

GROUNDS FOR SUSPICION.

According to several of our good Tory contemporaries, Sir John Thompson satisfied the people of Ontario during his recent tour that the government will supply the exact measure of tariff reform that is needed. Sir John was indeed quite free with promises of reform, taking care all the while to keep the Red Parlor quiet by announcing that the principle of protection would not be abandoned. Now it is possible that the people of Ontario were ready to accept Sir John's promises of reform without any suspicion being raised in their minds by the accompanying declaration in regard to protection; but this does not seem at all likely. If they did prove themselves so unsuspecting, we are satisfied that they have only to wait for the coming session to find themselves undeceived. Protection and tariff reform are quite contradictory in nature, and it would take more astute men than the present Dominion ministers to satisfy the demands of the people and at the same time refrain from hurting the feelings of the Red Parlor. If they will perform this very difficult task the Times for one will say they deserve their victory. In the meantime, however, there are other causes for suspicion than the premier's declaration for continued protection. The very style of prosecuting the tariff investigation undertaken by the ministers has a questionable look. Mr. Foster prefers to hold his inquiry in private, his principal reason, apparently, being the wish to conceal the arguments which advocates of protection furnish him. The other part of the investigation—that among the farmers—is open, and there is a marked disposition on the part of the two controllers who are conducting it to convince the farmers that they do not know what they are talking about. In other words, they are not so anxious to elicit the farmers' views on the tariff as to make the farmers believe that they should hold none but the government view. That is the spirit in which the whole investigation is being prosecuted. Then the ministers at every public meeting endeavor to show that the country is doing as well as it could. If this is the case, it is difficult to see why any investigation should be held, unless for the purpose of quieting the public mind for the time being; in the hope that something will turn up to render further action unnecessary. All these contradictions and inconsistencies in the conduct of the ministers may well beget suspicion, and we do not believe they have escaped the attention of the people in Ontario or any other part of the country.

The British board of trade returns, says a London dispatch, show that British exports to Canada decreased 18.52 per cent. in September and increased 3 per cent. in the same month in 1892. British imports from Canada decreased 6.65 per cent. for the month and 17.4 for nine months. Canada sent less cattle, sheep, bacon, hams, butter, cheese, eggs, fish and wheat than she did last year. The Ottawa government and its friends will perhaps explain why this decrease should have occurred. It is not so long since they were talking about the growth of our trade with Britain.

The Young Conservative club of Toronto elects officers this evening, and there seems to have been a lively contest for the offices between the McCarthys and the faithful supporters of the government. A Toronto dispatch reads thus: "John A. Ferguson, the McCarthyite candidate for the presidency of the Young Conservative club, and several of his supporters have sworn out affidavits setting forth that the lists of the club's members are being shamefully stuffed by their opponents, and that they have had nearly every Roman Catholic in the city, Liberal or Conservative, put upon the lists. They declare that priests are canvassing against Ferguson, and that the church in Toronto has arrayed itself against his ticket. The pronounced position taken by the McCarthy faction against Manitoba separate schools is given as the cause of this alleged action, and feeling is running very high and bitter." It is not at all surprising that the young men of the party should follow the example set them at Ottawa in the adoption of crooked election dodges. "The fathers have eaten sour grapes, and the children's teeth are set on edge."

It seems that Erastus Wiman has written a book which he entitles "Chances of Success; Episodes and Observations in the Life of a Busy Man." Mr. Wiman's experience should qualify him as an authority on this subject, for few men have gained the heights of success so rapidly and been thrown down again so roughly as he. There is to be a Canadian copyright edition of the book issued some time this month, and it may be expected to meet with a large sale.

The Vigilant beat the Valkyrie in three straight races, in all sorts of weather, and there can be no doubt about her superiority. In the last race the finish was very close, the Vigilant having only 40 seconds to spare over her time allowance. If the Valkyrie's spinnaker had not been split by the wind it is probable that she would have won that race; but her victory would have been due to superior seamanship, as a serious blunder was made by her rival in the windward work. The common verdict of course is that the centredboard type of yacht is the fastest, and it had to see how the evidence can be otherwise construed.

Then the Vigilant has not only given fresh evidence that the centredboard yacht is the best at tacking, but has proved that it may show well in heavy weather. Undoubtedly this type of yacht is the best for racing purposes, though the deep draught, steady cutter is to be preferred for ordinary cruising. Whether racing or cruising is the more legitimate object in yachting we would not undertake to decide. Every man to his taste.

