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IN THE DIVISIONAL COURT.

Before Sir Matthew B. Begbie, C. J., Crease and Walkem, J. J.

WILSON VS. PERRIN.

(Judgment.)

Sir Matthew B. Begbie, C.J.—This case, an appeal from a decision of Mr. Justice Drake, as Chambers, has twice been argued before us at considerable length. On the first argument, before Mr. Justice Walkem and myself, when, though we did not disagree, yet we could not exactly agree; and, in view of this, and of rule 688a, of 1893, and in view also of the great importance of the general question, we directed a second argument to be had before ourselves, with the assistance of Mr. Justice Crease. And having discussed between ourselves the various clauses in the Statutes and General Orders, and considered more narrowly the only English case which really deals with the matter, we have been able to come to an unanimous conclusion, perhaps on shorter grounds than might have been anticipated.

The question is merely whether the Divisional court, or any Judge thereof, has power, when an unsuccessful defendant is applying for a new trial, to order security to be given by him for the costs of such application. Wilson, the plaintiff, having obtained at *nisi prius*, before myself and a jury, a judgment against Perrin for $650 and costs, Perrin, in due course, gave notice of an application to the Divisional court to set aside the verdict and judgment and for a new trial. Wilson, thereupon, on grounds which he deemed special and sufficient, applied to Mr. Justice Drake (being one of the Judges who might sit on that Divisional court) for an order that Perrin should give security for the respondent's costs of the application.

Mr. Justice Drake, without entering into any consideration of the propriety of the application, or the special circumstances alleged by the plaintiff, refused, in fact, to entertain it at all on the ground of want of jurisdiction: Considering that an application for a new trial is not properly an "appeal," though very much in the nature of an appeal; that by Rule 689 of 1893, the Divisional court (and the judges thereof) have expressly given to them the same powers as the Full court (and the judges thereof), but that those powers, as to security for costs, are by Rule 684 limited to the costs occasioned by an "appeal" to the Full court, which designation, he held, is to be construed strictly, and that the powers of the Divisional court, and judges, as to security for costs of an "appeal," must also be deemed to be confined to "appeals," strictly so termed, and of which there are many instances, e. g. all appeals from interlocutory orders; and finally that in the case of Heckscher vs. Crossley (1891) Q. B. 1., p. 224, the Court of Appeal in England, which has now exclusive jurisdiction to entertain these applications, refused to order security for costs. The difference between the jurisdictions here and in England is this, that whereas up to 1890 the Divisional court alone had jurisdiction to order a new trial, exclusive jurisdiction was in that year given by 53 and 54 Vic. Cap. 44 to the Court of Appeal, but here the Full Court alone had jurisdiction up to 1885, and in that year the Divisional court was created, with not substituted but concurrent jurisdiction over all interlocutory matters, "including the granting of new trials;" and in 1888, cap. 45, sec. 10, with "all the powers and authorities held and exercised by the Full Court in such matters, including the granting of new trials." Now at that time, 1885, the Full Court had, by Rule 412 of General Orders, 1880, which deals with all appeals (expressly including appeals from interlocutory orders), power to direct "such deposit or other security to be given for the costs to be occasioned by any appeal" as might be thought fit "under special circumstances." The Legislature which created the Divisional Court in 1885, as above stated, and empowered it in 1888, must be taken to have been aware of the powers belonging to the Full Court; and by the sections above quoted, invested the Divisional Court with all those powers, expressly including the case of an application for a new trial: invested the Divisional Court, therefore, with the power of requiring security for the costs of such an application, and that power has never been expressly taken away. All these enactments are most conveniently dealt with by referring to the Consolidated Acts, 1888, 33 59 *et seq.*

Neither do we think that this power is inferentially taken away by the new Rules of Court, which came into force on the 1st of January last. Rule 689 does not, as the argument for the defendant requires, in any manner limit, or even describe, the powers of the Divisional Court. It merely states that, so far as Rule 684 (among other rules in Order lviii) is applicable and shall apply to all appeals to the Divisional Court. Rule 684 says that in all "appeals" to the Full Court, security for the costs of appeal may be required. Now, there is strong grounds for holding that the term "appeals" includes applications for a new trial.

