ELECTION PETITIONS

Full Text of Mr. Justice Martin's Judgment on the Preliminary Objections.

Manifest Absurdity of Expecting Security Paid Into the Bank of England.

The following is the full text of the written judgment handed down yesterday by Mr. Justice Martin in the election petitions tried before him. The petitions involved are the two Esquimalt ones of Jardine vs. Bullen and Argyle vs. Pooley; the Victoria, Craig vs. Turner and Craig vs. McPhillips; the Comox, Grant vs. Dunsmuir; and North Nanaimo, Morgan vs. Bryden.

The judgment reads as follows:

In each of these six cases a summons has been taken out by the respondents to strike the petition off the files on twenty grounds, as therein set out.

Of these grounds, several were abandoned on the argument, and only the first eight require serious consideration. In the case of Jardine vs. Bullen the eighth ground was not considered, owing to the fact that security was given by recognizance and not in cash.

Taking the eighth ground first: the objection is that the cash was paid into this court to the registrar, and by him paid over to the provincial treasurer, instead of being paid into the Bank of England, in literal conformity to rule 16 of the English "Parliamentary Election Petition Rules" of 1868, which, by section 268 of our Provincial Elections Act, R. S. B. C., cap. 67, "shall be observed so far as may be by the court and judge in the case of election petitions under the act." As sub-sec. (4) of sec. 214 requires security to be given at the time of the presentation of the petition, or within three days afterwards, it is, as the expression is, "a manifest absurdity" that a petitioner should be required to pay $2,000 into the Bank of England within three days after presenting an election petition in Victoria, and I do not think that the absurdity is diminished by the fact that the petitioner has the option of furnishing security by way of recognizance, for a case can readily be imagined where, for obvious reasons, it might be impossible to secure sureties for the costs of an election petition. But it is plain that the legislature intended to place no such obstacle in the path of the petitioner, for the court and judges are directed to observe the English rules "so far as may be," and the payment into court here, and subsequently to the provincial treasurer, is a sufficient compliance with the English rule above quoted, particularly when it is borne in mind that payment into court in England is effected by payment into the Bank of England. If authority be needed for such an analogy, it will be found in the case of Reid vs. Whiteford, 1 Man. 19, where the registration of a deed by a married woman with the registrar of deeds at Winnipeg was held effective to bar an entail, and a sufficient compliance with the provisions of the act for the abolition of fines and recoveries, 3 and 4, Wm. IV., c. 74, the 84th section of which required the enrollment of the deed in the High Court of Chancery, and the 85th section in the case of a married woman, further required the certificate of her acknowledgment to be filed at Westminster with some officer of the Court of Common Pleas, appointed by the Lord Chief Justice of that court.

Then as to the first seven grounds. These are all based on the objection that the petition is not properly before the court, as it was not delivered to the "prescribed officer" as required by sub-sec. 3 of sec. 214. The petition was delivered to the registrar of the Supreme court, by virtue of an appointment made by the Hon. Mr. Justice Walkem, on the 25th day of July last, as follows:

"Pursuant to section 269 of the Provincial Elections Act, I hereby appoint Brian H. Tyrwhitt Drake, registrar of the Supreme court, to be master under the said act and the rules of court governing the practice with respect to proceedings under the said act."

This appointment was made by the said learned judge in his capacity of senior puisne judge of this court, at a time when the office of Chief Justice was vacant, owing to the death of the late Hon. Theodore Davie, and under and by virtue of one of two rules of court, made on the 4th day of August, A.D. 1894, as follows:

And it is further ordered that whenever by the "Provincial Controverted Elections Act," or by the rules, any power is given or anything is authorized or required to be done by the Chief Justice, in case of a vacancy in the office of Chief Justice, or in case of absence from the province, such power or authority may be exercised or done by the senior puisne judge, or by any other of the judges of the said court.

HENRY P. PELLEW CREASE, J.
J. F. McCREIGHT, J.
M. W. TYRWHITT DRAKE, J.

