Law
n Tokio

Been Resumed
Take Strin-
ction.

Caught in Mob
and Are
ed.

tates the Agita-
ed at the
ment.

-9 p.m. (delayed in
—An imperial or-
ishes martial law in
er was resumed to-

rty had an exciting
while attending and
her given by Baron
rance. Dr. W. G.
Knight were caught
way to the dinner
r. Lyle being struck
itly hurt. After the
tachment of soldiers
o the legation. A
. Schwerin, vice-
ific Mail Steamship
is runners, but they
hwerin.
in the neighboring
e space in front of
on, and hooted and
escorting the Harri-
l bayonets, charged
e streets and guard-
ghout the night. The
e bank for today in
man party will not
the disturbed con-

destroyed the Chris-
one mission house
ednesday). The peo-
l.

ura's Ideas

7.—Baron Komura,
sociated Press des-
riots in Tokio and
he E. H. Harriman
endeavored to reach
Root. Mr. Sato said
extremely desirous
What purpose Baron
to would not say.
said today that his
with United States
Root, which he ex-
in New York city
Saturday of this
urely a formal ex-
es, and that their
ther object. The
atically the rumor
of Japan had not
oval to the peace
powers of the Jap-
so limited that
te hour still a pos-
mperor would fail

urbances in Tokio,
n the slightest de-
Emperor's deter-
the treaty when he
copy of it."
terated this opinion
ces in Tokio were
e local branches of

in Japan

Rev. James L. Bar-
American board of
reign missions, said
om Tokio that Chris-
been burned by a

he hundred Christian
n the city of Tokio.
anized and helped
churches there, but
dependent and self-
we no longer have
st in them. At the
f the Japanese were
ious of all Christians
the Russians to be
nderstood that feel-
d away."

ELLOW PERIL.

t "Open Door" Will
by Japanese.

7.—Congressman
husetts, who was a
merican party re-
Emperor William,
nes despatch from

the Emperor dwelt
and expressed the
apanese would fol-
litary successes by
door and by their
labor force Europe
f the Oriental mar-
to say that it was
white races to op-
l by uniting. The
Japan feared was
s a good thing for
United States was
Japanese empire.
sked us what we
railways. We said
elieved the Ameri-
tter. The Kaiser
he thought German
aved than those in

ER 33 YEARS.

7.—A woman who
nce her infancy as
ars of age, has been
of search by the
ew York, as the
g house in Newark.
er real identity had
all her life.
ughter of a wealthy
London. Her own
s her foster mother.
is disappeared. Her
thy Londoner named
woman herself is
of London.
to this country as
verness in the Bout-
therine Blind. Mrs.
usband, settled in
regularly supplied
ch to rear the child.
d by a promise not
d the fact that she
other and Blind her
should come when
selves should decide

d Realty

s ago Miss Blind
ew York lawyer of
advertisement seek-
the whereabouts of
l or children. Mrs.
ago. A few days
mation through the
sum of money and
been left in London.
mother, to Cather-
hildren. From t
present the British
nt her claim to the
e.

RECOVERED.

re From Wreck in
or Storm.

—W. A. Hawgood
e steamer Iosco,
the recent heavy
rior, today received
rquette, Mich., say-
f four women and
washed ashore at
preservers attached
name "Iosco."

The Day At Ottawa

Exasperating Experience of the Lick Astronomers During Recent Eclipse.

Reported Loss of Government Steamer in Storm on the Great Lakes.

British Columbia Canning Industry Causes Increased Demand for Tin.

From Our Own Correspondent.

OTTAWA, Sept. 8.—Dr. King says the Lick Observatory people just missed seeing the eclipse in Labrador. Only ten minutes before the total occurred a dark cloud obscured the sun. He states that the people saw the beginning and end of the eclipse, but their observations are of no scientific value.

It is now stated that the Canada Atlantic system will be transferred to the Grand Trunk on October 1.

The Canadian government steamer Golspie is reported to have been lost in the storm on the Great Lakes on Monday. She was at the Soo on Tuesday.

The name of the steamer "Queen of Pacific," of Vancouver, will be changed to "Claxton."

An order-in-council has been passed reducing the fee for a free miner's certificate in the Yukon from $7.50 to $5. The length of the claims have been increased from 250 to 500 feet.

Canada's revenue for the two months ending August was $11,655,351, an increase of three-quarters of a million over the same time last year. There was a slight increase in expenditure, both ordinary and capital.

