The Semi-Weekly Colonist.

VOL. XLV., NO. 90. VICTORIA, B. C., TUESDAY. OCTOBER 20, 1903. FORTY-FIFTH YEAR

L. P. Duff Is Judge

Appointed to a Seat on the Supreme Court of This Province.

Vacancy Created Through Judge Walkem's Retirement---The Latter's Life.

Selection Will Be Received With Approval By Both Bar And Public.

A seat on the Supreme Court bench of British Columbia has been offered to Mr. L. P. Duff, K. C., and Mr. Duff, who is at present in London, where he is engaged as one of the Canadian counsel before the Alaskan Boundary Tribunal, has cabled his acceptance of the same.

Mr. Duff's appointment will be received with approval by both the Bar and the public. Of sterling integrity, of brilliant parts, endued with great energy and untiring industry, Mr. Duff will doubtless be as satisfactory on the Bench as he has been successful at the Bar.

The appointment is in consequence—so it is generally understood—of the retirement of Mr. Justice Walkem, the announcement of which was made some weeks ago, unofficially, was received with great regret by members of the Bench and Bar alike, and all hope that Judge Walkem has yet many years of private usefulness before him. A stern, unbending upholder of the law, with sometimes a tinge of harshness in the prosecution of his judicial duties, in private life he is a gentleman of most genial disposition. Known all over the province as a witty raconteur, his presence is always welcomed on those festive occasions when wit and humor, jest and repartee reign supreme.

The mention of Judge Walkem's name will call up many reminiscences in the minds of old residents. Many today will recall the visits to the now deserted town of Donald, and one or two important trials that took place, not only in the court house, but also in the large room of the Selkirk hotel. In the Kennedy trial a cause celebre from Golden, the culprit in which a few years ago attempted a sensational escape from the New Westminster penitentiary, where he was confined, friends had evidently been active in his behalf and two rifles were buried at the place he attempted to escape, one either side of the fence. It was only by prompt shooting on the part of the guard the escapade was unsuccessful.

Then, although not the trial judge, Mr. Walkem was in the old town when a funny, but distressing, case was tried. A Frenchman in Fort Steele hit a man, who a day or so afterwards died, with a billiard cue. There was no evidence to convict the man, and Chief Justice Begbie asked the grand jury to return a true bill, so that the accused could be formally acquitted. There were several Frenchmen on the jury who seemed to think a true bill meant hanging, and it was many long hours before they saw the matter in the proper light. Judge Begbie called the jury in three times for further instructions, and the verbal castigation that fell on one and all alike is well remembered. P. E. Irving, K. C., now another distinguished judge, was crown prosecutor.

At the St. Andrew's dinner a day or so afterwards, Judge Begbie, at one end of the table, sang rollicking songs, and Judge Walkem, at the other, interpolated funny stories. That was a night to be remembered, and will be by all who were present. Never did the Cobweb, George Sutherland's old place, have such a merry crowd as that night.

Judge Walkem's public career is a record of many years' distinguished usefulness. He came to this province in 1862, a young man of 27 years, having been called to the Bar in both Lower Canada and Ontario. He went at once to Cariboo and was elected a member of the legislative council a couple of years after. In 1864 he was called to the Bar of British Columbia. Continuing as representative for the same constituency, he held his seat in the council, and later the legislative assembly until 15th June, 1882, when he took his seat on the bench.

When on March 7th, 1870, the memorable three days' debate arose which resulted in an unanimous decision to enter Confederation, Judge Walkem was well to the front. Then, as now, an ardent Imperialist, he made one of the most effective speeches in favor of the resolution.

In October, 1871, the first election after Confederation was held, and Judge Walkem retained his old seat. Hon. J. F. McCreight formed a government, and, on 12th January, 1872, Mr. Walkem was appointed chief commissioner of lands and works. Mr. McCreight was appointed a judge of the Supreme Court on 23rd December of the same year, and Hon. Amor de Cosmos became premier. This necessitated some changes in the cabinet, and Hon. G. A. Walkem became attorney-general, which office he held until 15th February, 1874. On that date de Cosmos resigned in his turn, and Mr. Walkem formed his first administration. He was premier and attorney-general until 27th January, 1876, when, on an adverse vote in the House, he gave way to Hon. A. C. Elliott.