It is submitted on behalf of the respondents that the judges had no power to make this rule of court, because section 269 directs that "the duties to be performed by the prescribed officer under this act shall be performed by the registrar or deputy registrar of the Supreme court as may be determined by the Chief Justice of the said court;" and it is contended that this determination can be made by one person only, the Chief Justice, and from one class only, the registrar or his deputy. In case this contention be sound, then the petition must be struck off the files, for owing to the then vacancy in the office of Chief Justice it was impossible for any determination to be made in literal compliance with the terms of the section. It would be lamentable indeed that anyone should be deprived of rights or privileges under such circumstances, and, as was said in the similar case of Applebe vs. Baker, 27 U. C. Q. B. 486, "the fact of the crown not appointing for some time a successor to the deceased judge ought not to deprive a party of any right or place him in a worse position;" and the court went on to say, "In a case like this we should strive to avoid a failure of justice." Taking these expressions as my guide, I shall now consider the question raised.

The rule of court of August 4, 1894, in question, was made under section 60 of the old Provincial Controverted Elections Act, C. S. B. C., cap. 40, the effect of which is preserved by sec. 9 of the act of 1897, respecting the revised statutes of British Columbia (R. S. B. C., page cxi.). This section 60 differs from the new section 267 in that it provides that the judges may make rules "for the effectual execution of the act, and of the intention and object thereof;" the words "and of the intention and object thereof" not being found in the new section.

Assuming, therefore, that the new section is not sufficient, (and in my opinion it is) it seems to me that, under section 60, the rule in question is one which is for the effectual execution of the "intention and object" of the act, which can only be, that in cases of election frauds, or corrupt acts of whatever nature, the candidate, or other person, who has been a victim of such fraud or corruption, shall receive speedy redress, not that the whole proceedings shall fail and justice be denied because a part of the mere machinery of the court itself has been unprovided for, owing to an unforseen contingency which in no way affects the merits of the matter. In my opinion the rule in no way conflicts with any provision of the act, but is ennabling in its nature, simply providing for the contingency which occurred.

The argument in support of the objection taken against the rule, proceeded on the assumption that the "prescribed officer" could only be "prescribed" by the determination of the Chief Justice, under said section 269. But sub-sec. (3) of section 214, provides that the presentation of a petition may be made, not only by delivering it to the "prescribed officer," but by "otherwise dealing with the same in manner prescribed. Now, "prescribed," according to the interpretation clause sec. 3, "shall mean prescribed by the rules of court." Here, then, we have the rule of court in question, which prescribes how the appointment shall be made in the happening of a certain event.

I think the rule can be supported on both these grounds. But there is a further very significant and important provision in the concluding paragraph of both sections 60 and 267, which is as follows:

"Any general rules and orders made in pursuance of this section shall be laid before the legislative assembly within three weeks after they are made, if the assembly be then sitting, and if the assembly be not then sitting within three weeks after the beginning of the then next session of the assembly."

The rule in question was, it must be assumed, laid before the legislative assembly in due course, and from that time to this there have been four sittings of the legislature, and none of its rights are more zealously guarded than the questions relating to its members and their return. And yet no action has been taken to question the legality of the rule of the judges. Not only this, but the statute has been revised and reenacted since the rule (decision) of the judges was made known to the legislature. To my mind, were anything needed to support the rule, this fact would be conclusive, following the principle laid down in Casgrain vs. Atlantic and N. W. Ry. Co. (95) app. Cas. at 300, where it is said: "Their lordships cannot assume that the Dominion legislature, when they adopted the clause verbatim in the year 1888, were in ignorance of the judicial interpretation which it had received. It must, on the contrary, be assumed that they understood that section 12 of the Canadian act must have been acted upon in the light of that interpretation." See also Forkett vs. 16, 1. B. D., at 286; Jay vs. (95), 1. B. 25; Danford vs. Anulty, 8 App. Cas., at p. 460; ex parte Wier, 6 ch. app., at 897; ex parte Campbell, 5 ch. app., at 706; Greaves vs. Tofield, 14 ch. D. at 571; and Clark vs. Wallond, 52 L. J., Q. B., at 323.

