

The Colonist.

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TRADE IN VICTORIA. Sir Matthew B. Begbie, C.J., Sustains the Municipal Retail License By-Law.

Full Text of the Judgment Rendered by His Lordship in the Supreme Court. Poole vs. the Corporation of Victoria. In this case the appellant, Poole, was convicted and sentenced to \$50 fine, in addition to \$50 for a license, under the following circumstances:

The Municipal Act, 1891, sec. 96, sub-sec. 73, gives the Corporation power to make by-laws as to shops and trade licenses. By sec. 106, sub-sec. 12, "Every person who either as principal or agent solicits or takes orders for the sale by retail of goods, wares or merchandise to be supplied or furnished by the person or firm doing business outside of the Province, and not having a permanent and licensed place of business within the Province, shall be deemed to be a person using or following within the Municipality any of the trades, occupations or professions enumerated in sec. 166 of the Act, and sections thereof, shall take out a periodical license therefor for each period as in the said section set out, paying for such license such periodical sum as is therein specified, payable to the Corporation as in and by the said sections."

It is observable that in sec. 166, sub-sec. 12, and, indeed, in all the sub-sections, no precise license fee is specified at all. By sec. 170, no person is to be licensed to carry on or exercise in the municipality any trade, occupation, profession or business described or named in sec. 166 and the sub-sections thereof, unless he have obtained a license therefor, and in fact, leave any security as to his duty to take out and pay for a license. The appeal therefore fails.

was then argued that the statute in question was unconstitutional for its encroachment on trade and commerce, which is a power reserved to the Dominion Government. The Dominion Government has no power to interfere with the trade and commerce of the Province, and the Province has no power to interfere with the trade and commerce of the Dominion.

But the whole question of this reservation in sec. 92 and the views expressed in several cases, have been discussed in Parson's case, (88 app. cases), Mercer's case, (10 app. cases), Hodges's case, and Lamb's case, (18 app. cases). In all these cases the power of the Dominion Government to authorize municipalities to levy taxes on different trades and occupations carried on in the Province, is upheld, and it is held that the objection would go far beyond what would be to all these cases. Every tax on a tradesman, professional man, or other person, who carries on a trade or profession, is a tax on the trade or profession, and is a tax on the Dominion.

Now, it does not seem at all probable that the statement which contended this ingenious license system, would have been overruled in several provinces the taxation of all their occupations, but would reserve the right of taxing bagmen to the Dominion Legislature alone, and though, of course, the Dominion Legislature has no power to tax bagmen, it has power to tax the Dominion, and the Dominion has power to tax the Dominion.

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NEWS OF THE PROVINCE.

Destructive Bush Fires Near Vernon.—The River's Inlet Tragedy and its Actors.

A Poor Fishing Season on the Fraser.—The Labor Day for Nanaimo.

Vanouver, Aug. 18.—Mr. and Mrs. J. W. Gallagher met with an accident, this morning, in the loss of an infant son. D. McFarlane has been arrested as the possible thief who stole \$20 from H. Chapman's bedroom on Thursday night.

WESTMINSTER, Aug. 18.—D. R. Ker, of Breckenham, has, tonight, completed the purchase of the entire business, together with the extensive warehouses and wharves on Front street, of Mathers & Milligan, produce and commission merchants. The new owners begin business on September 1st, and special efforts will be made to increase the manufacture of their own quality of goods, and to secure the best quality of goods for their customers.

WESTMINSTER, Aug. 18.—The Japanese on the River's Inlet tragedy has been concluded, and Sing Kee, sent up the Assesee on a charge of murder by the coroner. To make matters more secure, Sing Kee will be charged on Monday, with shooting with intent to kill, at Ober Gow, one of the partners in the safe robbery. In the case of the Chinaman who died from freight at the time of the shooting, the coroner's jury brought in an open verdict as no cause of death was ascertained.

WESTMINSTER, Aug. 18.—The public schools will open on Monday, and the School Board, yesterday, wanted the Assesee on a charge of murder by the coroner. To make matters more secure, Sing Kee will be charged on Monday, with shooting with intent to kill, at Ober Gow, one of the partners in the safe robbery.