For nearly two years he remained in opposition, but when the next election came round, was again successful. This was on 26th June, 1878. In forming his second cabinet, Mr. Walkem, who was elected on a policy of retrenchment, decided to reduce the ministry to the smallest possible number. His cabinet consisted of but three members, Hon. T. B. Humphreys, provincial secretary and minister of mines; Robert Beaven, minister of finance; Mr. Walkem himself as acting attorney-general, chief commissioner and president of the council. He continued in office until 13th June, 1882, when he accepted the judicial position that, until his recent resignation, he so ably filled.

One other important political mission he performed occurred in 1874. Mr. Walkem, then premier, was delegated to go to England and represent the province in regard to differences between British Columbia and the Dominion in connection with the construction of the C. P. R. In this he was eminently successful, and many points of difference were removed as a result of his diplomacy. Of his ability on the bench there is no necessity to speak. It is written large in the annals of the province, and in time to come he will be recognized, as he is at present, as one of the brightest ornaments of British Columbia's judiciary.

SECRET CONSISTORY.

Rome, Oct. 17.—The Pope has fixed November 9 as the date for a secret consistory, and an apostolic consistory will be held November 12th.

Mainland Happenings

Mr. Lowery of Ozonogram Fame to Re-Enter Journalistic Field.

Children's Aid Society Benefits Largely Contributions Made on Thanksgiving Day.

Change In Important Vancouver Firm---German Ship to Load Lumber.

From Our Own Correspondent.

Vancouver, Oct. 16.—Mr. R. T. Lowery, of "Ozonogram" fame, announces that he will shortly start a weekly paper at Poplar Creek.

A shipment of the best Pennsylvania anthracite coal, nut and stove sizes, has arrived by steamer, which Evans, Coleman & Evans are now delivering at $16 per ton.

The announcement made on Tuesday last that Messrs. C. Wickens and James Osborn have secured an interest in the Thomson Stationery Company, Ltd., has caused those gentlemen to be the recipients of many words of congratulation. Both are well known in the stationery trade in this city and province. Mr. Osborn has been with the Thomson Stationery Company between five and six years, and for some time past has had charge of the store, besides devoting more or less attention to the trade in the province. Prior to coming to Vancouver he was connected with one of the leading business houses in Berlin, Ont., and has thus secured a complete insight into the stationery trade.

It had been hoped to have Professor Leong Tai Chew here to perform the opening ceremony, but as he was unable to be present President "Charley" Yip Yuen will officiate today, assisted by the officers of the local association.

Mr. and Mrs. C. S. Douglas arrived home last evening from a trip to Baker City, Eastern Oregon, whither they were suddenly called last week by a telegram announcing the serious illness of their brother-in-law, Mr. C. H. Fisher. Unfortunately Mr. Fisher died before their arrival, but they were in time to attend his funeral, which took place last Friday afternoon. The late Mr. Fisher was born in Toronto, where he resided until the death of his wife, some twelve years ago, when he came to Vancouver, bringing with him his two children, Miss Vesta and Master Stanford, who have since made their home with Mr. and Mrs. Douglas, the latter being a sister of the late Mrs. Fisher. For the past five years Mr. Fisher has been a resident of Baker City, Oregon, where he was interested in mining. The daily newspapers of that city speak very highly of him, and the respect in which he was held was shown by the very large attendance of prominent citizens at his funeral. Besides his children in this city, deceased leaves of near relatives to mourn his loss a brother, Mr. Will Fisher, of Winnipeg, general manager of the Canada Permanent and Western Canada Mortgage Company for Manitoba and the Northwest, and three married sisters in Toronto. The news of his death will come as a sudden blow to these, as they had no intimation of his danger. Death resulted from typhoid fever, but the disease was not expected to prove fatal until a few hours before he died.

Many Thanksgiving entertainments were held in Vancouver yesterday. There was a "Boston Tea" at St. Andrew's church lecture hall, which was attended by over 450 people. The Maccabees, Vancouver Hive, No. 2, gave an "At Home." There was a huge gathering at the First Presbyterian church, where a varied entertainment was provided. The barbers held a masquerade ball at the city hall.