The fifth report of the United States Inter-State commerce commission shows that on June 30 last the total railway mileage of the United States was 175,563, an increase of 3,100 miles during the year. The total number of railway corporations was 1,122, of locomotives 33,133, and of cars 1,215,002. The number of passengers carried during the year was 560,838,211. When counted going on the Empress of India 14 were killed, but some of them have since been found. The Empress takes out 350, and cargo has to be left to make room for them.

VAN HORNE VS. LUXTON.
The C. P. R. President Replies to Mr. Luxton's Letter.

The Winnipeg Tribune of Tuesday last had the following:
In view of the interest that has been aroused over the deposition of Mr. W. P. Luxton from the editorship of the Free Press, and in view of the letter published in the Tribune published by Mr. Luxton, the following letter which the Tribune received this morning from Mr. Van Horne will be read with the deepest interest. It would appear from the letter that Mr. Van Horne does not believe that Mr. Luxton's letter reached New York on the present trip to England. The challenge of Mr. Van Horne to Mr. Luxton to publish all the correspondence touching alleged coercion to suppress the local government puts another aspect upon the case. Following is the letter:
The Canadian Pacific Railway Company, New York, Oct. 3.

To the Editor of the Tribune, Winnipeg:
Sir:—I received your letter of the 17th inst. in the Winnipeg Tribune concerning his removal from the Free Press. His statement is hardly a fair one. The Canadian Pacific Railway Company has not a single word to say in any newspaper, and I am personally interested in some Free Press stock through having attempted some years ago to help a friend who had started the Winnipeg Call and got into difficulties. The Call was subsequently purchased by the Free Press, and Free Press stock was given in payment. This is how I got into the Free Press. Later on I gave Mr. Luxton some assistance in securing a loan for the purchase of the Sun. This last week a Celestial was walking along the road when he met a panther, which he succeeded in treading. He kept it there until his employer arrived with a gun, when it was dispatched. The miners' Association has been placed on a good footing again. On Saturday hundreds paid 50 cents to join the association.

A private letter was received from Union yesterday announcing the death of John Shaw, a young miner. He had fired a top shot, and as it did not come down he tried to pull it, with the result that it fell on him and crushed him so severely that he died a few hours afterwards.

The Board of Trade have notified by the lands and works department that the petitions for a direct road from Nanaimo to China creek will receive the earnest consideration of the provincial government. John Kamakas, the half-breed boy who furnished the liquor for Mary, the young Indian girl who was found dead in the bush, was yesterday sentenced by Magistrate Planta to three months' hard labor.

Lately business in general has been very dull in Nanaimo, but the future looks brighter. It is hoped the next month will witness an abundance of shipping in the harbor and the mines running full blast.

Nanaimo, Oct. 13.—The funeral of Harry Elliott, the young Englishman who was drowned on Monday evening, took place last evening under the auspices of the A. O. U. of which the deceased was a member.

Father Linden has been drawing large audiences every night this week to hear his lectures. The Roman Catholic church was crowded each time. A district meeting of the A. O. U. will be held at Wellington on Saturday, when visitors and delegates from all lodges in the province will be present. A banquet will be given in the evening.

Mary Seaweed, a young Indian girl of 15, was found dead in the bush last evening. The deceased and a few companions went on a drunken debauch; all the others have been arrested, and also a half-breed boy who furnished the liquor. The doctor stated deceased had died from alcoholic excess and exposure.

At a recent meeting of the local branch of the Coast Seamen's Union a resolution was passed to enable a union sailor to ship in any vessel he pleased and to compete with "scab" labor. It is believed the resolution, if sanctioned by the executive, will strengthen the union.

The first Rugby football match between Nanaimo and Westminster will be played here to-morrow afternoon.

gen, Walker and Towler to meet about 800 men, will soon attack King Obenguela's kraal.

London, Oct. 12.—A report has reached this case Calcutta to the effect that there has been a serious disturbance at Calcutta.

Brussels, Oct. 12.—The Central Committee of the International Parliament League met today for its closing session. Mr. Gladstone to introduce and bring under discussion in the British parliament a bill pledging the British government to favor the establishment of a permanent court for the arbitration of international disputes.