But objection is taken that the appointment of the registrar, Mr. Drake, is invalid, because on August 14th, 1894, the Hon. Mr. Justice Crease, then senior puisne judge, the office of Chief Justice being vacant, had appointed the deputy registrar, Mr. Combe, to be master, and that such appointment had never been rescinded. It appears that there have been a number of such appointments, as follows:

1. In 1882 the then Chief Justice appointed the then registrar, J. Charles Prevost.

2. On June 3rd, 1887, the same Chief Justice appointed the deputy registrar, Mr. Combe, without having rescinded in writing the appointement of the registrar, who held office to August, 1895.

3. On April 29th, 1895, the then Chief Justice (Davie) appointed Mr. Combe, deputy registrar.

In none of these cases was there any written rescission, nor do I think it was necessary, because the later appointment of itself had the effect of superseding the former.

Looking at it froma statutory point of view, s.s. (33) of sec. 10 of the Interpretation act provides:

"Words authorizing the appointment of any public officer or functionary, or any deputy, shall include the power of removing, re-appointing, or appointing another in his stead, in the discretion of the authority in whom the power of appointment is vested.

Holding this view, the summons must be dismissed with costs to the petitioner in any event. MARTIN, J.

October 26th, 1898.

Cassidy for application; Duff and Belyea contra.

A COLEMAN CITIZEN

Discovers the Marvellous Power of Dodd's Kidney Pills.

Mr. Joseph Taylor, Car Inspector, Tells His Story—Kidney Diseases Tortured Him for Twelve Months—Then Dodd's Kidney Pills Were Tried and Cured Him

Coleman Ont., Nov. 4.—Few residents of this place are as widely known, or more highly respected than is Mr. Joseph Taylor, resident at No. 16 Lutrell avenue. Mr. Taylor is a car inspector, in the service of the G. T. R., and his duties oblige him to be out in all kinds of weather.

The nature of his work, and the exposure consequent upon it, resulted in a very severe attack of Kidney Disease.

This distressing and painful complaint was not easily got rid of. For twelve months Mr. Taylor suffered intensely from it. He was forced to quit work, and the medical treatment he received did not the slightest good.

He was in a very serious condition. Health and life were at stake, and both depended on his being able to find a medicine that would restore his Kidneys to strength and vigor.

Let Mr. Taylor take up the story at this stage. He says: "A friend told me of Dodd's Kidney Pills, and said they would cure me. I gave them a trial, and found his words to be true. One box gave me great relief—two boxes cured me completely. I am now strong and well, and never have a trace of Kidney trouble."

This is one more striking proof of the marvellous power of Dodd's Kidney Pills, in all cases of Kidney Disease.

No uncertainty troubles the patient after he begins to use Dodd's Kidney Pills. The first few doses convince him they will cure him, and his recovery is rapid, thorough and permanent.

Dodd's Kidney Pills cost fifty cents a box, six boxes $2.50. All druggists sell them.

Ask your grocer for

Windsor Salt

For Table and Dairy, Purest and Best

THE FIJI SUBSIDY

Fiji to Withdraw the Subsidy to the Canadian-Australian Line of Steamers.

This Action to Be Taken by the Government, Commencing from July 31st Next Year.

R.M.S. Aorangi brings news that the government of Fiji proposes to withdraw the subsidy of £1,500 a year paid to the Canadian-Australian line of steamers. The governor, Sir George O'Brien, thus announces this determination in a message to the legislative council: A reduction of expenditures is now shown in the budget owing to the decision to discontinue the annual subsidy of £1,500 to the Canadian-Australian steam service on the 31st of July next, after which date a saving at the rate of £1,500 a year will accrue to the colony. It is possible that the company may cease to call at Fiji; but, if so, the colony will suffer little, if at all, otherwise than from what may be termed a sentimental point of view. The practical objects which it was hoped to gain by the grant were two—regularity and acceleration of the home mails, and speedy carriage of fresh fruit from Fiji to Sydney. The latter has failed in toto; and as regards the former, owing to the unpunctuality with which the steamers have been run, and other causes, the line affords no appreciable advantage over the route via San Francisco. The mere fact of steamers of a certain size, which, by the way, are exempted from all port and harbor dues, calling at Fiji, can, at best, but lend to the colony the semblance of a kind of fictitious importance, which in the present circumstances of the country it is wholly unjustifiable to purchase at the cost of £1,500 a year. Communication with New Zealand is already sufficiently provided otherwise than by the Canadian-Australian line, and if Fiji is to make any real progress, what is required is in the first place that there should be an increase in her production of articles for export, and in the second place that the means of direct carriage to the markets of Australia should be improved. The saving of £1,500 a year by the withdrawal of the unremunerative subsidy to the Canadian-Australian Company will be devoted to the furtherance of the objects of increasing our exports other than sugar by the only means available under existing conditions, viz., by endeavoring to arrest the decrease of the native population, and stimulating the production of articles that can be raised by the natives and Indian settlers, such as bananas, peanuts and copra.