1st: These are in fact the most important of all matters when the Divisional court deals with by way of review:

2nd: They are generally termed "appeals to the Divisional court," and an Act of Parliament *loquitur ad vulgus*, and these rules are equally with the statutes for general information, i.e., the terms used are to be taken to mean what they are generally understood to mean:

3rd: By s. 61 of the Consolidated Acts, 1888, c. 31 (a re-enactment of 1885, c. 5 s. 3) all matters brought before a Divisional court are expressly termed appeals: and this section has always been held to include these applications, and to limit the time within which they are to be brought. But, in short, the term either includes them or it does not. If it does, then clearly by the joint operations of Rules 684 and 689 of 1893, the Divisional court may order security for the costs of the application. If it does not, then there is not a word either in any statute or general order to weaken the express enactment of 1888, cap. 4. sec. 10, and the Rule 412 of 1880, the abrogation of these rules as from the first of January last, cannot have the retrospective effect of depriving the Divisional court of the powers with which it was furnished by the Legislature in 1888. It is as if that Rule 412 had been repeated in the statute of 1888.

But the matter appears, in fact, quite clear when we examine into the real nature of what was done in Heckscher vs. Crossley. It is, in fact, a very clear authority for the existence of the power. The Court of Appeal having been only invested with jurisdiction over applications for new trials in 1890, this was the first case in which application was made that the appellants should give security for costs. The Court at once accepts the jurisdiction, but the Master of the Rolls said as this was the first case before them in which security had been asked, they would wish to follow on the lines pursued by the Divisional court, so as not to introduce a new practice, and would therefore consult the judges who usually sat in Divisional courts. This alone shows that the Judges of Appeal thought that they had the power, but were merely deliberating how they should exercise it. And what did these judges report? That they had no power to order security? Not at all; but that they do not order security "as a general rule;" clearly implying that when there are special circumstances, they would accede to the proposal. That is, it implies that it possesses the exact powers expressed in the old rule 412, of 1880.

We are, therefore, clearly of opinion, both on principle and authority, that the learned Judge had power to order such security as he might deem proper if there were special circumstances rendering such an order, in his opinion, proper. He had a discretion which he has not exercised. We, therefore, allow the appeal, and refer it back to him to inquire whether there are such special circumstances, and, if he finds in the affirmative, to fix the nature and amount of the security. The defendant must pay the costs of this appeal. We make no order as to the costs of the original application.

WILSON VS. PERRIN.

Delivered May 22, 1893.

Walkem, J.—Concurring as I do in the Judgment of this court, as delivered by the learned Chief Justice, I desire to add a few words expressive of my view of Heckscher vs. Crossley. By our rules of court of 1880, which were confirmed by statute, motions for new trials were assigned to the Full Court, which answers here to the Court of Appeal in England. The Full Court, therefore, had, from the first, authority in cases of appeal to require the appellant to give security for costs; and the person moving for a new trial would surely be an appellant in the court and his application be one in the nature of an appeal. The Imperial Legislature having, as stated, given the Court of Appeal in England exclusive jurisdiction with respect to motions for new trials, thereby placed such motions on the same footing as appeals, for there are no restrictive words to the contrary in the statute. The ratio decidendi in Heckscher v. Crossley was not that the Court had no power to order security for costs, for it seems to have assumed that it had; but that it would be advisable to adhere to the former "general rule" of the Divisional Courts which exacted no security. The question, therefore of applying the Appeal Court practice or not was regarded as one of discretion and on that basis the decision was, apparently, given.

Our Full Court, it seems to me, has, therefore always had this discretionary power, and as our Divisional court has now concurrent jurisdiction with that Court with respect to motions for new trials, it becomes necessary to establish a practice that will be uniform and common to both courts, which we may well do, as the present bench consists of a majority of the judges who would constitute either court; otherwise the practice would be left uncertain, and to conflicting opinions between the Full court, consisting as it must of at least three judges, and the Divisional court, constituted as it may be of any two judges. A system of practice that might be expedient in England might be inexpedient here; hence our Rules of Court, framed as they have been from the English rules, have in many respects been more or less modified in order to adapt them to our own exigencies. The responsibility in cases like the present being cast upon us, we have been enabled, and I think fortunately, to come to a unanimous conclusion that the granting of security for costs should be left to the discretion of both of our Appelate courts, subject, of course, to well-known judicial rules. Speaking for myself, I make these observations to explain why I, for one, venture to depart from the course adopted after due consideration by the Court of Appeal in England. GEO. A. WALKEM, J.

PEACE ASSURED.

VIENNA, June 5.—In addressing the delegation Count Kalnoky, minister of foreign affairs, ridiculed the idea that a general disarmament of the European powers was possible. All the continental powers would be much relieved however, he said, could the present process of increasing military and naval forces be brought gradually to a standstill. Count Kalnoky spoke of the Eastern question as having entered upon a period of unmistakable tranquility. The general prospects of peace in Europe he thought had not been changed in the last year.