Basle, Oct. 12.—General Kamecke died today. General George Kamecke was born on June 14th, 1817. In the war with Austria he was chief of staff of the second army corps. He left war as major-general, and in 1863 was promoted to the rank of lieutenant-general. He commanded for twenty-four hours the 40,000 Germans who entered Paris after the surrender. He captured Thionville and Verdun, and on November 18th, 1870, succeeded Count von Roon as Prussian minister of war. In 1875 he was made general of infantry.

London, Oct. 12.—Despatches from Rio de Janeiro say that the situation there remains unchanged. Desultory firing was kept up by the insurgent squadron Monday.

Montevideo, Oct. 12.—The insurgents in Rio Grande do Sul surprised and defeated the troops of the Brazilian government yesterday. The battle was fought at Quaratum. Two hundred of the government troops were killed and many more were wounded.

CANADIAN DISPATCHES.
The News of Eastern Canada in Short Paragraphs.

Judge W. D. Lyon of Rat Portage is dead.

A sentence of ten years in Dorchester penitentiary was passed upon Thomas McCoy by Judge Meagher for the manslaughter of Paul White at Joggins Mines, Nova Scotia.

James Smith, a Stouffville marble cutter, suicided by taking poison. The case was committed in the presence of his wife with whom Smith is said to have been living unhappily.

At Osquodoo Hall Mr. Justice McCreary made an order for Robert McGreevy's release from Carleton jail, where he has been languishing on account of his inability to pay a \$1000 bail, on his entering into a recognizance of \$1000 with two sureties in \$200 each, to the satisfaction of Sheriff Sweetland.

A terrific wind and rain storm passed over Toronto on Friday night, uprooting trees, blowing down fences and doing other damage.

Miss Clara B. Marria, a law student at Messrs. Mulock & Co's, Toronto, appeared at Osquodoo Hall the other day and issued a writ, the first ever issued in Canada by a woman.

Acting for an English syndicate, a Toronto legal firm has entered a suit against the Hon. G. W. Lucas & Malting Company of that city. Plaintiffs allege that the defendants have violated an agreement, and ask for the possession of their premises and assets. The stock and equipment of Cooper & Smith, formerly of the same firm, of boots and shoes, were sold at auction to Messrs. J. C. Hammond & Co., Montreal, at 55 cents on the dollar.

Mr. Cameron Brown, son of Mr. Gordon Brown, was married at Toronto to the daughter of the Hon. G. W. Lucas. The infant of Mrs. W. Maton, of Vaughan road, Toronto, was encased in a tin coffin for burial and sent to Prospect cemetery, when it was heard to creak. Being taken from the coffin and given medical care it lived for one or two hours and then expired and was buried. The body was exhumed in the afternoon and an inquest held. When first sent out for burial it was accompanied by a coffin-maker and a lawyer.

Two months ago the ship Valkyrie of St. John, N. B., left Sydney bound for New York. Since then nothing had been heard of her until last week, when the government steamer Lansdowne arrived at Halifax from the Baltic Island, bringing news that life buoys, deck house and other wreckage from the Valkyrie had been picked up on Sable Island. The ship has evidently met its fate. One of the sand bars had been swallowed by one of the crew. A courageous quicksand of the island. Nothing has been heard of the captain and crew, who have undoubtedly met a watery grave.

A letter has been received from J. B. Tyrrell and his brother James, of the Dominion geological survey, who left last spring to explore the barren grounds between Lake Athabasca and Hudson bay. It is dated Fond du Lac, June 29th, and states that they were then about to cross country never before traversed by white man.

According to a Toronto investment broker, while the banks confined their business as much as possible to Canada during the late war, the banks of the States, not less than a quarter of a million dollars of private Canadian capital has been lent in Toronto on United States securities during the last two months.

The Toronto General Trust Company, acting executors of the estate of John Lewis, formerly a member of the firm of Rice, Lewis & Son, has brought a suit against E. Strachan Cox, formerly a Toronto stock broker, and now of London, England, to recover \$100,000 for advances alleged to have been made.

James Benson and James Litheridge, two respectable residents of Sandwich, are under arrest on the charge of robbing their neighbors. The evidence against them is said to be conclusive.

