THE DAILY EXAMINER.

AUGUST 1, 1887.

## Time Changed!

THE leading Grit organ, (Toronto *Globe*) now says that "unrestricted reciprocity means to multiply the home market by thirteen." The same Toronto *Globe* said in 1880:

"Of the 50,000,000 assumed to exist in the United States, how many live in a locality to trade with Canada? Parts of the half dozen States lying east of longitude 90 and between the parallels of latitude 40 degrees and 35 degrees contain the people with whom we are asked to form a commercial union, taking their manufactures at exorbitant prices. One little corner in the 'market of 50,000,000' is offered to Canadians as the price of their national extinction? Men who advocate a base surrender of their country for money do not cease to be disgusting though they also become ridiculous when it is evident they are duped by their own sordid imaginations."

What will the *Patriot* say to this?

## Political-Religious Traders.

A correspondent of *The Island Guardian* writes:

"Our country is divided, in political matters, into two parties, and Catholics and Protestants are found distributed in pretty equal numbers in the ranks of both these political divisions. As there are competent men in both parties, and both churches, there is no reason why men's religion should have the slightest weight in the making of selections for official positions. Competency, and the value of public services rendered, should be the only passwords to official advancement. The man who shouts that his neighbor should not receive an appointment, because he is a Catholic, or *vice versa*, is merely taking a round-about way of urging that he himself should, on account of his creed, receive some coveted honor or emolument. The man who trades on his religion for the purpose of securing office would abjure it just as readily, if it suited his purpose, and furnishes the best proof that he is unworthy of being appointed."

The sentiments here so well expressed are in our opinion correct.

## Improvement.

AN Improvement Society has been formed at Sussex, N. B. It has for its principal objects:

"(1) the planting of small rows of trees along the streets of the town and caring for the same; (2) the building and repairing of sidewalks and road crossings; (3) the erection of street lamps and care and lighting of the same; (4) the building of hitching posts for horses; (5) watering the streets; (6) the erection of seats in shady places on the roadsides as resting places; (7) the keeping the streets clear of rubbish, weeds, etc.; (8) the building of pumps, drinking troughs and wayside wells; (9) the adornement of schools and other public grounds with trees and flowers, walks, etc.; (10) the establishment of an arbor day; (11) the protection of song birds and generally the doing of anything and everything which will contribute to the public convenience, health, comfort and attractiveness of the pretty town of Sussex."

The example of Sussex might well be followed by Charlottetown. There is great scope for the activity of an Improvement Society here. It is true that some of the objects sought for in Sussex have already been attained by us. The protection of poor, weak, lame, overloaded truck horses might, however, been added to the list of the Charlottetown Society's duties.

## A Protest.

The Montreal *Witness* (Independent-Grit) utters the following vigorous protest against the candidature of Mr. McIntyre in Renfrew. The *Witness* says:

"In the absence of any leader who effectively controls the party, the Canadian Pacific Railway Company's clique of the party seems to have seized the reins. Their candidate, in the shape of a former member of the syndicate, has received the party nomination for South Renfrew, which constituency has been opened by the death of its late member. Both Mr. MacKenzie and Mr. Laurier, the latter the recognized leader of the liberal party, have strongly commended the nomination. It may therefore be taken for granted that hereafter the liberal party, excepting, we suppose, in Manitoba, is to bow in submission to the demands of the real rulers of Canada, the Canadian Pacific Railway Company, as the Conservative government has always done. Under these circumstances, there are many liberals and independents who will take little or no interest in the successes of the liberal party. What hope can there be of curtailing the extravagances of a government when the Opposition ranks are honeycombed with those who have profited by their extragavance. What hope can there be of doing away with monopolies and rebellion—inciting disallowance, when among the members of the opposition are those who are interested in the maintenance of monopolies, and would back up disallowance to any extent in order to their maintenance. Mr. Duncan McIntyre may promise, in his election address, to work in favor of 'limiting public expenditure to the requirements of the country,' but is he likely to do so when these shameless railway subsidies bills are brought up by the government?"

The *Witness* might have added: What use in prating about the rascality of the Government, when the Opposition practically admit that the policy of the Government is right and its administration honest.

