

days upon which the party Gladstone led has fallen through the attitude of the diverse elements of which it is composed. With one section sneering at and contemning the colonies, another pursuing a course which cannot but encourage the Boers in the belief that the war is condemned by a large section of the British people, a third may take any place which will insure them their independence if they but persevere, and another section openly advocating sedition and rebellion, it seems to mere colonials that there must be a purging of the party before the people again entrust it with the charge of their affairs. To us it seems that the hostility of the world calls for unity at home. Therefore colonials are Imperialists.

Speaking to a reporter of the Vancouver World upon the burning topic of filling up cabinets, Mr. Joseph Martin said:

"I think the position taken by the Colonist is absurd in the extreme. I cannot be right in both of its contentions. IF IT WAS WRONG FOR ME TO HAVE KEPT THE VACANCIES IN MY CABINET OPEN, IT WAS NOT FOR MR. DUNSMUIR, FOR HE IS GUILTY OF THE GREATER TRESPASS. I am to be criticised, then the Premier should be criticised more. I do not think it was wrong in not filling up the cabinet all at one time, for this has been done by greater men at different times, nor do I think that at the present time the country is suffering from a lack of Ministers."

"In regard to the time when I was sworn in, that occurred on the evening of the day Mr. Semlin was dismissed. The dismissal took place in the morning of the 10th. The Clerk of Mines and Mr. Semlin were sworn in at Government House in the evening."

The birthday of His Majesty the King comes at an unpropitious time of the year. It is hardly possible to make a day of general rejoicing in Canada, as we possess in an extreme degree the Anglo-Saxon love of sport and in that way we usually give expression to our feelings of loyalty and fealty. Then Thanksgiving Day is near at hand, and that is a day which it has become a custom to honor. The 9th of November has been declared a statutory holiday. That is about the extent to which it will be observed for this year at least.

A well known character passed away at Esquimalt this morning, in Antonio Almanza, the boatman who for years has followed the calling of ferryman between the naval village and the warships at anchor in the land-locked harbor. He went under the sobriquet of Jose and in the process of time built up quite a business, having the advantage of a steam launch, which invariably proved more inviting to the visitor than the heavy boat propelled by oars.

The following is the full text of the judgment delivered by His Lordship Mr. Justice Drake yesterday in the action of B. C. Stock Exchange Co. vs. John Irving, reference to which was made in these columns last evening:

The defendant instructed them to sell 300 shares of the Continental Tobacco Company. The plaintiffs asked for cover, and the defendant paid them \$900, that is, \$2 a share. No time was wasted in the delivery of the shares, and the defendant closed the transaction. The plaintiffs called upon the defendant from time to time for more money, as the shares were steadily rising, and on or about the 29th day of May they called for \$2,000, which the defendant refused to pay. They then called for \$2,000 more, and purchased 300 shares in the market at 62½ a share, in order to satisfy the defendant's liability. The defendant, when he sold the shares sold 100 at 52, and 200 at 61½. The plaintiffs never called on the defendant for so much as he sold, and they purchased without notifying him of their intention to do so, and without asking him to deliver the scrip.

They had made no claim for any commission, and have not sued for it, but merely for money alleged to be paid on the purchase of 300 Continental Tobacco Company's shares at \$92.87 per share.

From the evidence of Mr. Jno. Nicholson for the plaintiffs it appears that the truth is that if the margin is exhausted the trader is obliged to have the margin "closed" to close the trade and to induce the margin to protect oneself from loss—unless the trader renegs—this is continually repeated, and it is difficult to see how the trader can get further funds, when the margin is exhausted. And he further says: "We never have any scrip delivered to us to account for the differences according to the fluctuation of the market." And he further says: "We would have closed the transaction on his (the defendant's) account at any time by his paying the difference, or receipt by him of the difference."