RECIPROCITY CONVENTION.

Proceedings of Yesterday—The Platform Submitted and Approved—List of Permanent Officers.

Speeches by Mr. Springer, of U. S. Ways and Means, and "Jim" Hill.

ST. PAUL, Minn., June 5.—The Reciprocity convention began to-day in the auditorium. Hon. P. H. Kelly, the well known Democratic leader, was chosen to represent the commercial bodies of St. Paul. In calling the convention to order Mr. Kelly had no remarks to make, but at once introduced Rev. W. T. Covert, of Merriam park, who opened the convention with prayer, invoking the divine blessing on the great movement in furtherance of the doing unto others as we would have them do unto us. A brief welcome address was delivered by Mayor J. P. Wright, ex-Governor.

Andrew H. Burke, of North Dakota, spoke briefly. In the course of his address he said: "Reciprocity apostles do not come begging for favors nor for advantages; they ask, they demand that their rights shall be accorded them. The Southwest has been the care of the Government. Jetties and levees, dredging machines and works of engineering skill of the highest description have been freely given for the improvement of the commerce of the country. They are not supplicants for bounty nor chasers after appropriations. They propose, however, that the things to which they are justly entitled shall not be withheld, and it is the intention to persevere until the ends for which they have striven shall have been accomplished."

Hon. James Fisher, of Winnipeg, did what he called "breaking the ice" in opening the convention, giving utterance to what is considered the key-note of the convention. He expressed his regret that the reciprocity treaty of 1854 had been abrogated, and on behalf of the Canadian delegates expressed his wish that the treaty might be renewed in manufactures as well as in natural products. He believed an agreement in this line was entirely possible. The Canadian people wished to avoid active discrimination against Great Britain.

The committee on organization, this evening, selected the following permanent officers: President, James Fisher, M.P., Winnipeg; vice-president, P. H. Kelly, St. Paul; secretary, D. R. Minnis, Grand Forks, N.D.; Charles N. Beel, Minneapolis; S. A. Thompson, Duluth; and J. M. Beek, St. Paul.

ST. PAUL, Minn., June 6.—This morning when Chairman Eustis called the convention to order, Hon. Joseph Martin, a former member of the Manitoba Parliament, was called to the platform and introduced to the convention.

The committee on permanent organization reported; James Fisher, M. P., of Winnipeg, for chairman; P. K. Kelly, of St. Paul, vice-chairman; Dr. J. McGinnis, of Grand Forks, secretary; J. H. Beek, of St. Paul, S. A. Thompson, of Duluth, and C. N. Bell, of Winnipeg, associate secretaries.

Mr. Fisher returned thanks for the honor conferred, but, in view of his speech yesterday, would make no extended remarks, save to say that he believed that good and nothing but good could arise from such conventions. He hoped that the movement would so extend that before long conventions would be held in the eastern cities. This convention simply hoped to be a factor in bringing about a satisfactory reciprocity treaty between the two countries.

Secretary McGinnis read letters of regret from Hon. Wilfrid Laurier, the Canadian Liberal leader, Hon. Thomas W. Greenway, Premier of Manitoba, and Capt. Alexander McDougall, of Duluth.

E. V. Smally, chairman of the committee on resolutions, reviewed the report of that committee and spoke briefly in its support, explaining the reciprocity movement and its means of strength and of weakness in both countries.

The resolutions cover only the subjects of reciprocity, deep water ways and transportation, and were as follows:

"That in the opinion of this convention the policy unanimously approved by the first international reciprocity convention at Grand Forks, is now reaffirmed, of removing the tariff restrictions upon our international as far as can be done consistently with a due regard to the revenue requirements and other interests of the two nations, and may be most advantageously carried into effect by a treaty providing for the free interchange of these classes of the products—both natural and industrial—of each one, that are generally in demand or usually find the readiest sale in the markets of the other. Such a policy in the circumstances of the United States and Canada is capable of being applied to many classes of industrial products as well as to natural products generally. It would result in giving to Canada a market now denied it, for much of its produce with a compensating advantage to the United States and that without affecting a large part of their respective customs revenues.

That cheaper transportation is a matter of prime importance to the interest of the Northwest—Canadian and American—favoring the improvement of existing waterways and the construction of additional channels of communication between the great lakes and the ocean of sufficient capacity to allow a free passage of ocean vessels, which should be free of all tolls.