—An Ottawa despatch reports that the *Canada Gazette* announces the withdrawal of the Gilchrist Scholarship from Nova Scotia, New Brunswick and P. E. Island. It is supposed that those who recently took the examination for the scholarship will not be affected by the order.

THE steamer Coban, Captain Fraser, from Montreal for Charlottetown and Pictou, called here this morning. She had the usual general cargo and the following passengers:—Mr D McCormack, Mrs D McCormack, Master D McCormack, Miss Vandyke, Miss E McDonald, Miss T McDonald, Mr J F Gourley, Mrs Gourley, Master F Gourley, Mr and Mrs Martindale, Miss Martindale, Rev E R Hill, Mr J R Rauch, Mrs J R Rauch, Miss Rauch, Mr D Shanks, Mr D Cameron, Mr E R Bollert, Miss E Bollert, Miss D Bollert, Mrs Muldren, Miss Muldren, Master W Owens, Master G Owens, Mr F C Wills, Miss McDonald. She sailed again at half-past ten o'clock.

## American Poachers

IN THE NORTH BAY, RESORT TO EVERY CONCEIVABLE DEVICE TO STEAL FISH—SOME AMUSING INCIDENTS.

An Alberton correspondent of the Halifax *Herald*, writing on the 25th ult., says: "We had a very lively time in our small port on the 15th, when upwards of seventy fishing schooners, principally American seiners, made this port for shelter. The collector of customs had a busy day taking reports from the American masters. Capt. Lorway, of the cruiser Triumph, ordered all Americans to the customs, boarding each craft in turn. The Triumph followed the fleet into port. The masters report very poor luck, the fish being mostly inside the limit, but if our men were as expert and well prepared as our American neighbors in seining, they should all make a small fortune this season. Our fishermen are not as proficient in the art of seining, or else the schools of mackerel are too wild as yet, and they only caught about 150 barrels on an average each. We have somewhere in the vicinity of 240 American fishing schooners in the bay, and it takes all the attention of the cruisers to protect the inshore fisheries from those poachers. They try

EVERY IMAGINABLE SCHEME TO STEAL THE FISH,

some covering up their name and part of hull. Others will even go inshore and try to make believe they are Canadians. I have been told, those latter poachers were at times successful when in amongst a group of Nova Scotia and Island schooners, the cutters being busy keeping the fleet outside. I have heard some of our men say that Capt. Lorway of the cruiser Triumph, would drive these outside and he would scarcely be more than five miles distant chasing others, when back the American would come again. This necessarily kept the cutter very busy, there being at that time only one cutter. The Triumph on this station, which was from Malpeque on the east to West Point and Egmond Bay on the west, a coast line of one hundred miles or more. The present arrangement is much better, as the S. S. Acadia will we hope give all possible attention in guarding our inshore privileges; and we have Capt. Quigley of cruiser Houlet, now permanently (for the season) stationed at Tignish in order to

PREVENT J. H. MYRICK AND CO. SELLING SUPPLIES WHOLESALE

to their American friends. I think this is a good move in order to stop this firm from supplying the American fishermen with salt, barrels and provisions. Capt. Quigley was previously stationed at Miramichi Bay, and as he did not have much protecting to do there, he was ordered to this neighborhood. No doubt his assistance to Capt. Lorway of the Triumph was required, as the station as described above, was too great for one cutter. Some of the American seiners are going home disgusted with fishing, and possibly next year they may view our privileges of inshore fisheries together with the privilege of shipping their fish and buying outfits, as being worth something to them. A very amusing incident happened a few days ago off Tignish; some five or six American schooners were seen anchored in the basin there. Capt. Lorway put in to ascertain what was the matter. He came to anchor, launched his gig, went on shore to Myrick's establishment to see what was going on. While he (Lorway) was on shore, the American schooner S. Prior got under way, went off about two miles from the shore and got her seine around a school of fish. In the meantime Capt. Lorway put off to his vessel unnoticed by the Prior's crew, and his chief officer, Mr. Hughes, had the anchor hove short

STARTED IN CHASE OF THE PRIOR.