Advices from London mention the fact that an increased demand for tin plate for fruit and salmon packing in British Columbia is reported from South Wales, and manufacturers of steel are looking forward to considerable Canadian business on account of the abolition of bounty. Two Canadian contracts for 8,000 and 15,000 tons were recently placed, the latter for Vancouver.

NOBEL PRIZE FOR ROOSEVELT.

Can't Qualify This Year, but Certain Winner in 1906.

Christiania, Sept. 8.—All the Norwegian papers this morning express regret that it will be impossible to award to President Roosevelt the Nobel peace prize this year, owing to the requirement that the candidates for the prize be nominated before February. It is expected, however, that Mr. Roosevelt will be chosen for the prize in 1906.

Judgment in the Collins Case

Verbatim Report of Important Portions of Decision by Mr. Justice Duff.

Able Review of Law Points Bearing on the Extradition Treaty.

(From Friday's Daily.)

In view of the great amount of interest taken in the Collins case a fuller report than at first appeared of the interesting judgment of Mr. Justice Duff is here given:

Judgment re Geo. D. Collins, as delivered by the Honorable Mr. Justice Duff, the 30th day of August, 1905.

Broadly speaking, two objections are taken to the warrant of committal. First, it is said that the warrant being issued in a proceeding before a judicial officer of a limited statutory jurisdiction, should show on its face that the statutory pre-requisites of his jurisdiction have been complied with. Secondly, it is said, that the description of the offence contained in the warrant is insufficient.

In my opinion, these objections are both disposed of by reference to the Extradition Act, which is Cap. 142 of the Revised Statutes of Canada. Sec. 20 of that Statute is as follows: "The forms set forth in the second schedule to this Act, or forms as near thereto as circumstances admit of, may be used in the matters to which such forms refer, and when used shall be deemed valid."

The form of the warrant of committal, under consideration, is precisely in accord with the form prescribed by the Statute. An examination of the Act convinces me that the true construction of section 20 is that the validity of a warrant of committal issued under the authority conferred by the Extradition Act, does not depend upon the presence within the warrant of any element which is not indicated by the form provided by the Statute. The recital, the absence of which, according to the contention invalidates the warrant, is not a matter which, from the examination of the statutory form, would appear to have been within the contemplation of the legislature as forming a part of it. * * *

My view is supported by the decision of the Queen's Bench Division, in re Bellencontre, 1891, 2 Q. B., 126, 144. In that case an objection was taken to the form of the committal, issued under the Extradition Act of 1870, and at page 144 of the report, Mr. Justice Wills uses this language: "The warrant is statutory in its form, and it is not at all necessary, in my judgment, that there should be anything like the same particularity that there would be in respect of the warrant of committal to the jails of this country under ordinary circumstances. For these reasons I am of opinion that this habeas corpus ought not to issue."

In two cases decided recently by the Supreme Court of the United States, one in 1902, and the other in 1903, a similar opinion is expressed by that court, concerning the attitude to be adopted in extradition cases, with regard to these questions of technical procedure. The view of the Queen's Bench Division, in the case that I have referred to—the view twice repeated by the Supreme Court of the United States in the cases I am about to read from—is that the technicalities of the English criminal procedure, the survivals, many of them, of a forgotten history, should not be allowed to encumber and smother the administration of the procedure prescribed by these modern statutes for the purpose of carrying out our obligations under a vastly salutary international arrangement.

The language of Mr. Justice Brown, delivering the judgment of the court, in the case of Grinn vs. Shine, reported in 187 U. S. Reports, at p. 184, is as follows: These treaties should be faithfully observed, and interpreted with a view to fulfill our just obligations to other powers, without sacrificing the legal or constitutional rights of the accused. In the construction and carrying out of such treaties, the ordinary technicalities of criminal proceedings are applicable only to a limited extent. Foreign powers are not expected to be versed in the niceties of our criminal laws and proceedings for a surrender are not such to put in issue the life or liberty of the accused. They simply demand of him that he shall do what all good citizens are required, and ought to be willing to do, namely, submit themselves to the laws of their country. Care should doubtless be taken that the treaty be not made a pretext for collecting private debts, wrecking individual malice, or forcing the surrender of political offenders. But where the proceeding is manifestly taken in good faith a technical non-compliance with some formality of criminal procedure should not be allowed to stand in the way of faithful discharge of our obligations. Presumably, at least, no injustice is contemplated, and a proceeding which may have the effect of relieving the country from the presence of one who is likely to threaten the peace and good order of the community is rather to be welcomed than discouraged."