As a result of Thanksgiving Day offerings in some of the churches yesterday the Children's Aid Society treasury was replenished to a considerable extent.

The handsome building on Pender street, erected by Senator Read, which is nearly completed, will contain new assembly rooms.

Mr. Luker of Dawson is in the city. He is taking East a splendid exhibit of roots and fruit which was exhibited at Dawson recently.

The minister of finance in the Dosco Martin government, Mr. J. Corey Rider, has taken up his residence in Vancouver.

The German ship Lita was towed into port yesterday morning to load lumber.

The Princess May sailed for the North last night. She had a light cargo and few passengers.

NOMINATIONS POSTPONED.

Toronto, Oct. 16.—(Special.)—The labor convention at Berlin today decided to postpone the nomination of candidates for the Dominion parliament for North Waterloo. A campaign committee of fifteen was appointed.

U. S. POSTAL FRAUDS.

Washington, D. C., Oct. 16.—Leopold J. Stern, the Baltimore contractor recently indicted in connection with postal contract, appeared in the police court today. Judge Scott denied the request of Stern's counsel for immediate hearing. Bail was fixed at $5,000 and Stern was committed to jail.

DANDURAND WANTS TIME.

Reorganization of Consolidated Lake Depends Upon Slight Delay.

Montreal, Oct. 16.—Senator Dandurand, who holds an option upon the plants of the Consolidated Lake Superior Company in the interest of an English syndicate, arrived in the city this morning, accompanied by F. H. Clergue. The senator was in cable communication throughout the day with the parties he represents, and stated tonight that he hoped to be able to pay the greater portion of the Speyer indebtedness on Monday. All depended upon a securing a slight delay. This is thought possible. Senator Dandurand also stated that three times during the past summer the consolidated company was on the point of securing the money it wanted, when it was blocked by the Morgan interests.

RESULTS IN DRAW.

Los Angeles, Cal., Oct. 16.—The Regan-Niel contest resulted in a draw at the end of the 20th round.

UNNECESSARY PRECAUTIONS.

Tacoma, Wash., Oct. 17.—Despatches from Juneau and Skagway state that residents of Southeastern Alaska are anxiously awaiting award boundary commission from London. Miners in Porcupine district and adjacent territory have been quietly recording their claims with British recorders across the line to insure their rights in event decision is unfavorable to the United States.

BALFOUR AND HIS CABINET

Sir Hibbert At Ottawa

Junior Conservative War Horse Warmly Greeted By Old Friends.

F. B. Gregory said to Have a Chance in Vacant B.C. Judgeship.

Ottawa, Oct. 17.—Sir Hippert Tupper arrived here this afternoon and was warmly greeted by old friends. He appears in two British Columbia appeals in the Supreme Court.

A score of recommendations have been sent for the vacant British Columbia judgeship. F. C. Wade's name has been mentioned; F. B. Gregory is said to have a good show.

Messrs. Borden, Bowell, Monk, Kemp left for Quebec today to attend the banquet in that city in Hon. Mr. Borden's honor.

It is said Premier Parent will shortly retire and be succeeded by Bourassa, M. P.

By a vote of 58 to 20 the Commons rejected the amendment of Hon. Mr. Borden, declaring in favor of the fast Atlantic service and expressing regret that no effective steps had been taken to that purpose by the present administration. Mr. Borden made a slashing attack upon the government for its inaction. Sir Wilfrid Laurier made a lame reply.

The Senate tonight had its first division in connection with the second reading of the transcontinental railway bill. The vote was on the amendment of Senator Ferguson, who wished a delay until the feasibility of the scheme was investigated. The amendment was defeated, 21 to 14. The second reading then carried.

SOCIALIST STABBED.

Brussels, Oct. 16.—M. Peppin, Socialist member of the Chamber of Deputies, was stabbed tonight at Mons while walking on the street with some friends. There are slight hopes of his recovery. The assassin struck M. Peppin from behind and succeeded in making his escape.

POLICE AND NEGROES IN PITCHED BATTLE

Specials Attempt to Make Arrests And Two Men Are Killed.

