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ALL LICENSES
WERE RENEWED
AT THE MEETING OF
THE COMMISSIONERSPointed Out By Solicitors That
Board Could Not Deal With
Them Until September

(From Tuesday's Daily.)

Overcome by a blanket vote which was put through by Commissioners Ross and Phillips at Monday's meeting of the board, Mayor Morley went down to defeat, and every license in the city was renewed. As the matter now stands there is a serious split in the license board, a similar state of affairs in the city council over the same matter and a point of law in the courts. The city council is going dry for several weeks. As was pointed out by the Mayor Monday, the granting of the licenses without first having secured the necessary information as to the state of the city was a serious mistake. It was the case they would be null and void as soon as issued. Providing that no serious steps are taken when the course of the council is decided upon next Monday, the actual result of the blanket resolution carried at yesterday's meeting will be only to delay the enforcement of the by-law until the next regular meeting of the board in September.

The police court had never, perhaps, in its history held such a crowd on any previous occasion as it did yesterday. An imposing array of lawyers, backed up by ranks of eager license-holders and a general representative deputation, uninvited, of course, from the "man in the street," was present to watch the proceedings.

City Solicitor Mann, at the Mayor's request, set the ball a-rolling. The present regulation of affairs, he contended, was the first of its kind. The council had passed them and it had become necessary, in order to enforce them, for the council to obtain information as to the state of the city. The council had passed them in the manner in which the liquor licenses in the city were at present conducted. This information had been obtained, and it showed that a somewhat strange condition of affairs existed. There were a number of buildings which were conducted under hotel licenses which could not claim to be hotels. The statute of 1882 provided that every hotel must have thirty rooms or over, but this statute had never been observed in Victoria. To adjust matters the board had a list of these premises, and the council in which the faults were set down.

As far as the regulations went he wished the board to grant the renewals, as many of the license-holders had complied with the by-law, and the others were hastening to comply. He read, in conclusion, the following clause from the Municipal Clauses Act, as a warning: "If a license is granted, transferred or renewed contrary to the provisions of the act, or of any by-laws passed under its authority with reference thereto, such license shall be 'pro facto' null and void."

Frank Higgins asked for renewals for all licenses under section 1 of the by-law. The board had no power to refuse renewals, but in fact it was upon this occasion, bound to issue a renewal in each case.

Mr. Higgins said that he represented the license-holders in the city, and he, on their behalf, emphatically called for a renewal of every license. He claimed that it was illegal for the board to attempt to look into the merits or demerits of the licenses. Under the Municipal Clauses Act the board was required to sit on certain days, and these sittings were designed for the regular meetings. Every license-holder had received a notice requiring him to attend before the board at its next regular meeting and, as the next regular meeting was in September, the only business the board could proceed with was that left from the June meeting. The notices stated that when the liquor license by-law had not been conformed to, the license-holder should make the necessary alterations upon a certain date. He argued that the report of the chief of police giving the necessary information to show where non-conformity existed should have been in the hands of the board before these notices were issued, and that the information should have been obtained in open court.

Speaking of the stand taken by the license-holders, Mr. Higgins said that there was every reason to believe that the board was acting in violation of the by-law. He quoted from an interview given by the Mayor to the press, in which His Worship admitted this, and said that a most commendable effort to observe the by-law was being shown by the license-holders. In concluding Mr. Higgins said that any action on the part of the board to investigate the circumstances under which the by-law had or had not been complied with at the meeting was, under the Municipal Act, illegal.

At this juncture Commissioner Phillips moved, and Commissioner Ross seconded: "That this board grant the renewal of all restaurant, hotel shop or public houses, and that the city treasurer be instructed to issue the necessary permits, giving a further opportunity to all to comply with the general regulations, the chief of police to report at the next regular meeting of the board any breach of the regulations."

A. E. McPhillips, K. C., also addressed the board on behalf of the license-holders. Upon examination and comparison of the by-law and the act, he said, he had come to the conclusion that the contention made by Mr. Higgins was one that the board could not deal with. He said that the board could not deal with the matter. As Mr. Higgins had stated any such action would be ille-

gal, moreover it was a common principle that no person should be required to conform to any law that was under appeal in the courts.