The latter not having time to get the fish in the seine, had to tow the seine after her to sea. As it was near dark at the time she escaped, and proceeded home, so report goes. The Triumph is now in search of her, and to date has not discovered her whereabouts. The American masters view this season's work so far, as being not nearly so remunerative as last year, some not having taken a fish and most of the others with very few barrels of fish. One of the luckiest of them informed me that he had taken no fish, excepting what he got on Sunday. This was always the best working day for him. We sometimes hear the masters of the cruisers censured by some of our fishermen for neglecting their duty, but when the matter is sifted it invariable happens that the information is all through political partisanship. To give your readers an idea of gritism in its integrity at this port, I must relate the following incident as told by some of our folk here: A few days ago the cruiser Triumph came into port for a few stores and a cask of water. The officer of the cruiser called on one of our grit friend (who is the doubtful possessor of a pump near the wharf), and asked him if he would give them or sell them water from his pump to fill their water cask, whereupon the aforesaid *liberal* refused, saying he

WOULD NOT GIVE OR SELL WATER TO ANY CRUISER

belonging to the government. He was too good-hearted a grit for that, to sell water or trade even with the conservatives. I am informed that the Hon. Minister of Marine, while in the S. S. Acadia, was not always in fine weather when looking after the fisheries, as rumor says he *threw* up all but his *position* on the 15th inst., and the S. S. Acadia had to put back to Souris. During the time he was cruising along the coast he no doubt could form an estimate of the great value of our fisheries, and at the next session of parliament he will be able to speak from experience regarding this matter."

## They Left their Wives to Watch.

Two gentlemen from the Sea Side Hotel went trout fishing last week. They secured one trout two and a half inches long, which they left their wives to watch while they went further afield. The ladies got into a discussion about spring bonnets, and an adventurous hen walked off unnoticed with the trout. Presently the united efforts of the gentlemen succeded in capturing another monarch of the river about the same size as the first, but while the ladies were deep in the mysteries of gussets and biases, a mink stole the finny beauty. The party returned late at night, without any shoes on their horses, and two dozen trout which they secured from a son of the soil for a consideration and a piece of tobacco.

## A Scott Act Decision.

MR. MORSON, Acting Stipendiary Magistrate of Summerside, gave judgment on Saturday in the case of James Caldwell vs. Ronald McDonald, for violation of the Canada Temperance Act, dismissing the complaint. An important point is involved in the case, and therefore we publish the judgment in full:—

James Caldwell, Complainant,
and
Ronald McDonald, Defendant.

This is a prosecution brought before me by James Caldwell against Ronald McDonald, for a violation of the second part of "The Canada Temperance Act," by selling intoxicating liquor in the Town of Summerside, wherein the second part of said Act is in force, between the ninth day of June last and the twentieth day of July, instant.

That intoxicating liquor was sold by the defendant within the limited period was conclusively proven, and was not denied by the defendant; and although an attempt was made, on the part of the prosecution, to prove that the liquor so sold was consumed on the premises of the defendant, yet I am not satisfied that the evidence was sufficient to justify me in concluding that such was the case.

On the part of the defendant a license was put in evidence, dated the 13th day of September, 1880, granted by the Hon. T. Heath Haviland, at that time Lieutenant-Governor of this Province, purporting to have been issued under the provisions of "The Canada Temperance Act, 1878," and authorizing the defendant to sell spirituous and intoxicating liquor in the manner prescribed by said Act, *during pleasure*, and in addition to such license a certificate of Dr. Sutherland was produced, directing the defendant to supply to the witness who procured the same the liquor which, in this case, was proved to have been sold by the defendant.

The second section of our Provincial Statute, 47 vic. cap. 1, enacts as follows: 'On and after the passing of this Act, every vendor's license issued under the provisions of the Canada Temperance Act 1878, to any person or persons for the purpose of carrying on business thereunder in any city or incorporated town in this Province, shall be subject to the payment of an annual tax or duty of fifty dollars, which said sum shall in every case be payable on every license before the same is issued or renewed.' No evidence was given, either that the license of the defendant had been revoked, or that the annual tax or duty mentioned in the said section had been paid.