In Wright vs. Henkel, reported in 190 U. S. Reports, page 57, Chief Justice Fuller, delivering the judgment of the court, used this language: "Treaties must receive a fair interpretation according to the intention of the contracting parties, and so as to carry out their manifest purpose. The ordinary technicalities of criminal proceedings are applicable to proceedings in extradition only to a limited extent."

That is the principle which I apply here. * * *

The conditions of extradition, which have been discussed in the course of this argument, and which are all, more or less, material here, are, first, that the imputed crime shall be a crime within the extradition treaty; secondly, that it should be an extradition crime within the Extradition Act of 1886; thirdly, that it should be a crime within the law of the demanding country; and, fourthly, that the commissioner shall have before him such evidence of criminality, as if the crime had been committed in Canada, would, according to the laws of Canada, justify the committal of the accused for trial. * * *

It is objected that the requirement of section 118, defining the crime of perjury, that the oath shall be an oath which might be, by law, administered, is not shown to be met by the facts of this transaction, the oath was taken in deposing to the truth of certain statements in an affidavit, verifying the allegations in a plea filed in an action for alimony. The practice of the court of California, in which the plea was filed, requires pleas of this character to be verified by affidavit, except in the case which I shall subsequently mention. The oath was, therefore, authorized by law, by the law of California, unless the contention of the applicant that the proceeding in which the affidavit was filed was a proceeding over which the court, in which it was pending, had absolutely no jurisdiction; so that the proceeding was, in the old term of the law, coram non judice. The weight of the latter part of Mr. Taylor's argument, and the whole of the argument addressed to me by the accused himself, goes to that question of jurisdiction. And that question I now proceed to consider.

I have come to the conclusion that the extradition commissioner was amply justified on the facts before him in finding that the proceedings in which this affidavit was filed was a proceeding over which the court, in which it was pending, had jurisdiction.

The argument on behalf of the applicant is that the jurisdiction of the Superior Court of the State of California, the court in question, to entertain an action for alimony, is a strictly statutory jurisdiction, as Mr. Taylor put it—or is a jurisdiction limited by the express provisions of the Statute, namely, section 137, of the California Code—as the accused himself put it. These two views are, of course, somewhat divergent, but it is immaterial, in my view, which one of these statements one deals with, whether as put by Mr. Taylor, or as put by the accused. I shall refer to it as if the latter is the view which the applicant desires to put before me. Section 137 of the Code is relied on as establishing that contention. It is observed, at the outset, that section 137 does not pretend, in terms, to deal with jurisdiction; it does, in terms, deal with the cause of action. It professes to do nothing more. It is not disputed that prior to the enactment of this provision of the Code the court in question had a general jurisdiction, as a court of equity, to deal with claims of alimony against husband, or wife; and that, in certain cases, a husband and wife had mutual rights to recover a claims for alimony in that court. That is established, I think, by the citations which were put before me, and as I say, is not contested. Section 137, I should have thought, had the effect only of curtailing the equitable right of action which existed prior to the enactment of the Code; and conforming it to the cases which are expressly referred to in section 137. But if I would be strong thing, it seems to me, to read a statutory provision, professing only to restrict a cause of action, or even in the most negative terms to deny a cause of action, in such a way as to give it the effect of limiting the jurisdiction of a court of general jurisdiction. That would be an enlargement by mere intendment of the scope of a legislative enactment, in a manner transcending the functions of a court of justice. No authority has been cited which supports this contention. A series of causes has been referred to, which prove this, that where a special statutory power is conferred on a court in California, or where a special proceeding of the kind defined in the Code, namely, a proceeding which is not an action, is authorized to be taken before a court, that the power of the court to exercise jurisdiction, or to entertain the proceeding, is limited by the terms of the Statute. And further, the cases do seem to go this far, that in respect of such a special statutory jurisdiction, or of such a special proceeding, the court, although otherwise a court of general jurisdiction, is to be treated as an inferior court. It is sought to apply that class of cases here. But, of course, the application of these cases assumes in favor of the applicant the very point in controversy, namely, that section 137, instead of limiting and regulating a cause of action, only deals with the jurisdiction of the court.