Commissioner Phillips caused a stir by interpolating "There's two to one so there is no use in discussing the matter further."

Mayor Morley said that the intended action of the board as outlined by City Solicitor Mann practically granted the request of the license-holders. He was, in his opinion, however, impossible for the board to grant renewals on all licenses without some inquiry. It was the intention of the board to harass the license-holders as the commissioners believed that the commendable manner in which the license-holders had complied with the by-law since the notice had been served upon them deserved a certain amount of consideration. The names and data of the license holders and their properties had for one thing, become sadly mixed up making it imperative for the board to deal with each license separately. Mr. Higgins—But you cannot do this, it is illegal.

Upon the advice of Mr. Mann the Mayor put the motion, saying before doing so, that he did not think it a wise course. It might result in every license being renewed by the council, and void as provided by the act. Mr. Higgins said that the license-holders were willing to take the risk and bear the responsibility should such a thing happen and the Mayor announced that the motion carried, with the chairman dissenting.

Immediately there was a buzz of contentment and a general stampede to the city treasurer's office to obtain licenses. For ten minutes the commissioners waited for the disorder to subside and then, the court-room having been practically emptied, the ordinary routine business was proceeded with.

Transfers were granted to Catherine J. Meldrum, for the Regent and Avenue hotels, and to the former held by her husband deceased.

The Bodega saloon was transferred to T. A. and C. M. McDowell and to the Clark. A temporary permit for the Victoria hotel bar was granted and a temporary permit for the Elk saloon was confirmed. The license of the Commercial hotel was transferred to Samuel Shore from T. McDowell.

The board then adjourned.

WOMAN'S TERRIBLE DEATH.

Calgary, Alta., July 15.—The wife of E. G. Hall, one of Calgary's leading citizens, met a terrible death Saturday night. She was found lying on her back in her cellar to pump water from a well. Mrs. Hall saw the gasoline escaping Saturday evening and tried to stop it, when it blew up.

Her seven-year-old daughter rushed her infant sister out of the house and alarmed the neighbors. Three men made a heroic rescue in getting the woman out, having to form a living chain and crawl across the kitchen floor to avoid suffocating in the smoke, and guided only by her voice, crying, "For God's sake, kill me."

The girl, before them, unconscious, but she died after seven hours of terrible agony.

While going to the fire, chemical No. 2 was in "shash-up" but the firemen all escaped injury.

PLUCKY ACTOR.

Stanley Johns, in Spite of Physical Suffering, Aided the Audience.

(From Tuesday's Daily.)

Stanley Johns, of the Beatrice, Moreland, Small & Company, which is playing at the Grand theatre this week, is a man possessed of a wonderful amount of "nerve," not that kind that is used as a synonymous slang term with "gall," but the kind that is the result of physical pain when it interferes with business. Mr. Johns has been suffering from a growth in the right arm near the elbow for some time past, and yesterday the arm swelled to an alarming degree with every indication of blood poisoning. Few people who witnessed the two performances at the theatre last night knew that Mr. Johns, who played his part with his usual correctness, was suffering throughout the night. After the fall of the curtain on the second performance, the actor was taken to the St. Joseph's hospital in a weak condition. There Dr. Frank Hall performed a delicate operation, opening the arm and removing the cause of the trouble. Mr. Johns was allowed to go. His first words after the doctor had performed the operation in the early hours of this morning were characteristic: "I'm glad you've got it over so that I'll be able to go on the stage again to-night."

Visitors to the theatre to-night will see whether he keeps his word or not.

PRINCE RUPERT EMPIRE.

John Houston's New Paper Is to Be Printed in Vancouver.

