

JOHN CAIN IS HERE.

He is Not Prepared to Discuss Transportation Matters at Present.

John Cain, of Port Angeles, who is so prominently identified with the proposal to build a railway on Vancouver Island with ferry and rail connections with the south and eastern connection with Alaska, is in the city for a few days. Mr. Cain has been in the east, having visited New York. It was reported that his visit to the commercial and financial metropolis of the United States was in the interests of the transportation scheme referred to. Whether or not it is correct that this is his mission to the east Mr. Cain declines to discuss the scheme at present.

He still has the greatest faith in the importance of it, and thinks it would be of the greatest importance to the province that it should be carried out.

TROUBLE IN HAYTI.

Port au Prince Scene of Disorders—Authorities Take Steps to Preserve Peace.

Port-au-Prince, Aug. 4.—The city of Port au Prince is in a state of great disorder. Bands of soldiers are throwing stones to prevent the Syrians from reopening their stores. American citizens have hoisted the Stars and Stripes over their residences, and a number of them have sought refuge in the American legation, driving there in carriages flying the American flag and pursued by the populace throwing stones.

DOMINION HOUSE WILL SIT ON SATURDAY

Decision Reached at To-day's Session—The Election Act Read a Third Time.

Ottawa, Aug. 4.—On motion of Sir Wilfrid Laurier it was decided this forenoon that the House should sit on Saturday.

Election Act.

The Election Act was read a third time. Mr. Acland moved an amendment that two weeks be given between nomination and polling in the constituencies of Chicoutimi, Saguenay and Gaspe in Quebec, and Yale-Cariboo, Kootenay and Comox-Arlin in British Columbia, and that the election be held on the same day in these constituencies as in the other parts of Canada. This was lost, and the bill was read a third time.

CRUSHED TO DEATH.

New York, Aug. 2.—Mrs. Ella S. Betts, of Manhattan, was killed by an elevator in a Brooklyn department store in full view of hundreds of shoppers yesterday afternoon.

She was caught by the floor of the elevator as it ascended, carried to the ceiling and thrown against it with terrific force, and her limb fell to the floor. Doctors who were summoned could not restore her to consciousness and she died within 20 minutes.

SUSPECT ARRESTED.

St. Louis, Aug. 4.—A man suspected of having been implicated in the "Diamond Special" train robbery near Carver, Ill., was arrested here to-day and is held.

UP-TO-DATE ROBBERY.

Man Who Held Up Automobile Rode a Motor Cycle.

Philadelphia, Pa., Aug. 4.—A party of four in an automobile was held up last night at Willow Grove, a resort near here. The highwayman secured about \$1,000. He rode a motor cycle.

TRAINS COLLIDE.

Thirty-Three of the Passengers and Four of Crew Were Injured.

Louisville, Ky., Aug. 4.—South bound passenger train No. 1 on the Louisville & Nashville, which left Cincinnati at six o'clock last night, collided early to-day with the north bound passenger train No. 2, which left Nashville about 8.30. Thirty-three passengers and four train men were injured, but none, it is thought, will die. The condition of Engineer Behm on No. 1 is serious.

According to information received here Behm either disregarded orders or was asleep as his train was going forty miles an hour when it struck the north bound passenger train. None of the coaches left the track.

REPORT DENIED.

Worcester, Mass., Aug. 4.—Reports in circulation that Senator George F. Hoar is seriously ill were denied at the Senator's residence to-day. He has been troubled with tummy ailment all summer, but is not confined to his room, and it is stated is improving daily.

TELEGRAPH LINE RESTORED.

New York, Aug. 4.—The telegraph line between Alaska and Peking has been restored, according to advices received to-day by the Commercial Cable Company.

The mysterious death of Timothy O'Connell, of Manchester, Conn., at a hotel in New York, and the murder on Tuesday at New Britain, Conn., of Charles Bosworth, a gambler, are believed by the police who have been investigating the former case to be nearly similar. The description of a man who left Bosworth's room a short time before his murder tallies closely with a man who played cards with O'Connell on the night of his death. The mysterious woman is also said to be in the case.

Flowers were advocated as a cure for consumption by Dr. Francis Bartlett in a paper which he read before the Botanical Society of Pennsylvania at the University of Pennsylvania.

AN ARGUMENT IN THE BLYCH CASE

WHAT IS DEFINITION OF TRANSIENT TRADER?

Counsel Discussed the Knotty Point Before the Police Magistrate Yesterday Afternoon.

(From Tuesday's Daily.)

Counsel in the case of A. Blych, charged with carrying on the business of a transient trader without observing the conditions required by law, argued the matter yesterday afternoon. Mr. Robertson, who appeared for the defendant, applied for a dismissal on the ground that the prosecution had failed to prove its case. Section 44, sub-section 8, B and C, chapter 52, of the Municipalities Act, provides that a transient trader, as defined in section 43, shall mean any trader who, when beginning business in a municipality, and when requested to do so by the municipality, refuses to give to the municipality security for the amount of the license that he will carry on business as a trader in the municipality for not less than one year.

