in the last paragraph of your letter can properly apply to the present situation. There was and perhaps still is difference of opinion as to what is the meaning of judicial interpretation, was intended by the expression "public harbors" as used in the said schedule of the British North America Act; but, while those holding views different from the ones which were contained in the act, were not bound to acquiesce in the decision, yet the law must be administered subject to the interpretation of the courts, and it cannot, in the opinion of the minister, be seriously urged that the judicial committee has not clearly determined that public harbors, including the beds thereof, became, under the British North America Act, vested in the government of Canada. That being so, it seems to the minister the undoubted duty of this government to retain the administration of the property in its own hands, and, the courts already having pronounced upon the subject, there seems no remedy in the present case but repeal or disallowance.

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The present week has been a very busy one in lodge circles in this city, and it is quite evident that the winter, which of course means the social season is fast approaching, as in the majority of the lodges the increase in attendance over that of the past five months is very marked. The annual balls, dinners, soirees and tea parties of the various lodges are now being discussed, and taken altogether the season of 1902-03 promises to be a busy and jovial one for the members of the fraternal and benevolent organizations of Victoria.

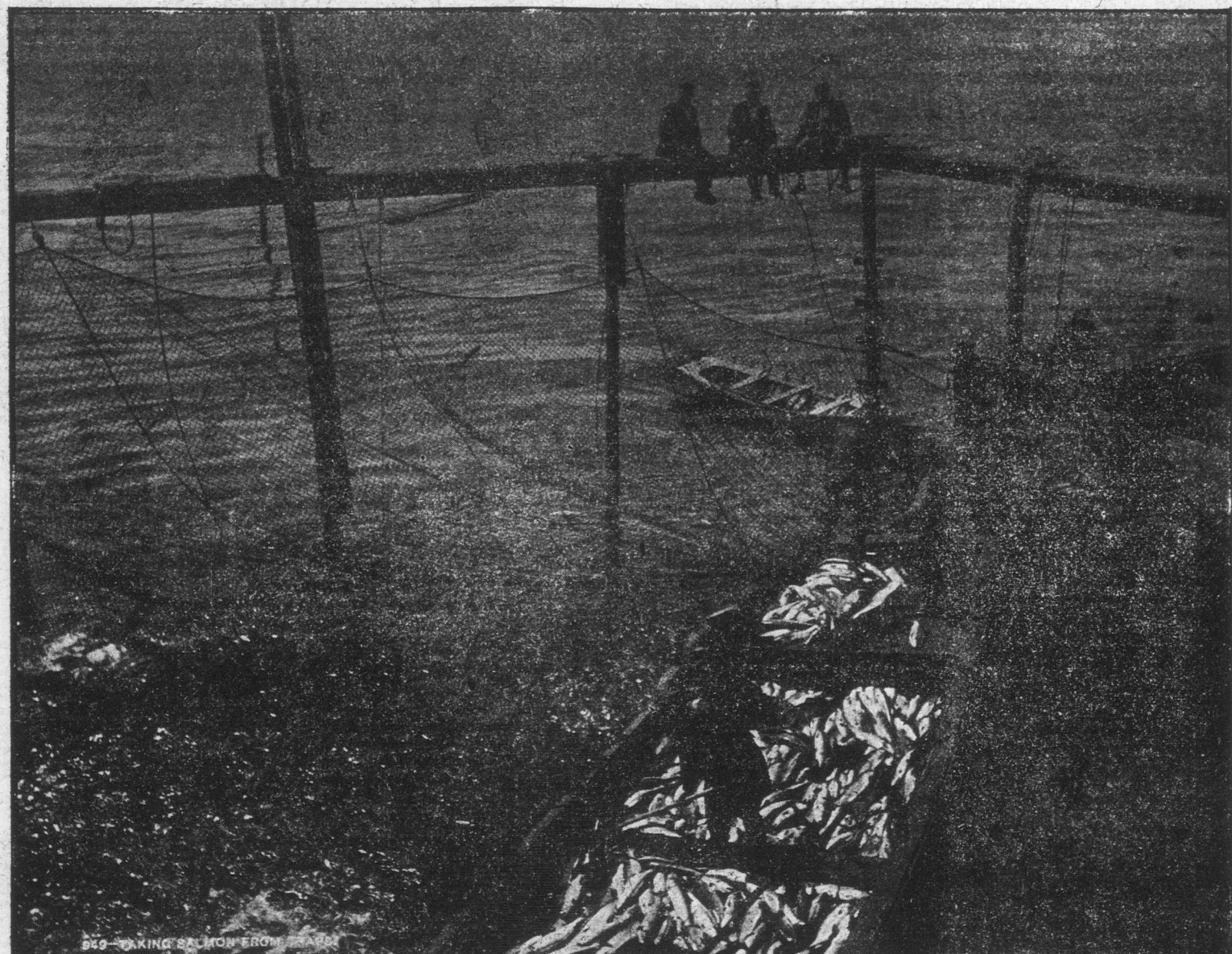
The Sons of St. George have the arrangements for their masquerade ball well under way, and the committee in charge will endeavor to eclipse their success of last year. The Sons of England are making arrangements for their annual dinner, which takes place on December 12th. It is very probable that the departure from the practice of previous years will be made this time. The Far West Lodge, No. 1, K. of P., intend to give a housewarming at their new hall, situated in the "Red block," opposite the city hall, on Douglas street, on November 7th. Victoria is well represented this year on the various Grand and Supreme Grand lodges, and receive good share of the attention of the "Masters" Grand Lodge at New Westminster, Bro. A. Graham, as head of the Old Fellows of the province, is visiting the various up-country points on the mainland, and Bro. the Rev. W. Baugh Allen has been appointed honorary chaplain to the Supreme Grand Lodge Sons of England. Victoria certainly gets lots of advertisement in an indirect manner through grip and passport.