That any reciprocity treaty between the United States and Canada should provide for the free and common use by the people of both countries of all the canals now built or hereafter to be built to facilitate commerce between the great lakes and the ocean, and should also provide for free and open competition between the railway systems of the two countries, in order to reduce the cost of transportation from the interior to the seaboard to the lowest figure consistent with the efficiency and reasonable prosperity of the roads.

That in order to secure the desired results sought to be obtained by this convention, a joint committee shall be appointed by the permanent chairman of the convention, consisting of ten members, five of them to be selected from the Dominion of Canada and five of them from the United States; that it shall be the duty of this committee to take charge and prosecute this work after the adjourning of the convention, by using such measures as they may deem proper to bring the matter before the Dominion Parliament and the Canadian authorities, and before the Congress of the United States and the American authorities, and before the people of the two countries.

Hon. Joseph Martin, was then called upon, and talked for some time in support of Reciprocity, expressing the belief that the people of both countries would allow no politics to interfere with the natural view of the situation, which he held to be Reciprocity in natural products, and also in many manufactures. Cheaper transportation to the sea board was almost as important a question for the Canadian Northwest, which is at the mercy of a railway system. He deprecated all attempts to choke the Reciprocity movement by asserting that the Government is disloyal to Canada, and charged the great railway that makes such assertions with that very disloyalty, in that it secures control of American railways and American outlets for itself while ordering others to keep their hands off.

Wm. M. Springer, of Illinois, chairman of the Ways and Means committee of the National House of Representatives, was introduced, and expressed himself in favor of reciprocity with all the States on the American continent. As we are nearest Canada, he said, our first efforts should be turned in that direction. The people are substantially of the same race, language and interests, and almost of the same country. We are not to aid, abet, or suggest anything in the form of Canadian Government, and the connection between Canada and Great Britain need not and cannot interfere with proper reciprocal trade relations. We desire more intimate trade relations for our mutual benefit. People do not transact business for their health, but for the benefit of those who are concerned in all the transactions. He hoped it would not be necessary for such conventions to meet many years more, for the signs of the times indicated the early solution of the question of reciprocal trade relations. Such a period would build up both countries, and would be an era of lasting peace and prosperity.

A recess was then taken.

When Chairman Fisher called the convention to order at five minutes before three o'clock, President James J. Hill, of the Great Northern railway, was introduced. After a few remarks on the composition of the convention, Mr. Hill said that, as he understood it, the object of the convention was to bring about the free interchange of commercial commodities and of transportation facilities on both sides of the international boundary. If the customs houses along the border were abolished it would make a new geography, commercially speaking, of the continent on both sides of the boundary. The people are engaged in practically the same occupation. He saw no reason why the commerce which now secures an outlet at Baltimore and Boston and New York should not be divided with Montreal. The improvement of the great continental waterways in his belief would probably make Montreal the largest shipping port on the continent. That would let farmers live and prosper. Low freights are necessary for the development of the Canadian Northwest. In the United States the cheapest rates are in vogue. Canada has all the valuable metals, and when you ask for reciprocity, reflection will show that the situation is different from that of any other part of the Western hemisphere. If we had reciprocity Canada would be served. The Northwest would gain in transportation to the sea, provided deep channels are made through the water ways to the sea. An arrangement agreed upon between the two countries would result in good to a portion of this country and all of Canada. He thought it well not to ask for so much that the people will feel that Canada was getting all the advantage. To ask for something that could be secured would serve as an entering wedge for more. The whole North of the United States would be benefitted by freer relations with Canada. If it were possible to build a ship canal to the Hudson it would never approach in effectiveness the natural highway by the lakes and the St. Lawrence, if the natural way were improved.

Dr. Orton, a former member of the Canadian Parliament, J. Hayne, of Minneapolis, and Mr. Hall, of Brandon, Man., spoke on the platform, and Mr. Thomson, of Duluth, spoke at length on deep waterways to the sea, on which subject he is one of the best posted men in the country. This last address was listened to with the closest attention and was followed by a brief discussion, after which the platform was formally and unanimously adopted.