The commissioner had before him the opinion of Mr. Whiting that section 137 is not aimed at the jurisdiction of the court, and nothing has been advanced before me to justify the conclusion that he was wrong in acting on that opinion. * * *

But there is this further circumstance, that the complaint, which is said to disclose facts which, under section 137, deprived the court in question of the power to deal with this action at all, was made the subject of a demurrer. That demurrer came before Judge Graham, presiding as the judge of that court, and was overruled by him. * * *

On the cross-examination of the accused, who is a competent witness on the law of California, and was called as such before the extradition commissioner, the existence of this decision was proved; it was admitted by him that both the question of the sufficiency of the allegations to support the cause of action itself, and the contention of the defence that these allegations disclosed facts depriving the court of jurisdiction to entertain the complaint, were raised by this demurrer, and on these points the contentions of the defence were overruled. That is a fact which I cannot ignore. It would be a strange thing, indeed, if I, sitting as a judge in British Columbia, should in testing the value of the opinion of a witness as to California law, which is contradicted by another competent witness as to the California law, hold that a decision of a court of general jurisdiction in that country upon the precise question on which I am asked to pass is something which I should wholly disregard. I fancy the books would be searched in vain for such an arrogant assumption of superior knowledge of the laws of one country by a judge sitting in another country. * * *

There is another condition of extradition, requiring that there shall be such evidence of criminality as, if the crime had been committed in Canada, would justify the committal for trial according to the law of Canada.

The exact language in the treaty is as follows: "Provided that this shall only be done upon such evidence of criminality, as according to the laws of the place where the fugitive, or person, so charge was found, would justify his apprehension and committment for trial, if the crime, or offence, had been there committed."

The material provisions of the Extradition Act, in pari materia with this provision of the treaty, which I shall read together, are section 2, sub-section (b): "The extradition crime may mean any crime, which, if committed in Canada, or within Canadian jurisdiction, would be one of the crimes described in the first schedule to this Act;" section 2, which reads as follows: "If in the case of a fugitive alleged to have been committed of an extradition crime, such evidence is produced as would, according to the law of Canada, justify the provisions of this Act, proof that he was so convicted, and if in the case of a fugitive accused of an extradition crime such evidence is produced as would, according to the law of Canada, subject to the provisions of this Act, justify his committal for trial, the judge shall issue his warrant for the committal of the fugitive to the nearest convenient prison." And section 24: "The list of crimes in the first schedule to this Act shall be construed according to the law existing in Canada at the date of the alleged crime, whether by common law, or by Statute, made before or after the passing of this Act, and as including only such crimes of the description comprised in the list and as are, under that law, indictable offences."

It is argued that there was not sufficient evidence of criminality within these provisions; because, in the first place, the proceeding in which the affidavit was made has no analogue—or, at all events, the extradition commissioner has no evidence before him that it had any analogue in the proceedings before courts of justice in any part of Canada; and that if an affidavit verifying a defence had simply been filed, as in this case, it could only here be treated as an impertinence; that the oath in such a case could not be regarded as having been administered under the authority of any law or Statute, in force in Canada, or in any province of Canada; and that, therefore, according to the law of Canada: perjury could not be assigned upon any statement made under its sanction.

The contention, I think, is based upon an erroneous conception of the effect of that provision of the treaty. The meaning of the treaty provision, and the meaning of section 3, which specifically provides that the evidence shall be such evidence as would justify the committal of the accused for trial if the crime had been committed in Canada, has been the subject of a great deal of discussion in Canada and in the United States.

It was held by Sir John Robinson in re Anderson (20 U. C. Q. B.), that that section, and the provision of the treaty I have read, were to be taken as providing only that the law of Canada is to supply the tests to determine the admissibility and the quantum of evidence, and not as requiring that the acts of the accused shall bring him within the imputed crime as defined by the law of Canada.

It has been contended before that this opinion has not been generally followed, and in support of that contention some Canadian cases, and a number of American cases are cited, and a quotation is made from Moore on Extradition (the American authority on the subject), which reads as follows: "It has been held that the rule that the evidence must be such as to justify commitment for trial at the place where the fugitive is found, if the offence had been there committed, applies not only to the admissibility and the quantum of the evidence required for that purpose in the particular case, but also to the definition of the offence."

It cannot be successfully maintained that this paragraph states the American law on this subject, because in Wright vs. Henkel supra, the Supreme Court of the United States treats the question as still open. I do not decide the controversy between these conflicting authorities. I propose to deal with the question as if the view expressed by Mr. Moore (and most favorable to the accused), were correct; and the view expressed by Sir John Robinson, a view which cannot be sustained. * * *