Mr. Irving:  
Dear Sir:—We have this day sold for your account 200 Con. Tobacco 51%, exhausts at 54%, stop loss 56%.  
J. N.  
All sales are made in accordance with market prices of the property at the time of the order on the New York Stock Exchange, and quotations thereof authorized by said Exchange.

would be entitled to demand delivery of the stock, but here the time is left open and no day fixed for a settlement, and from the continual demand for cover the price of the stock has risen to 100¢, they treated the sale not as an actual one, but as one for which the defendants might be responsible to pay if the shares rose in the market, until the shares rose to 100¢, and then they closed the deal. The contract says "stop loss at 40¢," but instead of doing so they continued until the shares rose to 62½¢. The contract says "no day fixed for settlement," but instead of doing so they continued, is on all fours with *Thacker v. Hardy*, 4 Q. B. D. 685. Lord Justice Lindley in his judgment says the plaintiff is entitled to say that the contract is a stock exchange, and everything he did was perfectly legal, unless it was rendered illegal by reason of the object they had in view. If gaming and wagering contracts are illegal, it follows that the illegality of the transactions in which the plaintiff and defendant were engaged would have tainted as being illegal the contract with the plaintiffs had done in furtherance of their illegal designs and would have precluded him for claiming in a court of law any indemnity from the defendant in respect of the losses he had incurred. Gaming and wagering contracts, under the English law, cannot be enforced, but they are not illegal, *Petch v. Jones*,

the purchase of any such shares or stock, in respect of which no delivery of the shares or stock has been received, and without the bona fide intention to make or receive such delivery, and every one who aids, abets, or in any manner assists in the making or receiving of any such contract, or agreement, or pledge, shall be deemed to be guilty of a misdemeanor." And that is followed by a protecting clause for the broker, that if the broker received the money from the seller there is no offense, although he retains a pledge of the same as security for the advance of the purchase money. This act is contained at the exact "contract which was made by the couple the day after the framing and wagering contracts illegal" and the evidence of the plaintiffs discloses no stock was ever delivered or intended to be delivered, and the intention to use the money for the speculations of the stock market. The "Prize Council in Forget vs. Ostigurz (18185) A. C., at p. 225, points out that

**TERMINAL COMPANY  
ACQUIRES THE V. & S.**

**Sidney Road Taken Over Yesterday—**

Yesterday the V. & S. railway was taken over by the Terminal Railway company, from the present owners, and will henceforth be operated as a section of the Terminal railway system. No actual change will be made in the management until the annual meeting to be held in a week or two.

Work on construction into the city from Hillside avenue begins on Monday, the ten days' notice required by the city having then expired. The promoters state that a big gang of men will be put on, and the work pushed vigorously.

The barge Georgian, which was acquired some time ago by the promoters, is being fitted up, and will be used temporarily until a proper ferry has been constructed. Capt. McKenzie states that this latter craft will be even more modern and swifter than was originally intended, and that he hopes to be able to make three trips daily between Victoria and the Mainland.

The highest mine in the world is a tin mine at Oruro, Bolivia, 14,000 feet above the sea.

**Some Reasons**  
Why You Should Insist on Having  
**EUREKA HARNESS OIL**

Unequalled by any other.  
 Renders hard leather soft.  
 Especially prepared.  
 Keeps out water.  
 A heavy bodied oil.

**HARNESSES**  
 An excellent preservative.  
 Reduces cost of your harness.  
 Never burns the leather; its  
 Efficiency is increased.  
 Secures best service.  
 Stitches kept from breaking.

**OIL**  
 Is sold in all  
 Localities

Manufactured by  
**Imperial Oil Company.**

Ernest Stevens, the young man yesterday found guilty of the shooting Jacob Hassenkraft, went to do grievous bodily harm, morning sentenced to two years imprisonment in the reformatory, being sentenced by Mr. Justice Drake to the verdict of the jury, and out his narrow escape from a more onerous charge. Fortunately the injury was on a fair way to recovery, his death occurred within a few days of the prisoner would have been up on the charge of murder. He was sentenced him to two years in the reformatory, and it was thought that his change of the opportunity of his position, and that came out he would be a better man.

Before sentence was given to Stevens, counsel for the defense produced evidence of the boy's good character. The witnesses were examined on this point were Wm. D. Barber, and Messrs Leonard and John F. Wickham, and Mr. J. W. Dixon and Wm. Kirk. They spoke highly of Stevens, stating that he had known him eight or nine years, and that he was a healthy and non-offensive boy, and out of it.