There is much opposition to this proposal, as is shown by communications on the subject in the Suva papers.

KILLED AT THE POLLS.

The Proposal to Borrow Money for Increased Fire Protection Was Defeated.

By a majority of one hundred and one, those property owners who took the trouble to register their votes yesterday upon the proposition to raise $20,000 for the purpose of obtaining increased fire protection, expressed themselves as unwilling to burden the city with more debt. But little interest was taken in the poll, and only 641 votes were cast, less than one-quarter of the possible number. North ward polled the strongest vote and gave the largest majority against the by-law, but Centre and South ward, though giving smaller totals, were almost as emphatic in their negative to the proposition.

It cannot be said that any display of energy was made on either side, the friends of the by-law deeming it wiser, apparently, to allow every voter to act according to his or her own opinion. Nor did the opponents make any active canvass, all of which is amply proven in the small vote polled.

The results are as follows:

Ward.	For.	Agt.
North	128	191
Centre	58	90
South	84	90
	270	371

Majority against the by-law, 101.

A STIFF BLOW.

The Gale Did Little Serious Damage, Although It Was One of the Fiercest in Years.

After an absence of many months the fiend who directs the squalls is back again. The sudden southeast squall which sprang up last evening all over the Sound made things very interesting both among the shipping and ashore. In several parts of the city roofs miss many shingles, torn away by the gale. One or two chimneys were reported blown down and signs were sent whizzing about promiscuously. Fences were demolished in lengths and much other damage was done, but fortunately, as far as could be learned, no one was injured. Hats were blown away and many a man "counted ten" as he sped along the street last evening and this morning in pursuit of his head gear. Umbrellas suffered and many telephone wires were crossed. The wires, however, did not suffer as much as might be expected. Both telegraph lines ticked right along.

At Tacoma the howling sou'wester drove several vessels from their moorings. The British ship Sir Robert Fernie had a very trying time. She was suddenly seen to be throwing up rockets and burning blue lights. In answer to her signals the tug Fairfield hurried out over the nasty seas to her, and when a line was got aboard the ship a terrific struggle between steam and the elements ensued. For three hours the tug, snorting and puffing, pushed her nose into the gale to hold the heavy grain-laden clipper from the beach. It looked for some time as if the efforts were to prove futile and more distress signals were shown and a boat's crew sent for aid. At last, however, a lull came and the tug managed, after four hours' work, to get her tow to a safe mooring alongside the coal bunkers.

The City of Kingston was delayed several hours on account of the heavy weather. She did not reach here until about 9 o'clock. She sailed again for the Sound at noon. There was considerable indisposition on board.

GOLD IN QUEENSLAND.

R. M. S. Aorangi brought news from the Queensland gold fields which showed that the Klondike is not the only place where miners find fortunes. The Queensland gold returns for the month of September show that 77,792 ozs. were obtained from 115,876 tons of quartz, besides 3,674 ozs. of alluvial, making a total yield for the month of 81,466 ozs., compared with 66,742 ozs. obtained in September of last year from 70,689 tons. For the past nine months the colony's total yield has been 666,000 ozs., compared with 553,000 ozs. for the same period last year.

MICA AXLE GREASE lightens the load—shortens the road.

Makes the wagon pull easier, helps the team. Saves wear and expense. Sold everywhere.

THE HEROES OF DARGAI.