Fride of the Island Lodge, S. O. E. B. S., held their regular meeting on Tuesday last, there being a good attendance. The auditors' report for the previous quarter was read and showed the lodge to be in a good position in regard to finances, notwithstanding the fact that there has been considerable sickness during the quarter. An invitation was received from Secretary Allat, of the Loyal Orange Lodge, inviting the Pride of the Island to attend their church parade to be held on Sunday, November 2nd. The invitation was unanimously accepted and the lodge will turn out in good numbers that day. It was also decided that the lodge stay with the Federated Board of Societies of Victoria, B. C., for the year 1903. Bros. Drykes and Pomeroy were appointed a committee to wait upon Alexandra Lodge in regard to preliminary arrangements for the annual dinner on December 12th. The members of P. O. I. Lodge are in favor of having a dinner this year upon a different scale so that the Daughters of England and the wives, families and sweethearts of the Sons can all be invited. No action will be taken, however, until the next meeting.

The Victoria Acie, No. 12, F. O. E., met in Eagle hall, Government street, on Wednesday last, with a good attendance of members. A considerable amount of routine business had to be transacted, and it was the first time the new ritual, recently formulated by the Grand Lodge at Minneapolis, was read. The ritual is a slight improvement over the old one. The acie physician, Dr. Lucas, was present and gave the members a short but very instructive address. Matters in regard to social events for the near future were discussed, but laid over to the next meeting.

A CASSETT OF PEARLS.—Dr. Von Steen's Peppercorn Tablets would prove a great value to the disheartened dyspeptic if he would but test their potency. They're veritable gems in preventing the settling of stomach disorders, by aiding and stimulating digestion—60 of these health "pearls" in a box, and they cost 3 cents. Recommended by most eminent physicians. Sold by Jackson & Co. and Hall & Co.—64.

Geo. Nunn, of Hamilton, is staying at the Vernon. Capt. Yates, of Nanaimo, is at the Dominion.



TRAP FISHING IN UNITED STATES WATERS.

single question involved in that act to judicial determination, and I will conform our legislation to the requirement of any competent judicial tribunal.

Yours very truly,

J. W. LONGLEY.

The Deputy Minister of Justice to Hon. Attorney-General Longley:

Department of Justice,
Ottawa, 21st May, 1900.

Sir:—Referring to your letter of the 25th ultimo, it was distinctly held by the Supreme court of Canada in Holman vs. Green, that the property in public harbors, including the beds or soil