To Mr. Hunter the witness said had an opportunity of judging of the conduct of the prisoner outside of the walls of the prison. He never heard of Stevens shooting or of heads of Chinamen. Rev. Mr. Belyou also spoke most favorably of him. He said he always found him quiet, respectable and well behaved.

The evidence of the others was of the same effect, and Mr. Belyou also testified to the consideration of His Lordship that it showed that the boy's moral conduct was good, and that he was rather quieter than most boys in a similar situation.

Mr. Hunter observed that judging of the information received by the Stevens was anything but a model of justice. The Crown felt that it was better to imprison in a reformatory would meet the case.

The learned judge explained that unfortunately the offence was such that imprisonment in the reformatory would meet it. He, however, felt that it would be infinitely better that the boy should serve his years should be imprisoned in the penitentiary, where he would be brought into association with criminals. He was therefore inclined to recommend that the prisoner be sentenced the prisoner as above.

## A Teacher's Worries

FREQUENTLY RESULT IN  
BREAK-DOWN OF HEALTH

Headaches, Backache, Dizziness, Loss of Appetite and Insomnia the Outcomes of Indigestion—How to Avert These Troubles.

Only those engaged in the teaching profession realize how much worry and perplexity is met daily. It is therefore little wonder there are so many health breakdowns, especially among young ladies who follow this calling. Miss Christine P. of Ojibway, Ont. is one who has

erred much in this respect. To a  
porter of the Windsor Review, M  
are said: "For several years, w  
teaching school, I was continu  
troubled with headaches, dizziness  
weak back. I tried several doctors

tried several other medicines, but got no relief. I became badly run down that I thought probably a change of employment would give me relief. I gave up my school work and went to work for a different other duties, but the result was disappointing as the trouble seemed to hold on. I could not get any sleep. These grew more and more severe, I became fretful and nervous, my appetite failed and I was frequently compelled to take a rest in order to overcome dizziness. A friend advised me to try Dr. Williams' Pink Pills. I decided to try them, and before they were all used I found my appetite returned, my sleep came, and the pills for some time longer, every day bringing new health and strength, and now I feel as well as ever I did in my life, and am never bothered with the old trouble again. You may say therefore that this is not a case. I can recommend so highly Dr. Williams' Pink Pills for Pale People.

Young girls who are pale and weak  
to suffer from backaches, headaches  
loss of appetite, palpitation of the heart  
and other symptoms that overcome  
many in early womanhood, will find the  
certain and speedy cure in Dr. Williams' Pink Pills. These pills make rich, red blood, strengthen the nerves, and give new life and vigor to the whole body. You can get the genuine bear the full name, Dr. Williams' Pink Pills for Pale People, on the wrapper around every box. Sold by all dealers or by mail post paid at 50¢ a box or six boxes for \$2.50 by addressing the Dr. Williams' Medical Co., Brockville, Ont.

**TOBACCO ALLIANCE.**

Profit of 20 Per Cent, on Tobaccos and 25 per cent, on Cigarettes.

New York, Nov. 1.—A London correspondent announces the conclusion of an agreement which Ogdens of Liverpool and the American company have made in the United Kingdom tobacco dealing alliance. The agreement is legally effected, and is for twenty years, and forth that Ogdens and the American company guarantee to give a profit of 20 per cent, on their tobaccos and 25 per cent, on their cigarettes sold by the members of the alliance.

What is true of Canada is true in a minor degree of Great Britain. The troubles of her neighbors cannot but have some effect on the business of the Mother Country, but there are no such ups and downs in trade there as in continental Europe. Whether free trade has anything to do with these conditions or not it is probably not possible for anybody to speak with absolute confidence. Imperial statesmen have at least good reason to stick to a policy which has been so thoroughly vindicated by what has been accomplished in an island not remarkable for the comparative extent of its resources.