Victoria Scots Place on Record Their Admiration of the Gay Gordons' Gallantry.

In the window of Messrs. Hibben & Co.'s establishment there is being exhibited to the public, before it is sent to Edinburgh, Scotland, an engrossed and illuminated scroll conveying in felicitous terms the warm appreciation and admiration of the members of the Caledonian and St. Andrew's Society of Victoria for the valorous men who saved the honor of Britain at a critical time and covered the colors of the Gordon Highlanders with new glory and renown. The work of engrossing and ornamentation has been done by Mr. E. B. Mackay in a manner that reflects the greatest credit on his skill and his artistic taste. The emblematic devices along the border of the scroll are fine examples of the ancient Celtic and Runic ornamentation, and the fineness of the drawing and the delicacy of the coloring are a delight to inspect. The artist has depicted there the claymore, the skean du, the sporran mohr, the bossed and chased targe, the powder horn and all the paraphernalia of the Highland warrior of the olden time.

The general effect is rich and striking, and mounted in a suitable frame it will make a very handsome addition to the treasures of the officers' mess of the gallant first battalion of the Gordon Highlanders. The sentiments expressed in the address are such as would meet with the hearty approval of all Scots. The address is signed by the president and the secretary of the society. It will remain on view for a few days, and then will be sent to Lieutenant-Colonel Mathias, commanding the battalion, now homeward bound from the Punjab, to Edinburgh Castle.

AN EXPLORER RETURNS.

Arthur St. Cyr and His Work—Was Nearly Caught by ce on the Big Salmon.

Among the passengers who arrived by the steamer Danube was Arthur St. Cyr, the government explorer and surveyor, who had a thrilling story to tell of a close shave he had on the Big Salmon a month ago. He was coming down the river, which was rapidly freezing, drift ice running in big cakes, in his canvas canoe. They shot rapid after rapid without damage, and all went well until, when within thirty miles of the mouth of the river the anchor ice was encountered. They were jammed in the massed cakes and escape looked impossible, in fact they had all but given up, when two prospectors were seen hailing them from the shore. The surveyor's party had a rope and threw it, but it fell short. Then, fearing to trust the whole party on the side ice again, Mr. St. Cyr threw a piece of plank in the chilly water, and riding it a la Quebec lumberman, he went through the icy waters. Thus, and by crawling over the ice block, he reached the shore, and with the aid of the prospectors emptied his canoe and transferred it and his goods to the solid ice below.

Mr. St. Cyr has been working in the 4,000 square miles of hitherto unknown territory north of Teslin running from the Liard river eastward. The waterways of this district are the Big Salmon and the Nisutlin, the latter feeding Teslin lake. The present maps of this district, which are founded on Indian reports, are much in error. The Nisutlin is shown in the maps running from the eastward, while as found by Mr. St. Cyr it was from the north and had half a dozen tributaries from the mountains. The country to the eastward is described by geographers as mountainous, whereas it is almost exclusively valley land, well wooded. Along the upper Big Salmon, he says, good gold prospects have been found.

A Woman's Way.

"I'll just rest a minute, and that pain will pass away." Many a self-sacrificing woman has said this, only to find the pain comes back again with greater force. Most of these pains and spells of illness come from the stomach, and are caused by indigestion or some of its kindred ills. Between these ills and the many worries and cares of a household a woman becomes old before her time. Take a teaspoonful of

Abbey's Effervescent Salt

in half a tumbler of water every morning before breakfast, and you will be free from the illnesses that paint wrinkles on your face and streak your hair with gray.

This standard English preparation, which is endorsed by medical journals and prescribed by physicians, is for sale by all druggists at 60 cts. a large bottle. Trial size 25 cts.

A Thanksgiving Dinner

Will be incomplete unless you visit us and get your delicacies to make it. We have new fruit, cleaned, seeded and chopped ready for the pudding and pie. No more weary hours picking over raisins, currants and peel.

Cut Peel, 1 lb. drums, 25c.
Seeded Raisins, 2 lbs. for 25c.
Cleaned Currants, 3 lbs. for 25c.
Loose Muscatells, 3 lbs for 25c.
Port Wine, 50c.
Sherry, 50c.
Boiled Cider, 35c.