McKeesport, Pa., Oct. 16.—In an attempt by three officers to arrest negroes at Glassport tonight, Wm. Shields, a constable of Glassport, was shot through the heart and almost instantly killed, and Peter Melvin, one of the negroes, was shot dead by Patrick Kelly. For some time several negroes have been creating trouble. Today they attempted to shoot Wm. Davidson, a railroad workman, who escaped and notified Officers Shields and Joseph Morris, who swore in Patrick as a special officer. The three men started then for the scene of the trouble. They found one of the men in company with another negro named Melvin. The officers started forward, calling on the negroes to surrender. Morris caught Melvin by the arm, and, upon Melvin attempting to resist, Constable Shields started forward to help Morris. Melvin pulled a revolver from his pocket and fired. Shields fell to the ground with a bullet in his heart, and, Melvin wrenching himself loose, escaped. Kelly later encountered Melvin. Both men opened fire, each emptying his revolver, and Melvin fell. He died in a few minutes.

SPEYER & CO'S TERMS.

New York, Oct. 16.—The banking firm of Speyer & Co. has informed the reorganization committee in the Consolidated Lake Superior Company affairs that they will agree to a reasonable postponement of the sale of the assets of the company, even sixty days, provided the properties are turned over to the charge of Receiver Brackenthal in Philadelphia, who was appointed receiver at their instance.

British News By Cable

The Pilgrims' Dinner Developed Much Postprandial Oratory.

G. T. R. Official Points Out An Absurdity of Mr. Ritchie's Speech.

Amendment of the Copyright Law Proposed In Justice to Canada.

London, Oct. 16.—(Special.)—"The speeches at the Pilgrims' dinner were distinctly above the average of postprandial oratory," says the Pall Mall Gazette, "and were marked by heartiness and good-feeling."

The Newfoundland correspondent of the Evening Globe says the failure of the fisheries this season has crippled St. Pierre Miquelon and created for France a serious industrial crisis there and in Brittany. On the whole the French catch will be 50 per cent. below that of last season.

The Evening Globe's correspondent, referring to the French government ordering the deportation of friars and nuns teaching, says, "St. Pierre certainly is in an unpleasant frame of mind, and the hot Breton blood may lead to occurrences of a momentous nature in France's foothold in this hemisphere."

A prominent official of the G. T. R. expresses astonishment at Mr. Ritchie's ignorance regarding Canada in his imagining that Canada relied upon access to the United States ports. "Talking of Americans threatening to penalize Canadian wheat, why Canada could retaliate on Americans, as nearly ten million more bushels of American grain pass through Canada than Canadian through United States territory."

The Canadians at the Pilgrims' banquet expressed surprise that the Canadian representatives were placed so far down the head of the table, and thought that Hon. Mr. Sifton, as the King's agent, should have had a more prominent place at the banquet. Mr. Sifton's remarks regarding Canada as a nation caused Lord Lansdowne visible agitation. None of the English guests seemed to grasp the drift of Mr. Sifton's and Mr. Aylesworth's remarks. The banquet was simply an English and American love feast.

Americans are pressing for an Alaska decision today, but a discussion of certain particulars is likely to postpone the result until Monday. There is an increasing amount of pessimism in Canadian circles in London.

The St. James Gazette, referring to Campbell Bannerman's speech, says: "He would foster hostility among class and class at home and preserve peace by cringing abroad. He would fling back in their faces overtures made by the colonial premiers. Chamberlain, on the other hand, bids us be strong."

The St. James Gazette, referring to the copyright law, says: "Now that the preferential tariff question is before the country, the government should enforce the printing of United States books by citizens of the United States in England or her colonies. This would help Canada and would greatly stop the grumbling heard in Canada with reference to the copyright."

DRIVING ACCIDENT.

Brockville, Oct. 16.—R. H. Smart, a well-known hardware merchant, was seriously hurt this morning by his rig colliding with a sand wagon. His horse took fright and bolted. John Derbyshire, a well-known dairyman, was also in Mr. Smart's rig, but escaped unhurt.

SAD ENDING OF CAREER.

Arrested for Theft After Twenty Years' Faithful Service.

