

THE DAILY EXAMINER.

TERMS—FIVE DOLLARS A YEAR.

"This is true Liberty, when Free Born Men, having to advise the Public, may speak free."—EURIPIDES.

SINGLE COPIES TWO CENTS.

NEW SERIES.

CHARLOTTETOWN, P. E. ISLAND, FRIDAY, JULY 18, 1890.

VOL. 26.—NO. 43

Manchester Fire Assurance Com'y,

OF MANCHESTER, ENGL ND.

CAPITAL, £1,000,000 STG.

Every Description of Property Insured at Lowest Rates.

HEAD OFFICE OF THE COMPANY, MANCHESTER, ENG.
CHIEF OFFICE FOR CANADA, TORONTO, ONT.

HORACE HASZARD & E. H. BEER,

JOINT AGENTS FOR P. E. ISLAND.

A Bold Dash

FOR FIRST PLACE,

As I Have Got the Goods to do it.

I HAVE IMPORTED from the best Houses in the Old Country, SCOTCH and ENGLISH GOODS that cannot be beaten in quality, pattern, and customers are convinced at sight, as these goods speak for themselves. Five Hundred and Sixty Pairs of PANTALOONS to select from, of the prettiest patterns, LIGHT and DARK TWEED SUITINGS in the newest designs, and WORSTEDS in the finest grades, which I will make up at prices to suit the times, as I intend to let no one undersell me. I invite the public to come and examine my stock. Good Fits warranted or no sale.

A. J. MURPHY

Ch'town, May 9, 1890—tu fri UPPER QUEEN STREET

B. S. DAVIES & CO.

Merchant Tailors.

WE ARE SHOWING the Largest and Finest Line of Men's Neckwear in the city. Large assortment of Men's Stiff Flex Hats; large assortment of Men's Soft Hats (American); large assortment of Men's American Straw Hats; large assortment of Men's Fine White Shirts; large assortment of Men's Fancy Flannel Shirts; large assortment of Men's Fine Underwear, Braces, &c.; Light Coats for summer wear; Lap Robes, in Mummie Cloth, the correct thing; large range of Woolens, in Suitings; Spring and Summer Overcoatings and Trouserings, in Scotch and West of England goods.

Mr. McDonald, late of Boston, has charge of our Tailoring Department, and you can rely on getting a good-fitting garment.

Lot of MEN'S and BOYS' READYMADE CLOTHING, at greatly reduced prices to clear.

B. S. DAVIES & CO.,

Ch'town, June 2, 1890.

CAMERON BLOCK.

BANKRUPT

FURNITURE

Lower than Auction Prices.

An Immense Lot of Bankrupt Furniture for sale at Dazzling Discounts. Must be sold at once. I defy competition.

JOHN NEWSON,

South Side Queen Square,

Charlottetown, Jan. 19, 1886.

OPPOSITE THE LAST OFFICE.

CAMPBELL'S SKREI BRAND OF

Cod Liver Oil.

THIS IS THE FINEST COD LIVER OIL EVER BROUGHT OUT. Cod Liver Oil usually has such a disagreeable taste, and is to many so difficult of digestion, that its excellent nutritive and medicinal qualities are not experienced. The Skrei Oil is free from these objections, being beautifully clear, pale and bright, almost tasteless, and readily assimilated by children and the most delicate invalids. Sold by

W. R. WATSON, Dispensing Chemist,

QUEEN STREET, CHARLOTTETOWN,

Feb 19

WEEKS & BEER,

QUEEN STREET,

CHARLOTTETOWN, P. E. ISLAND,

Importers of British and German Dry Goods, Millinery, Small-wares, &c.

Also—Full Lines of Teas, Groceries and Warehouse Goods, WHOLESALE ONLY.

Additional to our General Stock are being daily received from the different sources of production, and will be offered, Wholesale only, at a small advance on cost. Ch'town, May 22, 1890—dy 2m

WAREHOUSE TO LET.