The first number of the Prince Rupert Empire, the new paper to be published in the Grand Trunk Pacific terminus, will be carried north this week after being printed in Vancouver. The manuscript was brought to the Terminal City by the Princess Beatrice on her recent trip south to be printed as a newspaper. The new paper is in charge of John Houston, who has now installed himself in Prince Rupert in the premises of the solitary policeman who keeps watch and ward over the destinies of the new townsite. To the inhabitants of Prince Rupert, Mr. Houston says that he has come to stay and to make his paper a success, and considering that the premises which he has selected have been described by the portals the words "Police Department" is hardly a promising start. It will be immune from interference. The first printed edition of the Prince Rupert Empire will be carried north by the steamer Princess Royal when she leaves Vancouver on Friday night.

ARTILLERY FOR PHILIPPINES.

Washington, July 16.—Orders have been issued by the war department for the Fifth Field Artillery to proceed from Fort Seward, Kan., to Manila for embarkation for the Philippines on a transport, sailing September 5th.

KILLED BY TRAIN ROBBERS.

Cherryvale, Kas., July 16.—Two robbers held up a St. Louis and San Francisco freight train five miles east of Cherryvale early today, shot and killed C. Brown and seriously wounded Otis Taylor, harvest hands.

BITTER FIGHT
OVER LICENSESMAYOR CRITICISES
THE COMMISSIONERSMatter Was Brought Up in City
Council When Chief Magistrate
Makes His Report.

(From Tuesday's Daily.)

Sparks flew at the council meeting Monday when the liquor license regulation by-law, yesterday's meeting of the government's appointees on the council, was the subject of discussion. For once the council threw off its cloak of lethargy and assumed the habits of an active, if somewhat confused, assembly. The dreary chamber wherein the weekly deliberations of the municipal government takes place, shook with vehement protestations, exhortations and condemnations, and it all happened in this manner.

Mayor Morley presented the following report describing the proceedings at Monday's meeting of the license board:

Victoria, July 15th, 1907.

Gentlemen:—I beg to report that I today sat as chairman of the board of licensing commissioners, together with Commissioners Phillips and Ross. The city solicitor having shortly mentioned the altered state of the law as affected by the Liquor License Regulation By-Law, Mr. Higgins and Mr. McPhillips having made certain representations, without calling upon me or hearing me, I submitted the matter to the board, and, as an application, Commissioner Phillips produced a written resolution which he moved, ordering all liquor licenses to be renewed and directing a report to be made at the next regular sitting. This resolution was carried, and the Mayor, having taken the advice of the city solicitor, I found I was compelled to put the resolution to the board, which was carried, and became an order of the board, upon which all licenses have been renewed and now will be effected until the 15th day of January next year.

I personally regard this prepared resolution passed in this way as intended to defeat the operation of the by-law and feel that if the spirit actuating the two commissioners is allowed to prevail the government will be in a position to submit this report to the council, praying that some action may be advanced promptly to deal with this very anomalous position in which, as executive head of the city and council I am placed.

A. J. MORLEY, Mayor.

When the city clerk had read the report the Mayor proceeded to explain his position in regard to the license commissioners. He said that, although the municipal council of Victoria had passed the liquor regulation by-law, two political appointees on the license board, who were appointed by the council, had assumed the positions of dictators to the council—had to all practical purposes endeavored to render the by-law null and void, and had placed the existing licenses, those granted at yesterday's meeting, in jeopardy. "Although I had a big batch of communications in regard to licenses," said the Mayor, "in which the writers asked for information in connection with the granting of renewals and other matters, and although there were questions of importance to be considered by the board, two of the commissioners took it upon themselves to introduce and pass a resolution which prevented me from placing these matters before them."

The Mayor further stated that this action on the part of the commissioners was most unfair to the license holders and more so to the citizens. The latter appointed the city council to conduct the affairs of the city, and yet two appointees of the Conservative party had stepped in and dictated to the council in regard to the liquor license. He said that he had attempted to run the thing as they pleased. He did not think that this was fair, but, at the same time, he did not lay the blame entirely upon the provincial government. He had protested, at the beginning of the year, against the appointment of Commissioner Phillips. He had spoken of the matter to Premier McBride and the latter had told him that he, the premier, had no say in the matter of making the appointments. The party had placed both commissioners on the board, and they had attempted to take the law in their own hands. It was an anomalous position for him to be placed in and he asked the council to give him its aid in combating the dictatorship of his brother commissioners, who were, after all, really subversive to the board of aldermen by virtue of the by-law regulating their conduct in regard to granting and renewing licenses which had been passed by the council.