DIXI H. ROSS & CO.

J. PIERCY & CO.

Wholesale Dry Goods

SHIRT AND CLOTHING MANUFACTURERS.

Full lines of Winter Underwear, Clothing, Top Shirts, Fur Robes and Fur Caps.

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COLUMBIA FLOURING MILLS CO. ENDERBY AND VERNON

BRANDS:

Hungarian, Premier, ★★★ and ★★

R. P. RITHET & CO., Victoria Agents

FROM THE ORIENT

Steamer Riojun Maru Arrives With a Budget of News From the Far East.

Excitement Over the War Prospects—A Report That the Pelican Has Been Found.

Steamer Riojun Maru, a monster three-decked freighter of the Nippon Yusen Kaiska Co., reached this port early yesterday morning, and spent the day at the quarantine station, where her 120 Japanese were put through the baths and their effects through the "sweat box." She left Yokohama on October 19th, and notwithstanding the season had a pleasant passage until when within two days out from Flattery heavy seas were encountered. Although she stood with her big sides reaching, wall-like, out of the water, the Riojun had a most valuable, if not bulky, cargo. She had 1,272 tons, amongst which were 800 bales of Japanese silks, valued at about $100,000, and on which $21,000 was paid in freight charges. Among her saloon passengers—there were but five—was Capt. C. Elliott, a member of a cavalry regiment serving at Manila, who is bound home on leave. He says the situation there remains unchanged, but for some time before he left there was considerable sickness among the American soldiery, typhoid being very prevalent. The camp at Cavite is in a very unsanitary position, and steps were being taken to have it removed. Capt. Elliott says that the people of the Orient no longer look to Manila for exciting news. The people of Hongkong, Shanghai and other European settled points, are all excited over the prospect of war. Great Britain is making every preparation both at Hongkong and at Wei-Hai-Wei. At the latter point the work on the fortifications was being pushed forward with all speed. Five thousand men were recently landed there by the British to man the forts. A large squadron was stationed there which recently had been reinforced by some vessels from Hongkong. At Port Arthur Russia has a large fleet, and the fortifications are being hurried onward. It is said that 22,000 men are garrisoned there.

The news concerning the recent coup d'etat and the reported death of the emperor is in a state of "he's dead" and "he is not dead." The prevailing impression at Hongkong and Shanghai when the Riojun left, however, was that while his majesty Kuank Su is undoubtedly sick, it is from natural causes. He has neither been strangled nor poisoned, nor put to torture, but he remains in the palace and is being treated by foreign physicians attached to the embassy at Pekin. His trouble, it is said, is a general breaking down of the system, caused by excessive excitement and sensual indulgence. The feverish anxiety with which he undertook his reforms, his anxiety for their success and the agitation that followed frequent encounters with his advisors, doubtless aggravated his condition.

It was reported shortly before the Riojun Maru left Mikado land that a Japanese sealing schooner which had arrived at Hakodate from a belated cruise to the Komanderofski Islands brought news of the finding of the long lost steamer Pelican. The long missing steamer was reported to be lying half submerged in a cave on the coast of Kamtchatka. The report, however, could not be verified. The Pelican left Port Townsend on October 12th of last year, and is now over 380 days missing, and has never since been heard of. She was bound to Tientsin with a heavy cargo of lumber for the north Chinese railway.

The Riojun brought news that the next arrival from the Orient would, in all probability, be one of the largest vessels of the fleet, the Tosa Maru, a big four-master of about 6,000 tons, which was to be placed on the run instead of the Kinshiu Maru in consequence of the accident to that steamer. The Riojun left for the Sound early this morning.

NEW INVENTIONS.

Below will be found a list of new patents recently granted by the Canadian government, the patents being secured through Messrs. Marion & Marion, solicitors of patents, New York Life building, Montreal, and reported by them for the benefit of our readers:

61,371—F. Ponton, Jolliette, P.Q., and P. Grenier, St. Jean-Baptiste de Rouville, P.Q., drain ditching plow.

61,383—Frank Swales, London, England, curb hook.