**BOYS, GUNS AND GAME.**

The number of accidents through carelessness, negligence, or lack of appreciation of the power to do grievous bodily harm contained within the tube of a rifle or shotgun has been altogether out of proportion of late to the density of population in British Columbia. We have no overweening desire to restrict the liberty of the individual any further than is necessary for the safety of the community as a whole. We have more than once pointed out that youths under a certain age should not be allowed to carry guns, or deadly weapons of any

As to moral conditions, we do not know that any country has the right to point the finger of scorn at another. But according to the newspapers published in some of the large cities of the United States, deepening iniquity without parallel elsewhere there have been realized in some of those places. The old platitudinalism is freely quoted, of course, that certain forms of vice always have existed and always will exist. There can be no profit in discussing that point. The deplorable feature is the turn which the strong commercial instincts of the American people has imparted to this brutal trade. It is not necessary for us to speak upon this point. We have already given the opinion of the New York Times. The Post of the same city is even more emphatic in its condemnation and denunciation. It says:

"A traffic worse than slavery has grown up under the shadow and with the connivance of Tammammy, which leaves the most fiendish deeds of Turk or Kurd looking civilized and Christian by comparison. When such loathsome vices are plainly remediable; when they are but part of a foul blotch on our city which the voters can remove by dashing from official place the men by means of whose indifference or protection this villainous breeds like maggots in carrion; when pure-minded and public-spirited

The following language of Mr. Redmond, the leader of the Irish party in the Imperial House of Commons, used just before he started for the United States, must not be taken too seriously. It was inspired by the exigencies of the situation. Mr. Redmond said:

"The Irishman to-day is not like the sturdy Transvaal burgher. Unfortunately, he has to consider a Mauser and to knock the fear of man, if not the fear of God, into England's hindlings and ministers. But the day is perhaps not far distant when he may take a man's part in the restoration of the rights and liberties of which Ireland has been so unjustly deprived."

Mr. John Morley is a brilliant man, with all the weaknesses of the party politician. He cannot see matters in their true perspective. Is it not preposterous, in view of the results of the recent general election and all bye-elections, to stand up and declare a belief that "the King will perhaps at no distant date have to seek other ministers with a better insight and a more pliant mind in face of the dangerous and complex situation which confronts the country." Colonial Liberals deplore the evil

**TALKS OF TRIP.**

H. L. Blanchard States That Poultry Raising in Province Could be Made Lucrative.

H. L. Blanchard, the agriculturist from Haddock, Washington, who accompanied Messrs. Elliott and Anderson on their tour of the Fraser river district giving addresses before the Farmers' Institutes at the different

points, is the city on his way home. Mr. Blanchard stated that the 37th had been very satisfactory, the meetings all being well attended, with the exception of one or two which were interrupted by the rain. Mr. Blanchard said in his address he dealt with people in which business he says more people are interested than in any one thing. He pointed out that according to statistics the 37th had imported over \$1,000,000 on imports, consisting of eggs and poultry. This he accounted for by the lack of appreciation in the business, and the fact that the 37th had been very successful in the past. He says that with careful keeping a profit of \$3 can be made on every hen sold in a year. Mr. Blanchard states that the farmers of British Columbia are anxious to make a market for the 37th of improving their lands. He reports that the district of Abbotsoford promises well. The system of the dykes has been improved, and the floods have been admirably held. He says the Victoria hotel, has staying the

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the purchase of any such shares or stock, in respect of which no delivery of the shares or stock has been received, and without the bona fide intention to make or receive such delivery, and every one who acts, aids, abets, or procures the making of any such contract, or agreement, or the execution of a misdemeanor." And that is followed by a protecting clause for the broker, that if the broker received the money from the seller there is no offense, although he retains a pledge of the same as security for the advance of the purchase money. This act is contained at the exact "contract which was made by the couple the day after the framing and wagering contracts illegal" and the evidence of the plaintiffs discloses no stock was ever delivered or intended to be delivered, and the intention to use the money for the speculations of the stock market. The "Prive Council in Forget vs. Ostigurz (18185) A. C., at p. 225, points out that

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A heavy bodied oil.

**HARNESS**  
An excellent preservative.  
Reduces cost of your harness.  
Never burns the leather; its  
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