WESTMINSTER, Aug. 18.—The railway station is completed and is being painted. Hayling is over, and the crop has been well saved. It is raining to-day. The mosquitoes are dying off. The ranchers are commencing to talk of the purchase of a new house.

WESTMINSTER, Aug. 18.—The North Arm channel is being spar-booyed by the Dominion Government. The fire valley trail has been completed. The miners at Fairview are petitioning to have county court every sixty days.

WESTMINSTER, Aug. 18.—The new Episcopal church at Enderby was consecrated by Rt. Rev. Bishop Sillitoe on Sunday last. The bush fires have been doing considerable damage in the vicinity of Vernon. At one time the town and the wheat crops to the east were in danger of destruction, but about 40 men under Ericsen, and a good light managed to extinguish the flames.

WESTMINSTER, Aug. 18.—The new steamer Joan made her first trip. She made the fastest time on record from Nanaimo to Hornby, gliding through the water as gracefully as a swan. Moreover, she is a floating palace compared with boats hitherto running here.

formed, the creditors to accept shares in the company in payment of their claims. Nothing definite was settled, and the meeting adjourned for one week.

J. Richards has completed furnishing the Hotel Wilson. The interior has been fitted up in an elaborate manner, the rooms are airy and are furnished with electric light and call bells. Mr. Richards is well known among the commercial fraternity. The building is claimed to be the finest in Nanaimo.

Mr. Plimbury has a few splendid jars of preserved fruit among his many exhibits to be sent to Toronto. Mr. Plimbury's own exhibits are by no means inferior to others in his class.

Mr. Henderson, foreman builder, formerly of Calgary, has decided to make Golden his home. He has started by importing some good dairy cows. The traffic at the C.P.R. depot is increasing to such an extent that one hand is not able to do the work a little too much to look after.

Mr. Bargett, formerly with the Upper Columbia Co., was in Golden, last week, from his return trip with many head of cattle, and intends running his ranch on the best farming basis.

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left for Idaho, to take charge of a silver mine in the same State.

Lookley L. case, of Vancouver, lectured in the school house, on Wednesday evening, John Heaton has come in from the Interior, and will leave shortly for the Interior. Slade & Wallinger have secured the contract for packing 20 tons of ore from Vermont Creek claim to Carbonate landing.

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Italy Appoints Her Royal Highness the Behring Sea Boat.

Italy's Arbitration. Rome, Aug. 17.—The Italian Senate has appointed Italy's Arbitration Commission.

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THIRTY-FIVE

CABLE NEWS

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Headache

Usually results from a deranged stomach or a sluggish liver. In either case, an aperient is needed. Ayer's Pills, the mildest and most reliable cathartic in use, correct all irregularities of the stomach, liver, and bowels, and, in a brief time, relieve the most distressing headache. These pills are highly recommended by the profession, and the demand for them is universal.

"I have been afflicted, for years, with frequent headaches, and after taking various remedies, I have been convinced that Ayer's Pills are the only medicine that has cured me."—Benjamin Harper, Plymouth, Montreal, W. I.

CURED BY

two boxes of Ayer's Pills.—Emma Keyes, Hubbardston, Mass. "For the cure of headache, Ayer's Cathartic Pills are the most efficient medicine I ever used. I have been afflicted with this complaint for years, and after taking various remedies, I have been convinced that Ayer's Pills are the only medicine that has cured me."

Ayer's Pills

Prepared by Dr. J. C. Ayer & Co., Lowell, Mass. Every Dose Effective.

OCEAN STEAMSHIPS

Cheapest and Quickest Route to the Old Country. From Montreal to London, via Halifax, St. John's, and Liverpool. Allan Line, Dominion Line, etc.

NOTICE

Notice is hereby given that thirty days after date we intend to apply to the Chief Commissioner of the Land Office for a license to cut and carry away timber from the following lands: [List of lands]

NOTICE

Notice is hereby given that the Okel & Morris Trust Preserving Company Limited, of the City of Ottawa, has been appointed Receiver and Liquidator of the assets of the late John A. Morris, deceased.