61,401—George D. Bryar, St. Johns, N.B., door securer.

61,413—Edmond Parent, Terrebonne, P.Q., shoes.

61,421—Alcide Poirier, St. Francis, P.Q., shoes.

61,426—George M. Donaldson, Kentville, N.S., adjustable garment patterns.

LACROSSE.

An Ultimatum.

A special meeting of the Victoria Lacrosse Club was held last evening to discuss matters connected with the disputed match with New Westminster, and after everything had been taken into consideration it was decided to write to President Hall setting forth the facts of the case and the position occupied by the Victoria club. In acordance with that resolution the following letter has been sent by the secretary, and as it sets forth fully the circumstances of the dispute, it is now published in full:

Victoria, November 4th, 1898.

J. D. Hall, Esq., President B. C. A. L. A., Vancouver, B. C.

Dear Sir: At a general meeting of the Victoria Lacrosse Club held last evening, I was instructed to write, asking you, as president of the association, to appoint a time for the playing of the drawn game with New Westminster, which should have been played some weeks ago.

We have in our possession letters and correspondence from the New Westminster club agreeing to play on certain dates, the first of which, at the time of the fire, we had no hesitation in postponing at their request for one week, granting them two if necessary, but their own words were one week. They finally notified us the Thursday before the drawn game was to be played (after we had gone to considerable expense in advertising, etc.) that they wished the game postponed—although defaulting their regular schedule match to this club, thereby losing us the proceeds of two gates, which were very badly required.

We at first refused, but as they held they were unable to get a team together, we notified them that we would play the game in two weeks; since this time we have been unable to agree upon either date or terms, although the law is very plain on this subject, and we have therefore come to the conclusion that they have no intention of playing at all.

In the event of their agreeing to play the game, as ordered, according to the rules, we will, as stated before, divide the gate equally with them; or in the event of their refusing to play (should you as president order it), we would ask that the game be awarded this club, we being at all times perfectly willing to play the game in question and abide by the rules to that effect. In this connection we would suggest Thanksgiving Day here as a date for the match, as there is no other attraction on, and undoubtedly a large crowd would attend.

Trusting you will favor us with your decision as early as possible.

(Signed) R. JESSE, Sec'y V. L. Club.

There is no one article in the line of medicine that gives so large a return for the money as a good porous strengthening plaster, such as Carter's Smart Weed and Belladonna Backache Plasters.

A FREDERICTON LADY

Tells How Distressing Pains in Her Back and Kidneys Have Vanished Since Taking

DOAN'S KIDNEY PILLS

Mrs. K. Burns is well known in Fredericton as an enterprising business woman, who keeps a grocery store on King street. By careful attention to business she has succeeded in building up a good trade, and is always anxious to satisfy the wants of her customers. She gave our representative an interview in the matter of taking Doan's Kidney Pills, and related the story of her experience with this remarkable remedy as follows:

"For over a year I have been afflicted with intense pain in my back, extending from the base of my spine up to my shoulders. I sometimes felt dizzy and could scarcely venture upstairs without sitting down to rest. I ascertained that my distress was due in a great measure to the deranged action of the kidneys. My loins ached continually, and I could scarcely bend my back. I did not pay much attention to my trouble at first, thinking it would wear away, but in this I was disappointed as it gradually grew worse.

"Not getting any relief from the many home remedies I tried, I became more anxious about my condition, and began to look around for a cure. I decided to try Doan's Kidney Pills, and got a box through Messrs. R. T. Mack & Co., druggists here; and before I had finished a month's treatment I was completely cure, and now I am feeling as well as ever, and my back is strong and without ache or pain. I can highly recommend Doan's Kidney Pills for lame back and many distressing troubles arising from the wrong action of the kidneys."

Doan's Kidney Pills never fail to cure Backache, Bright's Disease, Diabetes, Dropsy, Gravel, Rheumatism, Lumbago, Weakness of the Kidneys in Children, Headaches, Numbness, Female Troubles, etc. Sold by all druggists, or sent by mail on receipt of price, 50c. a box, or 3 boxes for $1.25. The Doan Kidney Pill Co., Toronto, Ont.