This communication and explanation from the Mayor came on in the evening, and the matter was laid over until nearly the end of the meeting, when it was brought up again through a resolution moved by Ald. Gleason. The resolution was a somewhat drastic character, and was worded as follows:

Whereas, by report of His Worship the Mayor, it appears that without considering any matters intended to be submitted to them and without hearing anything to be urged by the proper authorities and with the object of defeating the operation of the Liquor License Regulation By-Law, 1907, two of the three license commissioners, Commissioners Phillips and Ross, passed by a majority vote a resolution that all liquor licenses be renewed;

And whereas, this general resolution precluded the board from correcting what the council are advised are irregularities in the holding of licenses and also defeating the objections which on the report of the chief of police it was intended to urge against certain of the license premises;

Be it resolved, that the facts be communicated by the Mayor to the executive council, and that a view of action be taken to prevent a repetition of this violation of the council's rights as the representatives of the citizens charged with the good government of the city.

In support of his resolution Ald. Gleason spoke at length. He said that he greatly regretted the necessity of such a resolution, but that he deemed it his duty to do so. He said that he was one of the license commissioners, had never, at any meeting of the city council when the liquor license by-law was under consideration, expressed any opposition to it. He, therefore, could not understand the position taken by Ald. Ross or Mr. Phillips, and he thought that it was time that the city council took steps to prevent a repetition of such interference with its powers as had been shown at the meeting of the license board. As the situation stood, two men appointed by the provincial government had undertaken to upset the work of the council which really controlled them.

Ald. Ross defended his stand on the matter. He had seconded Commissioner Phillips' resolution because he thought it best in the interests of the citizens to do so. He said that he had stated that he was a political appointee. If this was the case he was ignorant of it. "I have never yet discovered," said the alderman, "what was resolved by my appointment as license commissioner."

Mayor Morley said that when he read the names of the commissioners before they were appointed, he was surprised by the government he had asked Premier McBride to substitute others. The premier had stated to him that it was a question of party and the appointive element had decided to appoint both Commissioner Ross and Commissioner Phillips. In passing the blanket resolution at the license board meeting both commissioners had been guilty of an act of insubordination. Under section 184 of the Municipal Clauses Act the renewals had been illegally granted by the license commissioners and were, therefore, null and void. "I claim," said the Mayor, "quite unfair for the other commissioners to bring in such a resolution as they did for it quite prevented sane action on the part of the council. It was placed in the vested interests in jeopardy." The license-holders and the license board had both been placed in strange and almost untenable positions. He said his brother commissioners had made this foolish and most unreasonable move. The men appointed to sit on the board should be wide-awake men acquainted with the law and the interests of the city. He asked the council if it was in the interests of the city that such men as commissioners Phillips and Ross should be allowed to sit on the board. Ald. Hanna was the first to speak as the Mayor had finished speaking. He asked the Mayor to apologize for his remarks. He had heaped unwarranted insults upon both the commissioners and made a mistake in understanding you should exercise whatever power you have to rectify the error and should make amends. "There has been any mistake or misunderstanding you have to rectify the error and should make amends. There has been any mistake or misunderstanding you have to rectify the error and should make amends."

THE HAYWOOD TRIAL.

Boise, Idaho, July 16.—It is possible that the prosecution in the Haywood case will close the rebuttal this afternoon, but it is more than probable that another day will be given to this feature of the case. If predictions are verified, however, the arguments should begin by Thursday.

Ald. Ross defended his stand on the matter. He had seconded Commissioner Phillips' resolution because he thought it best in the interests of the citizens to do so. He said that he had stated that he was a political appointee. If this was the case he was ignorant of it. "I have never yet discovered," said the alderman, "what was resolved by my appointment as license commissioner."

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