In the evening a mass meeting was held in the Auditorium, which was almost filled with delegates and others, many of whom had been attracted by the presence of Mr. Springer, chairman of the Ways and Means Committee of the last House of Representatives, who delivered the chief address of the session. Mr. Springer was greeted with hearty applause, and in opening disclaimed any intention of speaking for others than himself, saying that what he should advocate would simply represent the views which he entertained as one individual, which could not be construed as a policy which would be pursued by Congress or the Democratic party. Whatever policy the party will adopt will be determined when Congress meets and after consultation with all the Representatives and of the people of the States and the general Government. In the course of his remarks Mr. Springer said that no citizen of our republic would, for a moment, consent to the establishment of any restriction whatever upon trade between the various states of the union. If this trade had been so beneficial, what reason could be given, what argument could be offered in favor of continuing this trade among the American states which would not apply to the trade between the States and the Dominion of Canada? He thought that the same freedom of trade should exist between Canada and the United States. Continuing, he said that restricted trade between the Dominion and the United States had been brought about by the individual selfishness of special interests, each supposing that with the aid of the government they might get some advantage over the other, neither having regard for the welfare of all the people, irrespective of country. What was needed at this time was intelligent debate, discussion in conventions of this kind, arguments in the public press and a more unselfish and patriotic devotion to the interests of the favored classes. Mr. Springer favored conferring upon the President of the United States the authority to appoint an international commission on the part of the United States to treat with a like commission appointed by the Dominion of Canada for the purpose of submitting to the respective governments a treaty of reciprocity embodying as far as possible a free exchange of the products of the two countries.

The officers who will serve for the year are as follows: President, James R. Fisher, Winnipeg; Vice-President, A. H. Burke, Fargo; Frederick Driscoll, St. Paul; Capt. J. C. Rene, Minneapolis; F. Winsor, West Superior; F. M. Strobart, Winnipeg; D. F. Burke, Port Arthur; Chas. Braithwaire, Portage La Prairie; Secretaries, Dr. R. McGinnis, Grand Forks, S. A. Thompson, Duluth; C. N. Bell, Winnipeg, J. H. Beek, St. Paul.

SAN FRANCISCO, June 6.—A sharp earthquake shock was felt in this city and Oakland at 9:26 this morning.

IMPERIAL INSTITUTE.

Reception by the Prince of Wales—A Very Imposing Crowd.

Boom in Matters Colonial—Thirty Thousand Invited Guests—The B. C. Exhibit.

[Special to the COLONIST.]

LONDON, May 17.—The King came into his own last night, that is to say, the Prince of Wales took possession of the Imperial Institute for the night and received there one of the largest well-dressed crowds of the century. Things colonial have certainly been booming lately, thanks to the action of H.R.H. in this direction, and last night London was made painfully conscious that the colonies were a power in the land. It is questionable whether there ever was a worse block in London traffic than there was last night round the fashionable quarters of the town. Thirty thousand guests were invited to a reception to be held at the Institute, and of these nearly two-thirds were present in the building. If you allow two people to every vehicle, that means 30,000 vehicles trying to get along moderately wide streets to the same point at the same time. Your correspondent's personal experience is illustrative of the night. At 9:15 he started from South Eaton Place in a brougham, and only reached the B C. chamber of the Institute at 10:45. Under ordinary circumstances the distance would be driven easily in fifteen minutes. As far as the eye could see the wide streets were solid with vehicles, the lines of carriage lights stretched away until they diminished to a point; ladies in despair got out of their vehicles, and with gowns held widly high and bare heads, trotted along the sidewalks, exhibiting to admiring colonials, the solidity of English understandings, and when we reached the entrance we found the Bishop of Rumtif Foo and the Prince of Lordknowswho, being jostled and pitched about in a sea of soldiers and judges, K.C. M.G.'s and policemen, the whole being brightened and kept in good humor by an abundance of pretty faces, magnificent diamonds and pretty frocks, very good specimens of all three being of course displayed in the court of B.C.

It seemed that though nobody wore uniform or Court dress, every one, even the ladies, wore orders or medals, and it really seems now hardly too much to hope that, after the pageant last week and the reception last night, "every one who is any one" in London will, at least, have heard of British Columbia.

The Royal party, consisting of the Prince, the betrothed couple, the Duchess of Teck, and several other royalties, did their duty like thorough Englishmen, that is to say, they dined directly they arrived. They then went through all the courts, inspecting the exhibits in each, and then, being "real English," naturally dined, or rather supped, again.

The exhibits in all the courts, except, perhaps, the African, Indian and Jamaican courts, are poor, the reason being that this show is not merely a temporary affair, but one whose exhibits are to be permanent, and therefore take time in collecting. The British Columbia exhibit, for instance, was certainly not good, though not worse than many others, but as the whole Chicago exhibit is to be sent on here when the fair is over, our court will eventually be as good as any of them.

The Agent-General and Mrs. Beeton received their friends in the chamber allotted to the Colony, and Mrs. Beeton's outspoken love for the land of her adoption was about the best advertisement we had at the Institute. Lady Tupper has, unfortunately, been attacked by influenza, so that one well-known face has been missed, by Canadians at any rate, at both these great shows.