Section 43 defines a transient trader as one who, when beginning business in a municipality, and when requested to do so by the municipality, refuses to give to the municipality security for the amount of the license that he will carry on business as a trader in the municipality for not less than one year.

His point was that Mr. Blych had been asked for the license and not for the cash deposit, and he could not have done so within the definition. He further contended that the by-law was ultra vires. The statute required that the security demanded should be the amount of the license, while the by-law under consideration made the security double the amount of the license. It was contended that the bond should be security that the trader should continue in business for 12 months, the by-law made other conditions, namely, that the trader should "personally remain" during that time, that he should pay the revenue tax, and carry on a "home life" business. Security for these further things was not contained in the statute, and the by-law was, therefore, ultra vires. He laid particular stress on the clause rendering a trader liable to forfeit the bond unless he personally remained in the city, a clause which could not be taken to mean anything other than what the words implied, and was obviously an absurd condition for any business man to have to comply with.

Mr. Bradburn, the city solicitor, contended that the definition of the transient trader was not confined to the section quoted by his friend. The definition was extended in another section of the by-law. He considered that the conditions had been complied with the action of the collector in reading the sections of the by-law being equivalent to making the necessary demands.

As to the question of the amount of the bond, the city solicitor claimed that security of \$500 would be a bond for \$1,000, which was always double the amount of the sum secured.

The words "personally remains" did not mean personal residence, but merely meant that the trader should remain in business in the city, and he contended that the rule was that by-laws of a city should be liberally construed, and he did not think that Mr. Robertson's highly technical objections should be allowed to interfere with the intentions of the council.

In reply, Mr. Robertson held that his objection had not been met, and that his client had not been shown to be a transient trader. Eventually the case was remanded until Thursday.

(From Thursday's Daily.)

Andrew Blych has emerged triumphant from the case in the police court in which he was charged with carrying on the business of a transient trader without taking out the necessary license. Magistrate Hall on Thursday gave a decision which not only removes Mr. Blych from the necessity of the law as far as this particular case is concerned, but knocks out the section of the by-law under which the charge was laid. There is another case against the defendant of a character similar to the one just disposed of, but Mr. Bradburn, the city solicitor, did not feel justified in withdrawing it without instructions from the city officials.

Mr. Blych is naturally quite elated at this vindication of his position. He felt confident of victory, and although not a little indignant at what he considered an unwarranted interference with the business of the part of the corporation officials, he predicted that the by-law or part of it, at least, would be relegated to the realm of harmless delusions.

When the hearing was resumed Thursday morning, Mr. Bradburn, the city solicitor, addressed a few remarks to the court, in addition to what he had to say the other day in reply to Mr. Robertson's motion for a dismissal. He contended that the definition of transient trader was not confined to the interpretation sub-section which stated that he was one who refused to give to the municipality security for the amount of the license that he would carry on business as a trader in the municipality for not less than one year. This interpretation implied that others not included in the sub-section were still included in the definition. This sub-section was inserted in the by-law to enable the city to enforce the law against those whom it would be difficult to prove were transient traders. If, as his learned friend, Mr. Robertson, contended, the definition of transient trader was confined to the one sub-section, a man who paid the license without being compelled to do so was not necessarily a transient trader.

The magistrate did not concur in this view. If a man admitted he was a transient trader and paid his license as such, he was a transient trader.

Magistrate Hall then gave his decision on the case. In his opinion sub-section 8 of the by-law, under which the charge was laid, was ultra vires. Whether that included other sections of the by-law or not he did not say. His reason for declaring the sub-section ultra vires was that it went further than the legislature empowered the council to go. The council had no power to demand security for the ordinary business tax in addition to the transient trader's license, and had no

power to compel a man to remain in a place for any certain time.

Mr. Bradburn requested the magistrate to give the reasons in writing as he may possibly appeal. He was unable to state at present, however, just what course the city would pursue. He therefore would take no action in the other charge against Mr. Blych until further instructed.

The two sections dealing with this matter, including sub-section 8, the one that was laid low by the magistrate's decision this morning, are as follows:

8b. In the interpretation of the said schedule "44" to this by-law the words "transient trader" shall mean any trader who, when beginning business in a municipality, and when requested to do so by the municipality, refuses to give to the municipality security for the amount of the license that he will carry on business as a trader in the municipality for not less than one year.

8c. Every transient trader beginning business shall, on demand by the city treasurer or collector, deposit with the city treasurer or collector a bond executed by himself and two good and sufficient sureties resident in the municipality in the penal sum of \$1,000 conditioned for the avoidance of the same if the transient trader personally refuse to give to the city treasurer or collector a security for the amount of the license for one year and shall pay the revenue tax provided by this by-law applicable to his particular business.

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