It was contended for the prosecution that without proof of the payment of the annual tax so imposed, the license could not be available as a defence, as without such payment the license would become null and void, while for the defence, it was urged, that the section was only applicable to licenses granted after the passing of the Act, and that, even if it did apply to all licenses issued under the provisions of the Canada Temperance Act, it merely created a liability on the part of the licensee to pay the tax, for which he might be sued, but that the non-payment did not avoid the license. The sale of intoxicating liquor, otherwise illegal, in any place in which the second part of the Canada Temperance Act is in operation, is by sub-section 4 of sec. 99 of said Act, made lawful, if made, for exclusively medicinal purposes, and by druggists or vendors thereto specially licensed by the Lieutenant-Governor in each Province, in quantities of not less than one pint, to be removed from the premises.

The defendant in this case has shown a full compliance with the provisions of the Canada Temperance Act in making the sale proved, and the validity of such sale depends on the effect, which the section of the Provincial Statute, above referred to, may have upon the license under which he justifies, in the absence of any proof that the tax, by it imposed, has been paid.

As the Canada Temperance Act makes no express provision for revoking a license, once granted, or the length of time during which it shall remain in force, it is necessary to enquire in whom the power is vested, to determine such a license. This seems to be settled by the 39th sub-section of section seven of the 'Interpetration Act' of Canada, which enacts that words authorizing the appointment of any public officer or functionary, or any deputy, include the power of removing or suspending him · · · in the discretion of the authority in whom the power of appointment is vested, and sub-section nine of the same section, defines the meaning of the expression "Lieutenant-Governor," when used in any statute of Canada, to be 'the Lieutenant-Governor for the time being, or other chief executive officer or administrator for the time being, carrying on the government of the Province or Provinces of the Dominion indicated by the Act, by whatever title he is designated.'

The license in this case was granted to remain in force 'during pleasure,' that is, during the pleasure 'of the authority in whom the power of appointment is vested,' and unless it be held, that the discretion of a Lieutenant-Governor, when executing a power conferred upon him by a statute of Canada, is subject to the control of the Legislature of the Province of which he is Lieutenant-Governor, it is difficult to conceive how the license in this case could be revoked, except by 'the authority in whom the power of appointment is vested."

If the power of appointing vendors had been vested in the Judge of a County Court, or the Sheriff of a County, for the time being, it could not, to my mind, be successfully contended that any Provincial Legislature could enact, that certain acts or things must be performed as a condition precedent to the execution of such powers, otherwise it would be the Provincial Legislature and not the donee of the power who would be executing it; and the fact that such a power is vested in a Lieutenant-Governor, as above defined, does not, in my opinion, warrant the conclusion that his descretion is any more under the control of the Provincial Legislature, than would be that of a judge or sheriff.

Then it is argued that sub-section 9 of sectionion 92 of the B. N. A. Act, empowers the Provincial Legislatures to legislate respecting "Shop, saloon, tavern, auctioneer and other licenses in order to the raising of a revenue for provincial, local or municipal purposes," and that by virtue of this power the Legislature of this Province had the right to impose the tax or duty referred to.

Whether or not a Provincial Legislature has power to impose a specific tax on any individual, for the time being, holding a license issued under the authority of a Statute of Canada, so as to enable such tax to be collected, and whether or not the Legislature of this Province has succeeded in this instance in doing so, it is quite unnecessary in this case for me to consider; for I am clearly of opinion that, as the C. T. Act has been declared to be *intra vires* the Parliament of Canada, the sale of liquor in any place in which the second part of said act has been adopted, must be regulated by its provisions. And any legislasion by a Province, with a view to imposing a tax, the non-payment of which would conflict with the provisions of said act, would be *ultra vires* the legislature of such Province. The respective licenses over which the Provincial Legislature has power to legislate, are, in my opinion, only such licenses as may be issued by the authority of a Provincial Statute, and not such as may be issued pursuant to a statute of Canada.

Being, therefore, of opinion that the non-payment of the tax imposed by the Provincial Statute already referred to does not in any manner affect the license held by the defendant in this case, and the presumption being that until the contrary is proved the license has not been revoked, I must dismiss the complaint in this case with costs.

W. A. O. MORSON,
Acting S. M.

Summerside, July 30, 1887.