The most striking feature about this Imperial Institute function, has been the feeling manifested towards Mr. Gladstone by those who were present last night. At the opening of the institute Gladstone was almost the only notable absent. Most men said that he feared a display of feeling hostile to himself on the part of the educated masses there present, in fact that he feared intelligent criticism. If that was not the reason, some alleged that he cared nothing for the colonies or their interests, and took this occasion to show it.

However, he came last night, and was cordially hissed and hooted—whilst Salisbury was greeted with a storm of applause.

There is no longer any doubt in any man's mind here, that all those who have anything to lose, look upon Gladstone as the curse of his country, and his Home Rule Bill as worthy of its author. Even ardent Radicals are falling away from him now. Every man, who by labor and thrift has made or saved anything, is afraid of the politicians who would sacrifice the security and prosperity to political exigencies, in other words bribe the "have-nothings" with the goods of the "have-somethings," because the former have more votes than the latter. CLIVE PHILLIPPS-WOLLEY.

FINANCIAL AND COMMERCIAL.

NEW YORK, June 6.—The President's declaration of his intention to call an extra session of Congress was favorably accepted, but was somewhat counterbalanced by the very bad condition of business affairs in the West. London bought its specialties freely and a weakening in exchange promises a lighter gold movement for the week than had been feared. Money was bid up to 6 and 7 on the heavy shipments of currency to Chicago. The sales aggregated 206,689 shares, of which 13,977 were unlisted. Closing bids—Canadian Pacific, 76⅞; Central Pacific, 24½; Denver & Rio Grande, 13½; Great Northern preferred 112½; Missouri Pacific, 34½; Northern Pacific, 12⅝; Northern Pacific, preferred, 33; North Western, 104½; Oregon Navigation, 55; Oregon Improvement, 12; Pacific Mail, 19⅝; Union Pacific, 20.12; Western Union, 82; bar silver, 82⅝.

CHICAGO, June 6.—Cattle market quiet, no extra steers here. Best ones on hand sold for $5 15 to 5 40; others, $4 50 to $4.90. Hogs, quiet; mixed and packers, $6.40 and $6 70; Prime heavy and butchers' weights, $6.75 to $6.90; light, $6 80 to $6 90. Sheep, slow and weaker; natives, $4 80 to $6.15; western, $4 80 to $6 15.

NO ALARM.

TACOMA, June 6.—There has been no little excitement and uneasiness here since the news of the failure of another leading bank in Spokane, and again a number of depositors have started another little run; but it is of little importance, as the banks are all fully prepared for anything that may arise. Hundreds of thousands of dollars have been received here since the failure of the Merchants', and among business men the utmost confidence and cheerfulness prevails.

MONTREAL MATTERS.

MONTREAL, June 6.—(Special)—The annual general meeting of the Bank of Montreal was held to-day. The financial statement showed the nett profits to be $1,325,810. Out of this a dividend totalling $1,200,000 was paid, the balance to be carried forward to profit account, making it $691,425, in addition to a rest of $6,000,000, or 50 per cent. of the actual capital.

Dr. Wilkins states that the general condition of Bishop Bond has improved to-day. The last bulletin stated that the alarming symptoms of the past week have mostly disappeared. Lung symptoms are still present, but in a less severe form. Although His Lordship is not yet out of danger there is hope from his present satisfactory condition that he will continue to improve.

The prospectus of the International Navigation Co., which proposes to run a line of steamers between Toronto and Rochester and Montreal, in opposition to the Richelieu & Ontario Navigation Co., has been issued. The capital stock is $1,000,000 in shares of $100 each.

Another elevator accident has happened, with probably fatal results. Patrick Fitzpatrick, elevator man in the Imperial building, looked out from his car at 1 o'clock this afternoon, forgetting to stop it. The machine struck his head against the top of the door and he fell out, then fell back into the open passage down to the concrete bottom thirty-five feet below.

AMERICAN NEWS.

TACOMA, June 5.—A. E. Morse, of this city, who recently went to the Hawaiian Islands, is endeavoring to secure for a Tacoma syndicate a large tract of land there, to be used as a coffee plantation. T. W. Harvey, representing the United States, British Columbia and Hawaiian Islands Trading Company, writes from Honolulu, under date of May 24, that he has collected a shipment of Hawaiian fruits and curios for Puget Sound and Vancouver Island ports, and will arrive on the first Canadian Pacific Australian steamship about June 10. By bringing the Hawaiian Island fruit direct to Puget Sound, there is a considerable saving over shipments via San Francisco, and, besides, the fruit will be much fresher and of a uniformly better quality, inasmuch as the best grades will not be sorted out at San Francisco. This will be the first direct shipment of fresh fruits from the Hawaiian Islands to Puget Sound.