Toronto, Oct. 16.—(Special.)—After 23 years of faithful service in the post office department, David B. Kelly, of Blocher street, was tonight arrested by Detectives Cuddy and Davis. Kelly is nearly fifty years of age and married. He is a railway mail clerk. The charge is robbing the mails

Incendiarism At Rossland

Four Attempts Made to Burn the City Develop In One Night.

Excitement Runs High But Coolness of Firemen Prevents Catastrophe.

Rossland, Oct. 16.—An atrocious attempt was made here last night by unknown incendiaries to destroy the city. No fewer than four empty buildings were fired within five hours. The fire department was on hand in all cases, and the fire were confined to the buildings in which they originated. Great excitement was caused and the incendiaries will receive short shrift if they are caught. The entire force of eight officers is employed on the case, but the fire fiends covered their tracks well.

The first alarm was turned in from two small cottages within a hundred yards of the Central fire hall. The brigade was on the spot in less than a minute and the blaze was confined to the cottages, which were consumed. Loss trifling.

The second fire was discovered half an hour later within fifty yards of the first. This time another shack was burned. The third alarm came half an hour later, and a small erection near the Lancaster hotel was burned. The fourth fire, about an hour later, was in a shed in the rear of the Hoffman house.

The repeated alarms drew out hundreds of citizens and much excitement prevailed. None of the burned buildings were occupied and manifestly was incendiary. It is apparent that the fire fiend started at a certain point and made the round of certain blocks applying the torch as he passed. The business portion of the city was not touched, but the results might have been serious had it not been for quick service by the regular fire department. While the brigade and crowd were busy at one point the incendiary apparently went into the next block and prepared combustibles. It is believed in some quarters that the deed was the act of an insane man, as no other supposition is tenable. The incident served to demonstrate afresh the efficiency of the fire department and the coolness of the local fire fighters.

INSTALLATION OF PRINCIPAL GORDON

Celebration at Queen's University Marks the Advent Of New Head.

From Our Own Correspondent.

Kingston, Oct. 16.—Principal Gordon's magnificent address at his installation yesterday afternoon was the feature of Queen's celebration. Among those present were: Hon. Richard Harcourt, Wm. Harty, E. J. B. Pense, M. P. P.; Alexander Johnson, vice-principal of McGill; Rev. Dr. Fletcher, moderator of general assembly; Rev. Dr. MacLaren, superintendent of Presbyterian missions; Prof. MacLaren, Knox college; Bishop Courtney, of Halifax; Principal Shaw, Wesleyan Theological college; Mayor Bell; Prof. Martin, R. M. C.; Principal Riby, Trinity college school, Port Hope; Prof. Panet, R. M. C.; John Thornburn, Ottawa, and John McIntyre.

After the address, by Mr. Sandford Fleming, the official installation of Rev. Dr. Gordon took place, the principal being robed by Francis King, registrar, assisted by two ex-registrars, Dr. Connel, M. A., and B. M. McIntyre, B. A.

The premier replied for degree, then speeches were made by Lieut.-Governor Clarke, R. L. Borden, J. P. Whitney, Dr. Principal Hutton, Toronto, and others. A banquet was held in the evening.

Princeton, Ill.—Some record breaking sales of Illinois farms in this city have been made recently. One eighty acre tract near this city brought $200 an acre, and there are a number of other farms that are being [illegible] the same figure.

Yesterday At Ottawa

Senate Not Inclined to Swallow The Government Railway Policy.

Canadian Municipalities Ask for Further Amendments to the Bill.

No Immediate Prospect of Joint High Commission Meeting Again.

From Our Own Correspondent.

Ottawa, Oct. 16.—The Senate is not going to swallow the transcontinental railway bill blindly. Senator Ferguson, after a long speech, moved an amendment that further consideration of the measure be deferred until fuller information is forthcoming.

A deputation of Canadian municipalities saw the premier today and urged restriction of certain amendments, rejected by the Commons, which were made by the Senate to the railway bill on behalf of municipalities.

The Western list of appeals in the Supreme Court will be taken up Tuesday.

The House was in supply all day on the supplementary estimates.

In reply to Dr. Sproule today, Hon. W. S. Fielding said there were no more prospects of a meeting of the joint high commission now than when Sir Wilfrid Laurier last said to the House that the government was ready to discuss these matters, when the United States asked Canada to do so.