It is contended by the applicant that on these authorities to which I have referred, you have to go through the conduct upon which the criminal charge is based; and you have to come to the conclusion that his identical acts, if done in this country, would have constituted a crime in accordance with the law of Canada. Taken with due qualifications, we need not quarrel with that; but it is obvious from the outset that there must be some qualification. In the first place, the treaty itself, which after all, is the controlling document in the case, speaks not of the acts of the accused, but of the evidence of "criminality," and it seems to me that the fair and natural reading of that is this—you are to fasten your attention not upon the fortuitous, or accidental circumstances connected with the conduct of the accused, but upon his acts, in their substance and essence, in their bearing upon the charge in question. And if you find that his acts so regarded furnish the component elements of the imputed offence according to the law of this country, then that requirement of the treaty is complied with. To illustrate, I apprehend that in the case of perjury, the accused cannot be heard to say, "the oath on which the charge is based was administered by A. B., an officer who had no authority to administer oaths in Canada (although duly authorized in the place where the oath was taken); and, consequently, if I had done here the identical thing I did there, (viz: the taking of an oath before A. B.), perjury could not have been successfully charged against me." The substance of the criminality charged against the accused is not that he took a false oath before A. B., but that he took a false oath before an officer who was authorized to administer the oath. Any other view would, I conceive, simply make nonsense of the treaty.

On the other hand, to get an illustration of what I should regard as a correct application of this provision, let me take the Anderson case. Anderson was a slave in Missouri, one of the slave states of the American Union. According to the law of that state, citizens of the state were not only entitled, but were bound to assist in the capture of runaways. Digges was a citizen of the state. Anderson was escaping. Digges attempted to capture him, not only in accordance with his legal right, but with his legal duty. Anderson, in resisting capture, killed Digges. Anderson fled to Canada; he was indicted in Missouri, charged with murder, and his extradition was demanded. It was held by a majority of the court of Queen's Bench, that in considerating the question whether there was evidence of criminality in accordance with the law of Canada, you had to deal with the case on the assumption that Digges, in attempting to capture Anderson, was acting with legal authority. It is true that Anderson was afterwards discharged from custody on certain technical grounds. The decision of the court of Queen's Bench on that matter of substance was, however, not interfered with, although the opinion of Sir John Robinson upon the construction of section 11 of the Statute, which I have already given, has been referred to with disapproval since. It seems to me, that in substance the decision of Sir John Robinson and Mr. Justice Burns is correct in that case, and their decision is an example of the fair and proper application of the provisions in question.

In support of that view there is, probably, the highest living authority on the law of extradition, namely, Sir Edward Clarke. On page 250, in the note, Sir Edward Clarke says this: "In Anderson's case this question did not necessarily arise. The crime charged against him on the facts stated was murder by the law of England, as well as by that of the United States. The question whether the circumstances showed sufficient provocation to reduce it to manslaughter was one for the jury, and not one which the Canadian courts had nothing to do. Nor had these courts any right to enquire into the justice, or policy, of the legislative enactment under which the arrest was attempted to be made. That was a matter for the consideration of the foreign country, and could not, however it resolved, affect the nature of the crime. An illustration may be given in the English Act, 14 and 15 Vict., Cap. 18, by which, if three poachers are out together at night, armed, any person is authorized to apprehend them. It is very probable that American judges would disapprove of that Act as part of what they might consider an iniquitous system of game laws; but, so long as it remains upon the English Statute-book, a poacher killing a person so attempting to apprehend him, would unquestionably be guilty of murder, and England would have an indisputable right to claim him under the treaty. So far as this question was decided in the case of Anderson, it was decided rightly."

One may look at it in two ways. One may say that it can only apply certain mind to the conditions of things existing in the demanding state, or that one is to conceive the accused, and the acts of the accused transported to this country. In the first case you have to take the definition of the imputed crime in accordance with the law of Canada, and apply that to the acts of the accused in the circumstances in which those acts took place. If in those acts you find that the definition of the crime is satisfied, then you have the statutory and treaty requisites complied with. In the second case, if you are to conceive the accused as pursuing the conduct in question in this country, then along with him you are to transplant his environment; and that environment must, I suppose, include, so far as relevant, the local institutions of the demanding country, the laws affecting the legal powers and rights, and fixing the legal character of the acts of the persons concerned, always excepting, of course, the law supplying the definition of the crime which is charged.