There is trouble in St. George's church congregation, the strongest and wealthiest Church of England church in Montreal. A portion of the congregation threatens to secede. The trouble is over the ritualistic tendencies of some of the members of the church, who are supported by Dean Carmichael. Recently a meeting of the church members was held, at which 250 were present. By a majority of 50 a motion favoring ritualism was adopted. At a subsequent vestry meeting Dean Carmichael submitted this motion, strongly urging the vestry to accept it, which was done by a small majority. Although the ritualists include some of the wealthiest members of the congregation.

Piles! Piles! Itching Piles.
Symptoms—Moisture; itching and stinging; most at night; worse by scratching. If neglected, continues tumors form, which often bleed and ulcerate, becoming very sore. Swayne's Ointment stops the itching, blisters, hemorrhoids, and in most cases removes the tumors. Druggists or by mail, for 50 cts. Dr. Swayne & Son, Philadelphia, Lyons, Sons & Co., Montreal, Wholesale Agents.

MANITOBA SCHOOL CASE.

The Peculiar Course Taken by the Supreme Court.

FORCING COUNSEL ON MANITOBA.

An Action That Appears Most Arbitrary—Details of the Proceedings in Court—Mr. Wade and the Chief Justice.

Ottawa, Oct. 7.—The supreme court is just now receiving considerable attention at the hands of the press. This is due to the rather strange course which the court pursued in dealing with the Manitoba school case.

On Wednesday last the case came up before the court for the purpose of appointing a day for its hearing. John E. Ewart, Q.C., of Winnipeg, was present for the Roman Catholics, Solicitor-General Curran for the Dominion government, and P. C. Wade of Winnipeg for the Manitoba government. The Chief Justice asked if Wade intended to argue the case. This was rather a peculiar question to put, but there is little doubt Sir Henry was informed from other sources that Mr. Wade did not intend to do so, as the Manitoba government, out of respect for the court, sent counsel, but instructed that no petition at all should be presented.

But the following, taken from the official record, will better explain just why Sir Henry Strong is being so severely criticized:
Chief Justice Strong—And who appears for the attorney-general of Manitoba?
Mr. Wade—I do, my lord.

Chief Justice Strong—Do you propose to argue the case?
Mr. Wade—No, my lord; merely appear.

Chief Justice Strong—Section 37, subsection 5, chap. 5, of the supreme and exchequer courts act says: "The court may, in its discretion, request any counsel to argue the case as to any interest which is affected as to which counsel does not appear, and the reasonable expense thereby occasioned may be paid by the minister of finance and receiver-general out of any moneys appropriated by parliament for expenses of litigation." Under these circumstances, the majority of the judges think we should nominate counsel to represent Manitoba, and the quorum have resolved to request Mr. Christopher Robinson, the senior member practising at this bar, to argue the case, representing the interests of the province of Manitoba. For the purpose of enabling Mr. Robinson to prepare, we will have the case put at the head of the Ontario list.

Justice Taschereau—I do not concur in the nomination, I am sorry to say. The statute says when counsel does not appear the court has that discretion. When counsel appears I do not think the court has that discretion. I do not think the court should make the nomination. I think we have no right to.

Mr. Wade—Your lordships have arrived at that decision without hearing argument?
Chief Justice Strong—Oh, yes. You are at liberty to argue. If you like to appear and argue for Manitoba we are quite willing to hear you. I understood you to say that you appeared, but that you declined to argue the case?
Mr. Wade—Yes, my lord. But what I am speaking of now is an entirely different matter, the construction of the supreme court act.

Chief Justice Strong—That is for us and not for you.
Mr. Wade—All right.
Chief Justice Strong—Therefore the case stands at the head of the Ontario list, and Mr. Cassels will kindly request Mr. Robinson to appear and argue the case.

Justice Taschereau—And Mr. Wade will watch Mr. Robinson.
Justice Strong—As I mentioned before, my learned brother Sedgwick will not take part in hearing the Manitoba case. Solicitor-General Curran—While I appear to submit the reference, I do not intend to take part in the argument.