WE offer for lease the Brick Warehouse, on Pownall Street, owned by the trustees of the late Owen Connolly's Estate. Warehouse will be vacant after the 23d July next.

Dated 21st June, 1890.

FRED. PETERS,

Solicitor for Trustees.

Lime Juice!

PURE MONTERRAT LIME FRUIT JUICE in pint and quart bottles. Also, W. I. Lime Juice on draught. Just received, and for sale at low prices, at

ARTHUR S. JOHNSON'S DRUG STORE,

Corner Kent and Prince Streets. ju 19

BEST ROUTE to BOSTON

CANADA ATLANTIC LINE.

ONLY ONE NIGHT AT SEA.

Quickest and Most Direct Route. Low Fares.

The Magnificent Clyde-built Steamship

S. S. "HALIFAX,"

Is the largest, safest, fastest and best furnished and most comfortable passenger steamer ever placed on the route between Halifax and United States.

Sails from Noble's Wharf, Charlottetown, every Wednesday, at 8 o'clock, and at Lewis Wharf, Boston, every Saturday at 12 o'clock.

Passengers by Tuesday evening trains can go on board on arrival without extra charge. Baggage checked through. Through tickets on sale by P. E. Island Nav. Co., and

F. T. NEWBURY, Agent Ch'town.

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I took Cold, I took Sick, I TOOK

SCOTT'S EMULSION

RESULT: I take My Meals, I take My Rest, AND I AM VIGOROUS ENOUGH TO TAKE ANYTHING I CAN LAY MY HANDS ON: getting fat too, FOR SCOTT'S Emulsion of Pure Cod Liver Oil and Hypophosphites of Lime and Soda NOT ONLY CURED MY Excessive Consumption BUT BUILT ME UP, AND IS NOW PUTTING FLESH ON MY BONES AT THE RATE OF A POUND A DAY. I TAKE IT JUST AS EASILY AS I DO MILK.

Scott's Emulsion is put up only in Salmon color wrappers. Sold by all Druggists at 50c and \$1.00.

SCOTT & BOWNE, Bellville.

POLITICAL MEETINGS.

THE undersigned will meet the Electors of the Second District of Queen's County for the Legislative Council at the following times and places:—

Brackley Point Road, Harrington, in the School House, on Wednesday, 9th July, at 7 o'clock, p. m.

At Stanhope School House, on Thursday, 10th, at 7 p. m.

At Mount Stewart Hall, on Friday, 11th, at 7 p. m.

At Ten Mile House, St. Peter's Road, on Saturday, 12th, at 6 p. m.

At Belle Creek School House, on Monday, 14th, at 7 p. m.

At Wood Islands, on Tuesday, 15th, at 7 p. m.

At Caledonia School House, on Wednesday, 16th, at 7 p. m.

At Murray Harbor Road School House, on Thursday, 17th, at 7 p. m.

At Eldon Hall, on Friday, 18th, at 7 p. m.

At Avondale School House, on Saturday, 19th, at 4 p. m.

At Vernon River Hall, on Monday, 21st, at 4 p. m.

At Pownall Hall, on Tuesday, 22nd, at 4 p. m.

At Monaghan Road Schoolhouse on Thursday, 24th, at 7 p. m.

At Donagh School House, on Friday, 25th, at 7 p. m.

At Mount Herbert Hall, on Saturday, 26th, at 4 p. m.

At York Hall, on Monday, 28th, at 7 p. m.

At Blooming Point School, on Tuesday, 29th, at 5 p. m.

JAMES NICHOLSON, JAMES ROSS.

July 5—dy wky

SOURIS TEA.

THE Congregation of St. Mary's Church have been induced to give another of their Grand Teas on the old grounds, Souris East, On Thursday, 31st of July.

The Committee have adopted a programme which will eclipse all Teas given here or elsewhere. Arrangements will be made with the Railway to give the patrons the best possible facilities to arrive and return, of which due notice will be given.