Treating the matter in that way, then what have we here? If my view of the law of California is correct, we have this. We have the fact that there was a proceeding pending in a court of competent jurisdiction, the practice of which court authorized a certain affidavit to be made in that proceeding. The affidavit was made, and it contains a wilfully false statement of fact. In other words, in addition to all the other elements of perjury, you have an oath taken in a judicial proceeding before a court of competent jurisdiction after a manner in which it was authorized by law. These facts make up the substance and essence of the criminal charge against the accused. If you transfer these facts to this country, you get an offence within the law of Canada. * * *

This treaty is made between the United States on the one hand, and the Queen of Great Britain on the other; the government of the Queen dealing with the vast territories which constitute the British Empire. The area over which the provisions of the treaty are to be applied includes possessions inhabited by various races, with divergent customs and religions and systems of law. In other words, it deals not only with peoples inhabiting continents separated geographically, but with separate continents of custom and idea. Throughout all this great variety of places and communities the forms of oaths which are regarded as binding on the consciences of individuals, and accepted by the courts, vary greatly. Now, if you were to say, for example, that an offender against the British laws in India, escaping to the United States, could only be extradited on proving in New York, or California (I am assuming perjury to be the crime), that the thing constituting the binding oath in the American state, must be, in all its formalities and ritual, the identical thing constituting a binding oath in the place where the crime was committed, then you would simply wipe the crime of perjury out of the treaty. * * *

It seems to me that the other is the reasonable construction, and in this case, as I am satisfied that the essence of an oath was preserved, and the oath was validly taken according to the law of California, it is not necessary, I think, to decide whether the ceremonial prescribed by the law of this country was punctiliously observed.

I have only this to add: I think the language which I have read, from the opinion of Mr. Justice Brown, in the case of Grinn vs. Shine, should be repeated with redoubled emphasis when you are dealing with an arrangement between two countries, having three or four thousand miles of common frontier, and intermingled relations, and affording unexampled opportunities for the escape of persons accused of crime from one country to the other. And, therefore, it is, I think, incumbent upon those of us who have to deal with these questions of extradition, that we should be strenuous in overcoming technicalities, and that the treaty should be liberally construed, as Lord Russell said, and applied so as to effectuate the honorable object in accordance with their scope and intent.

FAMINE IN RUSSIA.

Reports Show Acute Distress in Many Provinces.

St. Petersburg, Sept. 8.—The first sitting of the ministerial conference called to deal with the famine which threatens several provinces was held today. It was attended by the governors of the provinces, representatives of zemstvos and Red Cross philanthropic societies, and marshals of the nobility. Reports were presented showing that the distress is particularly acute in the provinces of Saratoff, Rizen, Samara, Penza, Tamboff, Orel, Voronesh, Toula and Viatka. It was approximately estimated that 36,500,000 pounds of cereals would be required to feed the distressed populations, and the conference recommended that the government assign nearly $20,000,000 for the purchase of these cereals.

Police Raid a Lottery Game

Branch of Old Time Louisiana Business is Closed at Niagara.

Sayer of Little Tommy Hill to Stand Trial on Charge of Murder.

Niagara Falls, Ont., Sept. 7.—The police raided a branch of the Louisiana lottery at Fort Erie yesterday and this morning the men under arrest pleaded guilty to the charge of running and abetting a lottery concern contrary to the laws of Canada. The manager was fined $1,000; Jos. Norris, his assistant, was fined $500. Two other assistants were fined $100 each; a frequenter $5 and the others allowed to go. All the paraphernalia seized will be held by the crown.

Quebec, Sept. 7.—The lower house of the Anglican synod last night received a message from the upper house in favor of a canon prohibiting clergymen of the Church of England in Canada from solemnizing marriages between divorced persons.

Montreal, Sept. 7.—A fire this morning destroyed two dwellings in boulevard St. Paul, near Lachine canal, rendering two families of about twenty persons homeless, and caused the death of two boys named Minguy, aged five and seven years respectively.

Hamilton, Sept. 7.—Ex-Judge Thos. Robertson is dead, aged 78 years.

Norwood, Sept. 7.—Chas. Gobween was committed to stand trial at Peterboro on September 9th for shooting the lad Tommy Hill in Dummer township.

Toronto, Sept. 7.—The National Retail Furniture Dealers' Association of Canada at its annual meeting yesterday passed resolutions empowering the executive to discuss amalgamation with the Retail Merchants' Association of Canada.

Thieves got away with jewelry valued at $5,000 from the big store of Ryrie Bros. yesterday afternoon. The valuables were not missed until 6 o'clock, when the trays were being put into the safe. There is no clue to the thieves.

Destroys Much Fruit

Vancouver, Sept. 7.—Two hundred boxes of local-grown fruit were condemned today by Thomas Cunningham, provincial fruit inspector, on his finding it badly affected with fungus. The fruit was in the hands of wholesale and retail merchants. Mr. Cunningham said in justification of his drastic action: "This fruit comes from orchards west of the Rockies, and is dumped here because it can be sold nowhere else. It is in a mess and is not good for the large number of tourists now in Vancouver to look at. This province now has a reputation to sustain, and the department is determined to keep the fruit clean. The Vancouver dealers, of all persons, should not display fungus-affected fruit. In fact, it will not be permitted."