This concluded the proceedings. The independent press of the province almost with one accord took exception to the action of the majority and support of the common sense view of Justice Taschereau. The Ottawa Journal on the following day said editorially: "In sending counsel to appear before the supreme court Manitoba showed courtesy to that body, but the majority in the supreme court does not appear to show much courtesy to Manitoba by its action yesterday. Justice Taschereau declined to agree with the construction by which the other judges assumed the right to impose on Manitoba the services of a lawyer whom that province did not want. Without expressing any opinion about the (w. men may at least question) the general principle whether any court has a right in equity to force a person appearing in opposition to the plan which that person had laid down for the conduct of his case, to force that person, moreover, to accept as a representative and a champion some other lawyer than the one he had deliberately chosen. Manitoba, notified of the reference by the Dominion government to the supreme court of a question affecting the informal policy of Canada, chose to assume the attitude of not being concerned sufficiently to not desire to argue the matter, but out of courtesy to Canada's highest court sent a lawyer to enter an appearance, in response to the formal notification which the province had received. "But," practically added the province to the lawyer, "we conceive our interest in the matter, if we have any, will best be served by nothing being said in our behalf, therefore say nothing." Whereupon the majority in the supreme court say to the province, "We propose to put you in the position of a defendant, whether you will or not. We also propose to make you argue the matter in spite of yourself; and we decide that you shall be argued for by the persons picked by ourselves, without consulting your wishes." The representative of the Dominion government, like the proper representative of Manitoba, announced that he merely appeared in court as a matter of form, and did not intend to argue. The case is one of

vital importance to Canada, undoubtedly, and if their lordships had said: "We expect the Dominion government to present this case carefully to us, and we would have been rather surprised, indeed had Mr. Christopher Robinson been appointed by the court to present the case for the Dominion." The Dominion, however, remains without a voice. This was, approvingly sent out from here the same evening by the correspondents of the leading dailies of the country.

The Globe of yesterday has also a strong article on the action of the majority of the court. To-day it returns to the subject and says: "The more the action of the Supreme Court in appointing Mr. Christopher Robinson to act for the Province of Manitoba is examined, the more does it appear an unwarrantable interference with the proceedings contemplated upon by the representatives of the province. Those representatives considered that the interests of Manitoba would be best served by simply appointing a counsel to watch the argument, and not to take part in the proceedings. If they are wrong they are responsible to the people of the province. If they had simply neglected the matter there would have been some justification for pointing a counsel to protect the interests of the province. But the appearance of Mr. Wade and his explanation showed that the government of Manitoba had deliberately decided upon a certain course, and, to put the matter bluntly, they understand their own business better than the most learned court in the land. The least the chief justice could have done was to allow Mr. Wade to explain the reason for his procedure, but he attempted to do so he was met with the remark that this question was for the court and not for him. We do not think the proper assertion of the dignity of the court required any such answer. In fact, the general opinion is that the public interests would be better served if the court thought a little less about its own dignity and a little more about the convenience of suitors and lawyers. In this particular case Mr. Wade was right in asking to be heard, and the court was wrong in refusing to hear him. The action of the court leaves the case in a most absurd position. Mr. Christopher Robinson has been appointed to argue the case, but Mr. Wade will argue it, and will probably decline to obstruct him. He is a very able lawyer, but it is quite possible he may take some ground of which the provincial authorities do not approve. It is clear that they will attempt to consider themselves bound by the opinion of the court, whatever it may be. That opinion will be only advisory, and Sir John Thompson himself has said that it will not absolve the Dominion government from ministerial responsibility. The only binding decision is that of the judicial committee of the privy council. By that decision the representatives of Manitoba are content to abide by the decision of the majority of the court, and they are them for declining to be dragged into proceedings which can only furnish an excuse for harassing them, however ineffectually, by attempts at federal interference."

the full particulars as to the course the court pursued because the matter will come up again towards the close of next week, when the case will come up for hearing. It has been set down at the head of the Ontario list and by the time the case will be all in the hood reached. What the Manitoba government will do it is not yet certain, but the chances are that they will oppose the appointment of Mr. Robinson. With Mr. Ewart, Q.C., for the Roman Catholics, Mr. Curran for the Dominion and Mr. Robinson for Manitoba, Sir John Thompson would have all the counsel under his own control, as well as under his own pay. The more one looks at the matter the more it is to be regretted that anything of this kind should occur which would, in the slightest degree, give color to the charge that the court of last resort in Canada is not even by the Dominion government, to be induced to take a course which is in favor of politics. That the Manitoba school question comes within the arena of political questions all will admit, and therefore the less the Dominion government is privileged in treating it as if at this juncture the better.

