

Ottawa; W. L. Cameron, Norwood; E. P. Collins, Princeton; G. F. Craig, Ottawa; F. R. Glassford, Owen Sound; E. C. Haines, Owen Sound; W. H. Hewgill, Moosomin; F. W. Jeffs, Havelock; D. A. Kelso, Toronto; Wm. N. Scott, Bradford; J. A. Snider, Guelph; J. A. Stewar, Ailsa Craig, and W. H. Summerfeldt, Toronto.

The Council then adjourned till ten o'clock the following morning.

SECOND DAY.

Wednesday, February 8th.

President Watters called the members to order at 10.45 a.m., all being present, including Mr. W. B. Graham, of Ridgetown, who was absent from the first day's session.

There being no communication to be brought before the council, and no committees ready to report, on motion of Mr. Dickey the council adjourned till 2 p.m.

The afternoon session was entirely taken up in a discussion of the matter as to whether branch stores managed by partners shall pay dual fees.

The subject was raised by Mr. W. A. Karn, chairman of the Infringement Committee, under the heading of miscellaneous business. The matter, he said, had been frequently discussed by the council before, and for the last two or three years had been a source of great perplexity to the Infringement Committee. The council had decided that both partners in branch stores were liable. At the last meeting of the council the committee had been authorized to obtain the opinion of the college solicitors.

This had been done and the decision of the council had been sustained. He had two cases that he wished specially to speak of. The committee found that it had been the custom of the registrar for years to accept one fee for a branch store, which would make it appear that the store was licensed rather than the proprietor. One of the cases he wished to speak of was that of Messrs. Mitchell & McLean, of this city, and the other was that of Messrs. McHaffie & Elvidge, of Cornwall. He found that the February, 1896, report of the by-laws and legislation committee instructed the registrar to collect dual fees from Messrs. McHaffie & Elvidge. The amount was \$72, and they had been endeavoring ever since to collect it. Inasmuch as privileges had been extended to certain other graduates of the college, the committee had decided not

to go farther back than February, 1896, in pressing for payment of dual fees. Previous to that date, a single fee only was levied. Of the \$72 all had been collected but \$8, and on this amount Messrs. McHaffie & Elvidge said they were prepared to stand a suit with the college. There was a difficulty in the way of proceeding against these gentlemen, for while dual fees were asked of them, the registrar had accepted single fees in cases almost similar, which would doubtless be used as a precedent by them for evading payment. Mr. Karn said his committee desired instructions as to whether they should endeavor to compel these gentlemen to pay dual fees, as was decided by the council, or whether notices should be sent out to all persons similarly situated, informing them that on and after a certain date dual fees would be exacted. In the case of Messrs. Mitchell & McLean, of this city, while no proceedings had been instituted, they had invited the council to take action and test the matter.

Mr. Snyder felt that the council could not collect dual fees if the matter was taken to the courts. It did not seem to him to be common sense.

On the suggestion of the president, Mr. Karn made the following motion, so as to place himself in order:

"That the registrar be and is hereby instructed to collect arrears of dual fees from branch stores."

This motion was seconded by Mr. Davis.

Proceeding, Mr. Karn said that the solicitor's opinion was that for each separate business that any member of the college was interested in he was liable for a fee of \$4 each year. It was unfair to the students who went out each year if one man could conduct say a dozen stores and pay only one fee. Messrs. Mitchell & McLean, he said, had two stores, one being conducted by one of the partners and the other by the other partner. They were willing to pay one fee for each store but not two fees for each.

Mr. Mackenzie said the point which the council took in the past was that all branch stores had to pay the fee. It was the individual that was qualified, not the store.

Mr. Davis contended that Messrs. McHaffie & Elvidge had only to pay \$4 each and could conduct the two stores.

Mr. Mackenzie said that if two partners were carrying on two businesses, one in each store, they should pay only \$8, but if both were in one store and had a third

man in the other store they should pay \$12.

Mr. Hargreaves held that one man's diploma qualified the store. One fee for one store was all, in his opinion, that the law required. He did not think that the council could compel two partners to pay \$4 each for conducting one store.

Mr. Graham thought the council should proceed to collect the usual fees.

Mr. Mackenzie did not favor having recourse to the law. The council he thought should proceed as it had been doing for the last five or six years.

In answer to a question by the president, Mr. Karn said the stores conducted by Messrs. McHaffie & Elvidge had always been reported to the committee as branch stores. He wanted to know as chairman of the Infringement Committee whether the council was prepared to live up to the act which empowered them to collect dual fees, or not.

President Watters took the ground that a man is obliged to place a qualified druggist in charge of a branch store, which would mean the payment of \$8 in fees. There was nothing in the act to relieve an individual from the obligation which partnership involved.

Mr. Snyder contended that \$4 was as much as any branch store should be required to pay, whether paid by the man in charge or by the proprietor.

Mr. Turner moved the following motion as an amendment to Mr. Karn's:

"That the registrar be instructed, in view of the opinion of the College Solicitor, to take no action by way of collecting dual fees in arrears, but that after May 1st, 1899, demand dual fees for the then current year only, from all liable, and if refusal be made, then take legal steps to collect the same, making one test case, and that the registrar be instructed to notify all concerned of the intention of the council."

The amendment was seconded by Mr. McCullough.

Mr. Hargreaves moved in amendment to the amendment "That we do not collect dual fees for branch stores."

The amendment was seconded by Mr. Snyder.

Before the motion and amendments were put to the meeting, Mr. Karn read extracts from the solicitor's opinion in the matter, as follows: "If the English language means anything, then in our opinion the construction to be placed on clause 18 is that each of these gentlemen should pay \$4"; and, again: "If there