A sad case of "gone wrong" has come to light in the arrest of Charles Taylor, a 17-year-old lad living at Fairview. The charge is that of forgery. It appears that Taylor worked for a day, or part of a day, for the Vancouver Lumber Company, and, deciding to quit, went to the business office of the company and asked for his check, which amounted to $2.50. The bookkeeper says he gave him by mistake a check belonging to another employee of the company, P. T. Taylor, for $52.50. Charles Taylor took the check, it is alleged, endorsed it in the name of P. T. Taylor and cashed it. The Vancouver Lumber people, immediately on discovering the circumstances, tried to locate the young man and give him an opportunity to set himself right. Yesterday they sent word to him, through a friend of his, that they wanted to see him at the office, but Taylor kept away. Following this, a warrant was taken out, and this morning the young man was arrested on Dupont street. He had $31.60 on him at the time of his arrest.

2,000 RUSSIAN MUTINEERS.

Disaffected Crews of Black Sea Fleet Landed at Odessa.

Odessa, Sept. 8.—Seven warships of the Black sea fleet, which arrived here today, have on board 2,000 men from the battleship Georgi Pobiedonosetz, the transports Prout and Vecha and the entire crew of the ironclad Ekaterina II. The mutineers for the present will be distributed in small groups among the troops in the Odessa district.

Early in 1906 they will be drafted to the Siberian garrisons. The Odessa military authorities are protesting against this arrangements, fearing that the sailors will infect the troops with the revolutionary spirit.

Pacific Coast Happenings

Growing Sentiment That Britt-Nelson Match Will Prove a Fake.

Steamer Kilburn Ashore in a Fog—Seattle Contractor Is Arrested.

SAN FRANCISCO, Sept. 8.—J. J. Jeffries will referee the Britt-Nelson contest tomorrow at Colma. After all the wrangling and objections that have been advanced by the Nelson side against the retired champion, Jeffries still says he will act as referee. This is almost the only saving feature of the situation today. The developments of the past twenty-four hours have served to strengthen the growing opinion that all was not right in the understanding between the boxers. The declaration of Noland, manager of Nelson, late last night that there was no side bet of $10,000 and that the boxers have a secret agreement to split the purse, the winner to take 60 per cent. and the loser 40 per cent., did not come as a surprise to the sporting world, and has served to stem the enthusiasm to some extent. There is a sentiment, small, but growing, that once more the public of San Francisco and of California in general has been victimized by the pugilistic promoters, who in order to create interest in the coming battle, have not hesitated to resort to every device to delude the public and create an interest in favor of the box office. The fight promoters today declared that Jeffries will referee and both Britt and Nelson would be in the ring at 1.30 tomorrow afternoon.

Portland, Sept. 8.—In a dense fog today the steamer F. A. Kilburn, bound from Portland to San Francisco, struck a rock at the entrance to Coos Bay. Tugs have gone to the assistance of the vessel, summoning tugs and the life-saving crew. All on board were saved. The boat was badly damaged.

Seattle, Sept. 8.—A prominent contractor, John R. Clark, was arrested here this morning on a warrant charging him with having contracted with J. C. Trendly of Portland to erect a flats building and of obtaining money on fraudulent representations that the materials were all paid for. Clark was tried a year and a half ago on the same charge, but a demurrer was sustained to the information.

Olympia, Sept. 8.—Governor Mead this afternoon announced that he would not interfere to prevent the execution of Frank Pasquale, under sentence of the superior court of Pierce county, at the state penitentiary on September 15. He denied the petition for the commutation of the sentence to life imprisonment. Pasquale was convicted of the murder of Charles S. Gray, a Seattle insurance agent, in Tacoma, May 20, 1904, and sentence of death was imposed September 21, 1904. There was a delay incident to the taking of an appeal, which was not perfected, and the date for the execution only recently was fixed.

BUILDING COLLAPSES.

New York, Sept. 8.—Two persons were killed when a building at Grand and Mott streets collapsed today. The building is said to have been condemned two years ago, but had been permitted to be occupied since. Thomas McGovern, a foreman in the building department, is under arrest in connection with the collapse on a charge of criminal negligence. The dead: Maria Garioso, 16 years old, Joseph Farinia, 48 years old. Nearly a score of people were injured, some suffering with broken limbs.

TENEMENT HOUSE FIRE.

Flames Destroy Crowded Italian Quarters in New York.