MICHAEL MCCORMACK, Secretary. dy 2awdwy—pat her wat

WANTED.

THREE SMART BOYS to work in the Factory. Apply to

MARK WRIGHT & CO., Ltd.

July 9—dy tf

BOOTS! BOOTS!

Horse Boots & Track Harness.

ON HAND, direct from the makers, a full supply of the noted FENNEL HORSE BOOTS, comprising almost every Boot worn in the United States.

A fine lot of TRACK HARNESS, second to none in Canada, made on the premises by the best workmen to be had. Come and inspect, as I am determined to lead the trade.

ROBERT TOOHNS, Great George Street, near Kent. June 23—dy 1m eod

THE NEW YORK, MAINE AND STEAMSHIP COMPANY.

S. S. "WINTHROP,"

H. H. HOMER, Commander.

Will sail for New York, New York, every SATURDAY, at 6 p. m. for New York Harbor, Eastport and St. John.

Returning, will sail from St. John, WEDNESDAY, at 6:00 a. m. local.

FARE:—St. John and New York \$7.50. Freight, exceedingly low. No cartage at St. John, as Cars run on to Steamer's Pier.

For further information apply to TROOP & SON, Agents.

H. D. McLEOD, General Freight and Passenger Agent, Or at the office in the Company's Warehouse on the New York Pier, North End. June 23—dy 1m

THE DAILY EXAMINER.

JULY 18, 1890.

An Important Judgment.

In the Stipendiary Magistrate's Court at Summerside a few days ago, Judge Kelly rendered judgment in respect to the appeals of the Merchants Bank of Halifax and the Bank of Nova Scotia from the town assessment. The Stipendiary Magistrate, Mr. M. Quarrie, being interested, could not hear them. The grounds of these appeals, as well as the facts and arguments against them, will be learned by a perusal of Judge Kelly's decision, which we now publish. It is right to add that the Banks have appealed from Judge Kelly to the Supreme Court.

In the Stipendiary Magistrate's Court, Town of Summerside.—The Merchants' Bank of Halifax, appellants, and the Town of Summerside, respondents.

The Bank of Nova Scotia, appellants, and the town of Summerside, respondents.—An appeal from town assessment.

These are two appeals taken from the assessment made on the personal property of the appellants by the respondents' assessors for the year ending 31st of August, 1889.

The question in issue turns upon the construction of sections 77, 78 and 79 of "The Summerside Incorporation Act, 1886," chapter 11, and upon the affidavits filed by the appellants, purporting to furnish the information of the town assessors the necessary statement of the appellants' income or profits during the year in dispute.

By section 76, personal property within the town is liable to taxation for civic purposes; and section 76 defines the expression "personal property" to include, *inter alia*, stocks in banks and banking companies doing business in the town. If read alone and independently of section 78, section 77 would render the two appellants corporations liable to be rated and assessed upon the whole amount of their capital stock, whether remunerative or otherwise, for they certainly are "doing business within the town;" but this would be unjust, and therefore section 78 provides that such institutions shall be taxed upon part only of their actual capital, and that such part shall be ascertained by rating them "as if holding \$100 of property for every \$5 annual net income or profit derived from their business." If the statute in question had gone no further in prescribing the mode of procedure in rating corporations, the duty of the respondents' assessors would simply be to value the net income themselves according to their means of knowledge, just as they would in regard to the taxable property of all private individuals, and if the Banks were dissatisfied they could appeal like ordinary or common people. "Only this and nothing more." But under section 78, banks and other joint stock companies are, in effect, their own valuers and assessors. In this respect they certainly enjoy an advantage over all other ratepayers. This privilege was, most probably, conferred upon them in order to relieve them from the periodical visits of the assessors, whose interrogations might be regarded by the bank officials as too inquisitive or impertinent. To prevent assessors from attempting to become familiar with managers or agents, even in country towns, the legislature makes an exception in favor of the banks by constituting them their own valuers of the corporate personal property; but in order to enjoy this privilege—the exception to a general rule—it is provided that the banks must comply clearly and precisely with all the requirements which the statute imposes as conditions precedent to the rightful enjoyment of this privilege.