In the House today, the Honorable Mr. Fielding, replying to Dr. Sproule, said the government could not be held responsible for the newspaper reports that after prorogation Sir Wilfrid Laurier would communicate with Senator Fairbanks respecting a renewal of the reciprocity negotiations. The government had not changed its position since the statement was made on this subject early in the session. In reply to Dr. Sproule Hon. Mr. Fielding also said he had no information that Lord Onslow had refused to remove the restrictions against Canadian cattle, but he feared the report was well founded.

CRIMINAL LIBEL.

J. Israel Tarte Causes Arrest of Editor Langois of Le Canada.

Montreal, Oct. 16.—Hon. J. I. Tarte today had Godfroi Langois, editor of Le Canada, the new Liberal organ, arrested on a charge of criminal libel. The offence is found in a paragraph printed this morning in Le Canada asking Tarte how much money he got from Hugh Graham and what he had done with it.

MEMORY OF THE FALLEN.

Forty Canadian Monuments Ready for Shipment to South Africa.

Montreal, Oct. 16.—(Special.)—Joseph Brunett, of Cote des Neiges, has just completed an order from Lady Minto for forty monuments, as a result of collections made by an association formed to decorate the graves of Canadians who died in South Africa during the Boer war. They will be shipped on the steamer Wyandotte, which sails October 25.

MRS. JEFF DAVIS.

Buffalo, Oct. 17.—Mrs. Jefferson Davis has so fully recovered from her recent illness as to be able to leave her home in New York city today.

AMERICANIZING RUSSIA.

Ten Men Hold Up Train, Rob Safe and Make Their Escape.

St. Petersburg, Oct. 17.—Ten men successfully held up a passenger train between Dunabourg and Ploskov during Friday night. The men jumped on the conductor's car, overpowered and bound both conductors, robbed the safe and baggage and escaped with the booty to an adjoining forest.

WIRELESS TELEGRAPHY.

Man Recovers Lost Baggage While Traveling Outward Bound.

New York, Oct. 17.—Wireless telegraphy was successfully used in tracing lost baggage on the last outward trip of the Red Liner Finland, on October 10th. A passenger who discovered some time after the steamer's departure that he left some baggage behind on the dock, communicated with the officials at the pier through the Marconi station at Babylon, L. I., and in twenty minutes received a reply that the baggage had been found and would be forwarded by next steamer.

ANOTHER RAG TIME.

Girls of New York Factory Again Attack Substitutes.

New York, Oct. 16.—In a riot tonight the result of a strike at a rag factory in First street, several girls were stabbed, one of them so seriously that she had to be taken to a hospital. The employees about fifty in number recently organized under the name of the Clip Sorters' Union. Demands were made upon the firm which were refused and a strike was declared. To carry on their business the firm engaged a number of Italians. Then the union proceeded to station pickets near the factory. Tonight when the Italians came out of the factory a free fight occurred, and the Italians, it is said, used knives to defend themselves. Two Italians were arrested.

FEAR LYNCHING.

Murderer of Former Sweetheart Captured by Montana Sheriff.

Butte, Mont., Oct. 16.—Albert Beckman, who killed Helen Kelly, a former sweetheart here yesterday, was captured today at Melrose by Sheriff Winn. Beckman was escaping on a handcar when a rifle brought him to a halt. The heavy force of deputies have gone to bring the prisoner back. Lynching is feared.

BURGLARS STEAL STAMPS.

Blow Open Postoffice Safe But Get Little Currency.

Plattsburg, N. Y., Oct. 16.—Burglars last night blew open the safe in the post office at St. Regis Falls, securing a few checks and a large quantity of stamps, but little currency. The burglars then stole a hand car and ran down the New York and Ottawa Railroad a distance of fifteen miles. From there is is believed they made for Canada.

Uncle Sam The Winner

Takes It all In Judgment Over the Alaskan Boundary Case.

American Contentions Sustained In Main Case In First Announcement.

Canada Gets Portland Canal, a Point of Disputed Excelence.

London, Oct. 17.—The Alaska boundary commission today reached an agreement whereby all the American contentions are sustained, with the exception of those in relation to the Portland canal, which Canada wins.