NEW YORK, June 5.—A plan has been practically agreed upon for the settlement of the differences between the Pacific Mail Steamship Co. and the Panama railroad. The railroad will charter the three steamships run by the Pacific Mail between New York and Aspinwall, and include them in its Columbian line recently established in opposition to the Pacific Mail. The Pacific Mail will charter the ships of the North American Navigation Co. now running between Panama and San Francisco in connection with the Panama road. Thus the railroad will control the business on the Atlantic, and the Pacific Mail the business on the Pacific. The operating offices of the steamship company will hereafter be in San Francisco. C. P. Huntington will on Monday be elected president of the Pacific Mail Co. in place of Geo. J. Gould. Vice President and General Manager Houston will retire. The salary of his office is $10,000. Mr. Huntington says: "We are going to cut down expenses wherever we can, and try to make some money."

NEW YORK, June 5.—Pacific RR. bonds closed as follows: Union firsts, 106 bid; Union sinking funds, 102½ bid; Centrals, 107 bid. Money, on call, 2 to 3 per cent; foreign exchange posted rates stocks, $4.87½ for sixty days, $4 90 on demand. The stock market to-day made very little progress toward reaching higher or lower prices. It opened strong on London buying, and after a long period of stagnation it became somewhat more active on buying by houses with Washington connections. The trading during the day was dominated by the probabilities of an extra session of Congress growing out of to-morrow's meeting of the cabinet. The market was held in check by the bad condition of business affairs at Chicago, where confidence appears to be very disturbed. The sales were only 198,029 shares, of which 13,692 were unlisted.

CHICAGO, Ills., June 6.—At the World's Temperance Congress, which convened today in the Lake Front Art Palace, many famous workers were present, although the actual attendance was less than 500 persons. Archbishop Ireland delivered a powerful address. Dr. Albert G. Lawson, of the National Temperance Society, followed. This afternoon a special reception was given to the delegates from Europe.

CHARLOTTE, N.Y., June 5.—Late advices from the Magdalene Islands bring particulars of the finding of a body there of a young man named Perrier, 18 years old, who disappeared last December. There were marks of violence about the head, and it is supposed he was murdered. Suspicion points to a young man with whom Perrier was last seen, and who it is intended to arrest.

CHICAGO, June 5.—Yesterday the individual exhibits of diamonds made by Queen Victoria and Queen Margherita of Italy were brought to the fair. They have been in the safety deposit vaults on account of their value and the heavy bonds of the exposition for their safety. They were loaded on a truck and under a heavy police guard transported to the grounds. They were received at the administration building by the chief officers with due ceremonies. Then Margherita's exhibit, consisting mostly of rare old laces, was taken to the women's building for exhibition, and Victoria's, consisting chiefly of rare tapestry, to the fine arts building. In each case a bond of $100,000 was given for the safe return of the exhibits.

HELENA, Mont., June 5.—Governor Rickards has forbidden by proclamation the importation of sheep into Montena from Oregon, Nevada, California, Washington, Wyoming, Idaho, Colorado, Utah and New Mexico, because of the reported prevalence of scab in the flocks of those States. Sheep from the localities named may be brought into Montana upon the certificate of the State veterinarian or his duly authorized deputy that such sheep have been inspected or have been found to be free from scab or any infectious or contagious disease.

WASHINGTON, June 5.—The preservation of the historic land mark, Baranoff castle, which crowns Kailean rock at Sitka, Alaska, has been determined upon by the Government. Secretary Carlisle has approved the appropriation of $12,675 for the purpose of making repairs on this famous structure and the barracks building, and the work will begin at once.

MR. GLADSTONE.

The Weight of Years is Telling—Fears That He is Going.

Liberal Perplexities—The Bill, the Bill, and Nothing but the Bill.

NEW YORK, June 5.—Harold Frederic in his cable to the Times from London says: The reassembling after the holidays of the Commons leaves an extremely grim impression of Mr. Gladstone. For the first time he seems to bow before the impending sickle of Father Time. An old man, always courtesy itself, he appears to have taken on the transfiguration garment. He is as subtle and dexterous as of yore, but is etherealized and deprecatory, rising with warning finger like an ancient sibyl to rebuke his unruly opponents, who shrink as from a ghost and grow silent when he rises in the stormiest moments of the House, and with his weird aspect cows the bitterest of his enemies. But it is a personal feeling and stays no movement of the general obstruction.