The affidavit required by section 78, to be made by the appellants' agents, respectively, must contain "a precise statement of the annual net income derived from their business within the town during the year." The affidavits on file, and upon which the appellants rely, start with an allegation specifying the total amount of "direct profit"—an expression not found in the statute itself, and obviously suggestive of more than one class or source of profits. The authors of these affidavits would appear to think that banks should pay only on one class of profits, namely, direct profits. As far as these affidavits proceed, they may be quite true; but they certainly depart from the words of the Act, which require the statute has been complied with, and the words "net income or profit" are precisely identical with the phrase "direct profits," introduced into the affidavits. For such a proposition I am unable to find any authority; and the expression "direct profits," as before intimated, undoubtedly implies in the minds of the bank agents here the existence of at least two classes of profits—indirect as well as direct; and the former may be as highly appreciated by the stockholders as the latter; whereas "net income or profit" unquestionably comprehend all the earnings of whatever class in excess of charges and disbursements.

Appellants' counsel have strongly contended that inasmuch as the statute under review is a taxing one, a construction most favorable to the appellants should be given; but it should be remembered that section 78, which we are considering, is really an enactment beneficial to the banks, and, therefore, in seeking to avail themselves of this provision, they must comply with the law strictly, and avoid the use of vague or evasive language. I observe that the affidavits made and filed by the respective agents of the appellant corporations are identical in phraseology, *mutatis mutandis*.

Each lends to each a double charm, Like pearls on the Ethiop's arm.

The last paragraph in each, though not required at all by the act, is, evidently, introduced as an explanation of the preceding one, as if the dependence of one further reflection, perceived the insufficiency of the main allegation; but in reality, if this last paragraph was intended to explain or amplify the preceding one, it could scarcely be couched in less appropriate terms.

A resident agent in charge of said responsible for the whole management of a banking house, must surely be prepared to speak in definite language when professing to fulfil the obligation of an oath, "to precisely state" the earnings of the institution under his daily supervision; but in those affidavits we find expressions of the order, and the form and such as imply mere matter of belief or suspicion; that in arriving at the balance sheet, they followed the course that is common and allowable in similar instances.

K. D. C. is Guaranteed.

K. D. C. for the Stomach.

tions. What are similar irritations? What course is common and allowable. Is the agent here unable to rely upon his own knowledge and ability?

These agents, having a constant daily supervision of all the details of their bank business, must be held to possess an accurate personal knowledge of all the profits, and a correct manner of ascertaining them; and it is absurd for persons filling their important positions, and presumably skilled in accounts and book-keeping, to pin their faith upon a belief or conjecture that other accountants adopt similar methods when settling the amounts they are willing to be assessed for.

It should also be remarked here that during the hearing of these appeals the agents of the appellant corporations were present in court with their able counsel, Mr. Hodgson and Mr. Morson, and the respondents' counsel, Mr. F. Peters, in animadverting upon the contents of the affidavits, did not hesitate to assert in rather plain language that those documents were not only evasive and ambiguous, but furnished some resemblance to a veritable *supplicatio veri*. No oral testimony was given at the trial.

According to my view of the sections of the statute in question, I think both appellants have failed to comply with the requirements of the law concerning the making and filing of proper affidavits, and that, consequently, the respondents' assessors properly ignored those documents as a guide to their duties.

As both appeals are taken on the same grounds, I dismiss each, and under section 96 I allow costs to the respondents.

Local and Other Items.

A BONANZA.—The merchants of Canoe are having a bonanza this year. It is estimated that the fishing fleet has already left \$100,000 there this season for bait and ice.

INCREASE IN TRAVEL.—Up to the present time travel on the I. C. R. is far ahead of last year. The Halifax Herald says that one day last week the passenger receipts at New Brunswick station were over \$1,000.