All that now remains to be done is for the commissioners to affix the signatures to the decision and complete the map which will accompany it. On the map will be marked the boundary line definitely fixing the division of American and British territory. The United States will get all the waterways to the Alaskan territory with the exception of the Portland canal, which gives Canada an outlet she so much needed. The long-standing dispute was only settled after a week of keen, trying, secret deliberation between the arbitrators. Even up to noon today there was an acute possibility that a disagreement might rise and the whole proceedings fall to the ground. Lord Alverstone, though openly inclined to believe in the justice of the American argument that the United States was entitled to the heads of inlets as contained in question five, held out that Canada had established her case in questions two and three, dealing with the Portland canal. After luncheon Senator Lodge, Secretary Root and Senator Turner agreed to cede these points and to start the American boundary line from the head of the Portland canal, thus giving the Canadians that channel and some small islands on which there are only a few disused storehouses.

This accomplished the majority of the tribunal agreed to fix, with this exception, the entire boundary as outlined in the American case. Whether Messrs. Aylesworth and Jette, the Canadian commissioners, will refuse to sign the decision and make it unanimous is not yet known, but it will not affect the validity of the agreement if a minority report is submitted. By Monday afternoon it is hoped that everything will be ready for signatures, though the actual marking of the line on the map which shall forever determine the respective territories will occupy some time. The majority of the commissioners left the foreign office hurriedly this afternoon in order to catch trains for week-end visits to the country. Nothing had occurred which would lead the few onlookers even to suspect that the dispute had reached its practical end. The commissioners themselves are still bound to secrecy until the decision is actually signed and rendered.

Washington, D. C., Oct. 17.—United States Secretary of State Hay tonight received a cablegram from London announcing that the Alaskan Boundary Commission expected to hand down a decision Monday, but that no final agreement had been received. No further details of the cablegram were given out.

Commenting on the Associated Press despatches, a high administration official said: "While the Alaskan Boundary Commission has not handed down a formal decision, the Associated Press announcement may be taken as a correct forecast of the nature of the decision, which will probably be made public on Monday. The contention of the United States regarding the Portland canal was the weakest part of the American case and the strongest point in the Canadian contention. It is but a minor detail of the controversy. The Canadians contended that the Portland channel ran to the north of two small islands; the American contention was that the channel ran alongside of these islands. On this point there was ground for argument. Pearse Island and the other small island are both little or of no importance, and their acquisition gives Canada practically no additional advantage."

American state department officials are naturally profoundly gratified that an agreement has been reached favorable to the American contention. As was pointed out tonight by a high official, the decision is "a complete justification of our claims, an evidence of the skill with which the American case has been presented and a tribute to the fairness and broadmindedness of the British member of the commission, Lord Chief Justice Alverstone."

UNIQUE CASE IN THE U. S. COURTS

Catholic Priest and Masses Involved in Interesting Legal Complication.

Rochester, N. Y., Oct. 17.—The most sweeping ruling that has been made by an American court concerning a matter of Roman Catholic belief since it was held in the East years ago, that a priest cannot be compelled to testify to the secrets of the confessional, was handed down today by Surrogate Geo. A. Benton.

The case is that of John S. Keenan, as administrator with will annexed of the estate of Rev. James P. Kiernan. Keenan put in a claim for $500 willed to Father Kiernan for masses by Daniel Lane. Mr. Lane died July 3rd, 1897; and Father Kiernan died May 13, 1900. Judge Benton says: "It is not natural to suppose that the testator, making a bequest for such a purpose, would so distrust his legatee as to insist that the service should be performed before the money was paid."

The substance of the decision is that the performance of the masses by the priest in such a case is a duty laid upon the conscience of the clergyman alone, and that the legacy rests in the priest, and passes to his legal representative, who is in a position to claim its payment. The case has no exact parallel in the history of the United States courts.

NAVIGATION RESUMED.

Fonda, N. Y., Oct. 17.—Navigation will be resumed tomorrow on the Erie canal, which has been closed for more than a week owing to the washouts between Amsterdam and Schenectady, due to the flooded Mohawk river. The damage to the canal will exceed $50,000.