Rumor whispers among the Gladstonian disciples that the old man is going, and whenever he arises his enemies treat him as if each speech might be his last, and deferentially listen to the voice that falls now and then but is eked out with gracious gesture. Nobody dreams of complaining that he cannot hear, while the strangers in the gallery look on appalled at the dumb show, and reporters compare notes to collate each syllable. There is a murmuring that Gladstone's speeches get harder and harder to take. With extraordinary tenacity he refuses to allow anyone else to steer the bill, and remains till midnight fighting, fencing and rapiering as if in his prime.

On Thursday he remained after all his colleagues to put through some trivial statute law and revision bill, blocked by the Tories, just to enable a cheap revised volume of the statutes to be published. His Irish sympathies daily find more marked expression, and he turns continuously toward the applauding Irish quarter, as if mutual reparations were being exchanged. The story goes that he fears he will not last to witness the third reading, and regards as a sacred charge the duty of piloting the bill as far as he can during his lifetime. Meanwhile every effort of his genius is smothered by the stupidity of Chairman Mellor, who tolerates bogus speeches and amendments amid Gladstone's visible writhings. The Irish are openly revolting against the speaker's incapacity, but he refuses closure and allows twaddle ad infinitum.

Mr. Gladstone's antique courtliness is averse to adopting guillotine methods, knowing, moreover, that it would afford a pretext to the peers for rejecting the bill, perhaps after his own personal momentum is still forever in Westminster. He talks and thinks of nothing except carrying the bill, wishing chiefly to be remembered in connection with it. Returning home in the small hours of Wednesday morning, after a specially wearying night, he remarked: "I can never go through a hot night in July." His sayings are now being treasured up by his followers, as if his hour were coming. One of them quoted to me is touching enough in remonstrance against factionism: "I hope that the Irish will unite after my death."

These premonitions, however, contrast strangely at times with the supernatural energy and vim of the old man, who blazes like a furnace whenever the Orangemen offer an insult to their countrymen, and springs at them lithe as a panther. The Liberals, however, are balanced and perplexed. Between considerations affecting their leader's age, the chairman's bungling and the Unionist ferocity, they stand meditative and anxious, hoping soon for some issue out of the parliamentary morass.

CANADIAN NEWS.

(Special to the COLONIST.)

ST. CATHARINES, June 5.—The trial of Rev. A. Truax, of Courtland, for preaching doctrines contrary to the Methodist Church, which has occupied considerable time at the sessions of the Niagara Methodist Conference, has been concluded. The charges made against Mr. Truax were sustained by the conference, and he was suspended for one year.

MONTREAL, June 5.—Dr. Wilkins states that the general condition of Bishop Bond is improved to-day. The last bulletin issued stated: "The alarming symtoms of the Bishop's illness of the past week have mostly disappeared. The lung symptoms are still present, but in a less severe form. Although not yet out of danger, there is hope from his present satisfactory condition that he will continue to improve."

THE NEW RAILWAY.

That there is not a great surplus of unskilled labor in Victoria at present, is indicated by the experience of T. W. Peterson, contractor for the Victoria and Sidney railway, who, for a month past, has been carrying on grading operations between Sidney and Saanichton. Mr. Peterson has been engaging all the laborers who have offered themselves, and has now about seventy-five at work. It is his intention to advertise in a few days for the additional two hundred required to complete the work before the wet weather sets in in the fall. There have been a great many applications from persons wishing employment as timekeepers and in similar clerical capacities, but who will not engage in laboring work.

The rails are now on the way out, having been dispatched from the old country in April. The rails and the rolling stock are to be delivered at Sidney, and therefore the construction is going on from that end. It is expected that the work will be finished by October, though the contract time does not expire until December. The line of the road will be a fairly straight one. There will be little rock work, but a good deal of heavily timbered land has to be cleared.

ST. PETERSBURG, June 5.—It seems that while the Czar was in Moscow recently the church of the Chudov monastery, within the kremlin, was plundered of a vast amount of plate and money. The plate had just been used in the ceremonies attendant upon the reception of the Czar, and had not yet been returned to the vaults where usually kept. The total loss is estimated at between 2,500,000 and 3,000,000 roubles. Burglars are supposed to have entered the monastery through the roof. They are believed to have been coached previously by some of the priests. No arrests have been made.

NEW YORK, June 6.—Edwin Booth is now dying. The nurse has called Mr. and Mrs. Cleseman into the sick chamber with other relatives.