EARLY POTATOES.—The Farmer was shown on Tuesday last, by Mr. D. Campbell, hotel-keeper, Summerside, a growth of fine, large, new potatoes, the growth of Mr. Hubert Mills, of St. Eleanor's.

EXCURSION FROM PUGWASH.—We learn from the Farmer an excursion party of over 150 arrived at Summerside during the forenoon of Monday last from Pugwash, N. S., by the Hestley Belle. After spending a few hours in the town, they again embarked, at about three o'clock, for the return trip. The Pugwash band was with the party.

STRUCK BY THE ENGINE.—The Summerside Farmer says that when one of the specials, which took home the excursionists to the Orange Tea on Saturday, was returning about the middle of the night, the engine struck two horses near Kensington, one of which belonged to Mr. D. McMillan and got killed. The animal is said to have been worth \$150.

HYMENEAL.—A quiet wedding was celebrated in St. Mary's Episcopal Church, Summerside, early on Monday morning, the 14th inst., the principal parties being Miss Brine, of Antigonish, sister of Mrs. D. Rogers, and Rev. D. J. Moore, R. D. M. A. The bride was given away by her father, the Rev. R. F. Brine, who also assisted Rev. C. F. Lowe, with the marriage ceremonies. The happy pair left for the mainland by the St. Lawrence, and the usual showers of rice.

BASEBALL.—The St. John Gazette says that while interest in baseball is declining in the United States, it is certainly not increasing in New Brunswick. Local pride cannot be invoked to its aid to any great extent, for of the 36 players of the four league nine, only 7 are New Brunswickers, all the others being importations. The Shamrocks, which lead in the race at present, are all foreigners; the St. John Club has four foreigners and five local men; the Monstons are all two foreigners, and the Frederictons have only two local men in their nine. All this is rather hard on New Brunswick baseball.

SCHOOL FOR THE BLIND.—The Halifax Herald says,—Professor Fraser and party returned to the city on Saturday. He held five very successful meetings in the interest of the building fund for the school. The sum of \$500 cash was raised, and vigorous committees of leading citizens chosen in Truro, Amherst, New Glasgow, Pictou and Charlottetown, who will solicit additional subscriptions in those places. Professor Fraser expects at least \$2,000 as the result of their enthusiastic efforts. He wants about \$15,000 for the erection and equipment of the new wing, the foundation of which is now being laid.

Personal.

Word has been received of the sudden death on the street—probably from sunstroke—in Chicago recently of Mr. Neil McDonald, at one time a machinist in Hall's factory at Summerside.

From the Free Gazette, published at La Grange, Laramie Co., Wyoming, the Farmer learns that Mr. Thomas B. Hall, who formerly did business in Summerside, is the census enumerator in that part of the country. The Gazette speaks highly of Mr. Hall's tact in getting the many annoying questions answered.

Mr. S. F. Hodgson, chief clerk in the mechanical department of the P. E. Island Railway, and his brother, Jabez Hodgson, took passage by the St. Lawrence on Wednesday, en route to Montana. They are proceeding there to look after the mining property of the late John Clark (son of John Clark, now deceased, who lived near Rustic chapel, who died suddenly in June last, and was at the time of his death said to be worth considerable means.—Farmer.

A Wonderful Fish Product.

This is the title given to Scott's Emulsion of Cod Liver Oil by many thousands who have taken it. It not only gives flesh and strength by virtue of its own nutritious properties, but creates an appetite for food. Use it and try your weight. Scott's Emulsion is perfectly palatable. Sold by all druggists at 50c and \$1.

K. D. C. is Guaranteed.

K. D. C. for the Stomach.

This is the title given to Scott's Emulsion of Cod Liver Oil by many thousands who have taken it. It not only gives flesh and strength by virtue of its own nutritious properties, but creates an appetite for food. Use it and try your weight. Scott's Emulsion is perfectly palatable. Sold by all druggists at 50c and \$1.

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