SLABTOWN.
HERE AND THERE.
Contrary to the general belief that Ireland leads the world in its fondness for "practices," statistics show that the people of Germany and Belgium are the greatest potato eaters; the consumption in these countries annually exceed 1000 per head of population.

A chapter in the Burmah census report gives much interesting information regarding marriage in that country. From the tables, marriage appears to be much more common than in India, but this is said to be due to the fact that there is no child marriage among the Buddhists and Nat worshippers, who form the bulk of the population. Moreover, in Burmah marriage is generally the result of affection, and has reached years of discretion. On the other hand, marriage is more common here than in European countries, for the tie is more easily formed and more easily dissolved, while motives of prudence have not the same weight.

A Parsee woman named Miss Sobuz has been studying law at Oxford, England, and her friends say that she is a great success. There is good reason to think that the husbands there will be so jealous that she may be poisoned." She is at present with a legal firm in London. So far as I know this is the first venture of the Oriental woman into the domain of jurisprudence, but I hope that many women of equal talent emboldened by her gifts, courage and success, may follow where her firm little hand has opened the door.—Union Signal.

Rheumatism cured in a day.—South American Rheumatic Cure for Rheumatism and neuralgia. It is a powerful and reliable remedy. Its action upon the system is remarkable and mysterious. It removes at once the cause and the disease, and the patient disappears. The first dose greatly benefits. 75 cents. Sold by Langley & Co.

Too Many Feet.
When the Northern Pacific train left Winnipeg Junction Saturday night, it was on board a heavy married couple in the sleeper whose coolings attracted attention. Finally the lady, becoming impatient to get a drink of water, when I came back stick your foot out of the berth and told me that she was merely appearing in court as a matter of form, and did not intend to argue. The case is one of

SCOTTISH CHILD.

The Rosy Cheeked Favorite.

A RUGGED, BLITHESOME.

Neither Poverty Nor Repression—Sturges the Lads and the Lass.

Glasgow, Sept. 28.—The Rosy Cheeked Favorite of Scotland are 17. In no land in the world are children in older or more games. I have often seen where their pinches hard, and the heartiest expatiation among the "some Scottish burns, ditions and weather conditions."

It is the same with lowland children; with very little folk of the with the wet pees which adhere to the heads and necks, and the north. Childhood in the mountains of the north is a discipline in the universities of environment, but the compensation of the Scottish child. Once released from discipline they are free as their own will and the savages of the world, and no more terror than there is liberty for the children's folk.

Mr. Foster's a very Scotch the college. When he's done. Up to London, o' With a black bag. Stan' you you, fo

Every, orrey, o' Fill my pock, a Zenny, meeny Delia, dolla, Harry, black Harto, panty, Ease, o' Up the Gause, Kall pa' Pease b

Here is one in the border above; Yem-rie, two-ri Alaba, crack, o' Tin, tant, mack Tossie, the mack Among those pe Glasgow and the ties are:

Ink, pink, pa Am, pam-pun, Queen, queen, Dipped her hair Turpentine ma Queen, queen, Inty, tink, teth Bank for over, Ann, tant, took Up the Gause, There stands a One, two, three Aberdeen has a French with the portion of Scotland ago.

Emery, four El, del, domie Erkie, Berkie, An tan-toot, Originally, no do transformed into "Took" who is the To these should more characteristic common to all pe Emery, tene I'll go Mary, Pin, pan, mack Nineteen, two One-ery, two-an-ry, crack Pin, pan, mack Black fish, w That means O'er to com

One-ery, two-er Robs of vineg Bird in the air Emery we lassie, One, two, three There are hosts Little folk of both of doors, and will jored in holiday are occupied in One of these is always productive ment, owing to e ing the lassie, ret form in a n Here all sing: They are pl Here we p Here we p The entire ga following the su Now all yo All your Shake them The quickness, fle ones are ofte left foot; the r bow, the chin, head.

Oranges and of a hurly-burly and girl stand the other that then proceed a whispers drama

When the Northern Pacific train left Winnipeg Junction Saturday night, it was on board a heavy married couple in the sleeper whose coolings attracted attention. Finally the lady, becoming impatient to get a drink of water, when I came back stick your foot out of the berth and told me that she was merely appearing in court as a matter of form, and did not intend to argue. The case is one of