## The Jubilee Road.

A meeting of the Park Road Committee was held a day or two ago, and the following resolution passed:—

*Resolved*, That the Park Committee acknowledge the offer of the sum of $200 from the Jubilee Committee towards the construction of a shore road to Victoria Park, and intimate to them that upon the Provincial Government and City Corporation severally guaranteeing substantial assistance towards the work, your Committee are prepared to make an appeal to the citizens, who will, we have no doubt, gladly contribute the balance of the estimated cost of the said erection, viz., $3,000.

The action of the Park Road Committee would have looked more like business had they accepted the challenge of the Jubilee Committee, planked down the other $300, and then called upon the Province and the City to come up to the mark.

## The Fisheries.

Our fishery correspondent at Souris reports:—

"Schooner Plow the Sea put into port on Saturday morning, having lost foremast, main topmast and ripped sails in the squall Thursday evening off Rustico. Captain McIsaac noted protest, and survey being held, will repair damages, refit and proceed on the second trip in the early part of next week. Capt. McIsaac saw no mackerel between Rustico and East Point. Very little is doing. There are plenty of schools but the fish do not remain up long enough to enable the seine boats to get round them. There is a general feeling amongst skippers that the mackerel are leaving the Bay, and that this will be one of the poorest seasons for seiners for years past. It is reported that boat fishermen took 200 to 500 fish off Cape Spry on Saturday evening. Twenty seiners in port report no fish taken in fleet to-day.

## A Rejoinder.

SIR,—Had the "Refreshment Tent Committee" of the Methodist Picnic not rushed into print, I did not intend to drag their affairs into the newspapers. Now, however, that they have felt called upon to explain, I may be permitted to say a word.

It is true the children may have been told to bring baskets, but it should have been borne in mind that "boys will be boys" and as a rule don't take kindly to such incumbrances; as in several instances was the case on the occasion referred to.

When it is understood that those boys, although provided with cash, could not purchase food, and had to go hungry from 8 o'clock, a. m., to 8 o'clock, p. m., without even being asked, by those to whom they were entrusted, how they fared, the cast-iron rule of the "R. T. Committee," to say the least, proved an inconvenience—to the boys.

The right thing for the "Refreshment Tent Committee" to do is—apologise, and promise not to let it occur again.

Yours,
PATERFAMILIAS.

July 30th, 1887.


# RARE CHANCE.

TO be Sold by Auction, on the premises, ST. PETER'S ROAD, on

**Tuesday, the 9th August, inst,**

AT 12 NOON,

**The Most Handsome and Valuable Property in the Vicinity of Charlottetown,**

(Known as the "GARDINER PROPERTY," now occupied by Robert Bridges, and sold under Power of Sale,)

CONSISTING of Fourteen Acres of Excellent Land, in good order. On the premises are a handsome, DWELLING HOUSE, 36 by 26 feet, containing drawing-room (with folding doors), dining-room and breakfast room. First flat upstairs—3 bed-rooms and bath-room. Second flat—3 bed-rooms and closet, large Kitchen adjoining, with pantries and servants' rooms over. Is one of the best built houses on the Island. FARMER'S COTTAGE detached.

A very large BARN, STABLES and GRANARY, with a high stone wall foundation; can drive a horse and cart under building. Large stone tank, for rain-water, in one corner. Is one of the largest and best constructed Barns on the Island. Also a WORK-SHOP AND TOOL-HOUSE, detached.

These premises are so well-known that a further description is unnecessary. ORCHARD—young Fruit Trees.

☞ Ten acres, and more, of land, almost adjoining, can be had, if required, by the purchaser.

TERMS—One-third of the purchase money to be paid on day of sale, and the balance may remain on interest, at 6 per cent., for five or more years, as may be agreed upon.

A. McNEILL,
Auctioneer.

August 1, 1887—3i eod pat


## Card of Thanks.

I WISH to express my sincere thanks to the Dramatic Club, the City Marshal, Mrs. Davis, Miss Murphy, the lady who presided at the piano, and others for their kindness in assisting me to make my benefit a success. Also, to the public who so generously extended their patronage.

CLAIRE SCOTT.

August 1 1i


# AUCTION SALE

—OF—

**Household Furniture.**

I AM instructed, by Mr. John Good, to Sell by Public Auction, at my Auction Rooms, on TUESDAY, August 2nd, at 2 o'clock, p. m., all his Household Furniture, consisting of Parlor, Bedroom and Dining-room Sets, Stoves, Pictures, Brackets, Clocks, &c., &c. Also, an Organ and Stool (nearly new).

A splendid opportunity for any person wishing to purchase.

G. M. HARRIS,
Auctioneer.

July 25—till sale

# LIME.

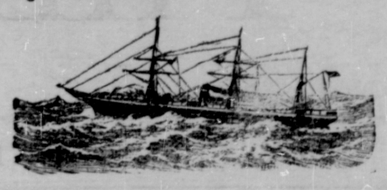
**100 Bbls. No. 1 Extra Plastering Lime**

IN STORE.

HORACE HASZARD.

Ch'town, July 16, 1887—2wks eod

# Grand Military Excursion on S. S. St. Lawrence



A GRAND MILITARY EXCURSION, under the auspices of the 82nd Battalion, will take place on

**TUESDAY, 9th Day of August.**

The S. S. ST. LAWRENCE will leave Steam Navigation Co.'s Wharf, at 7 a. m., proceeding to Georgetown, Souris (and East Point—time permitting); returning to Charlottetown about 10.30 p. m.

Tickets, including two meals, $1.00.

There will be a first-class Refresment Booth on board, under the direct management of the Committee, where everything necessary will be sold at City prices.

This is a splendid opportunity for those wishing to obtain a grand view of the Southern and Eastern Shores of Prince Edward Is'and.

Music by the Military Bands and Piper Major McDonald, with his Highland Pipes.

All members of the Active Militia are requested to attend in uniform.

Parties wishing staterooms will please apply to the Secretary.

No intoxicating liquor will be permitted. Any person misbehaving will be put on shore at first port of call.

Tickets to be had at Rankin's Drug Store, or from the Committee.

F. DOGHERTY, Lt.-Col.,
Chairman.
GEO. D. DAVISON, Captain,
Quarter Master, Secretary.

August 1, 18877—4i eod

# Baby Trousseaux

Infants' Muslin Robes,
Infants' Muslin Night Gowns,
Infants' Muslin Monthly Gowns,
Infants' Frock Bodies, &c.,
Infants' Merino Dresses,
Infants' Merino Cloaks,
Infants' Merino Pelisses,
Infants' Wool Bodices,
Infants' Wool Socks,
Infants' Wool Hoods,
Infants' Lace Hoods,
Infants' Normandy Caps,
Infants' Blankets,
Infants' Wool Boots,
Infants' Wool Infantees,
Infants' Wool Gaiters,
Infants' Bibs, &c., &c,

**BEER BROS.**

Ch'town, July 8, 1887.

# MUST BE

CLEARED OUT DURING JULY AND AUGUST.

# JAMES PATON & CO.

OFFER THE BALANCE OF THEIR

**Prints, Printed Muslins, Light Parasols**

—AND—

**SUMMER GOODS**

AT VERY LOW PRICES.

# JAMES PATON & CO.,

MARKET SQUARE.

Ch'town, July 8, 1887.—dy & wky

# LONDON HOUSE.

**MIDSUMMER SALE**

—OF—

# SUMMER GOODS,

**PRINTS,**

**DRESS MUSLINS & STRAW HATS,**

at Low Prices to Clear now going on.

# HARRIS & STEWART,

SUCCESSORS TO

**GEO. DAVIES & CO.**

Ch'town, July 11, 1887.—wky

# "Lorne Hotel," Tracadie Beach.

THE above popular Summer Resort, under careful management, will open for the accommodation of guests, on SATURDAY, June 25th.

Terms moderate; Special Rates for families. For particulars enquire of J. J. Davis Rankin House; also of the Manager, at the Hotel.

A special Passenger Coach will be at Bedford Station, morning and evening, on the arrival of the train from Charlottetown, to carry guests to the Hotel.

**LORNE HOTEL CO.**

Ch'town, June 22, 1887—4wks 2aw