New York, Sept. 8.—Fire early this morning broke out in a large five-storey tenement house at No. 303 East 71st street and quickly spread to the next tenement house, which was also crowded with Italians. The firemen were unable to tell whether or not any one was burned to death, as no one could be found who could speak English well enough to give any information.

370 PERSONS PERISH BY AN EARTHQUAKE IN ITALY

Calabria and Sicily Violently Shaken and Many Villages Entirely Ruined With Great Loss of Life---Value of Property Destroyed Unknown.

SOUTHERN POPULATION IS TERROR STRICKEN

Women Rush From Dwellings Carrying Babies and Dragging Terrified Children---Prisoners Grow Mutinous Through Fear But Are Restrained.

ROME, Sept. 8.—All Italy is suffering from terrible depression because of the news from the south, where one of the worst earthquakes ever experienced occurred today. Although the earthquake was felt all over Calabria and to a certain extent in Sicily, the worst news comes from Pizzo and Monteleone and from eighteen villages which are said to have been completely destroyed.

According to the latest news received, 370 persons have been killed and a great number injured. It is as yet impossible to even estimate the property losses. The shock was felt at 2:55 a. m., lasting for 18 seconds at Catanzaro, and soon thereafter was felt at Messina, Reggio, Monteleone, Martirono, Stefaconia, Piscopio, Triparni, Zammaro, Cessaniti, Maida, Olivadi and other points.

Scenes of indescribable terror ensued. Women arose from their sleep, rushed half-clad into the streets, screaming with fear, carrying their babies and dragging along other children and calling on the madonna and the saints for help. The men escaped into the open with their families and called on their favorite saints for protection.

The cafes were taken by assault by the strangely garbed crowd, but as daylight broke without a repetition of the earthquake the crowd gradually melted away, until by 8 o'clock the streets had almost assumed their normal appearance, except in the ruined villages, where the inhabitants were homeless. The general confusion was added to by dreadful cries from the jails of the prisoners who were beside themselves with fright, and in some cases mutinied, but fortunately all were kept within bounds.

Troops, engineers and doctors have been hurried to the scenes of disaster, to assist in the work of rescue and salvage.

Catanazaro, Sept. 8.—The earthquake caused serious damage to a house in San Flaro, where one person was killed. At Jonadi ten persons were killed and a hundred wounded. At Daffina buildings were damaged and many persons were killed or wounded.

The following additional details have been received: At Borgia two persons were killed and ten wounded. Many houses collapsed. At Olavadi five persons were killed and many wounded. At Nicastro and Cortali there was much damage to property and many persons were wounded. At Filadelfia two persons were killed and there were serious property losses. At Maida one person was killed and thirty wounded, and property suffered severely. At Martira there were many victims. Out of a population of 3,000, 2,200 are without shelter. At Sarrastretti the houses suffered considerably.

The towns of Pizzo, Monteleone, Di Calabria and Martiano were almost entirely destroyed.

At Monteleone Di Calabria seven persons were killed outright and many were injured by the collapse of the prison there.

The Pizzo district is said to be entirely destroyed.

Locally the shocks lasted eighteen seconds. The walls of the hospital collapsed and some of the patients were injured. The inhabitants of this city fled panic-stricken from their houses.

All the houses at Stefaconi have been wrecked by the earthquake. It is feared that a hundred people are buried in the ruins. The villages of Piscopio and Triparni have been destroyed.

Grave news continues to arrive from Pizzo, Monteleone Di Calabria and Martiano, which have been almost destroyed. There are numerous victims. It was hoped that the district of Nicastro had escaped, but that also has been seriously affected.

At Martiano all the buildings have collapsed, including the barracks of the gendarmes. Six wounded men have thus far been taken from the ruins. There are other victims.

The satisfaction of having the washing done early in the day, and well done, belongs to every user of Sunlight Soap. 10B

Dominion News Notes

Toronto Young Man Who Butted Into a Quarrel Is Killed.

Terrific Thunderstorm and Lightning in Prince Edward Island.

Stampede to the Alleged Richest Oil Field in the World.

TORONTO, Sept. 8.—It was announced today by Ryrie Brothers, Ltd., that the loss by robbery a few days ago was $7,400. How the thieves made off with the tray and pad is still a mystery. The police have no clue to the thieves as yet.

John Hoban, the young man who tried to stop a row between two Italians last Monday and was stabbed in the intestines, is dead. His assassin is at large, but if caught will have to stand trial on the charge of murder.

Charlottetown, P.E.I., Sept. 8.—Prince Edward Island was visited by terrific thunder storms and lightning last night accompanied by heavy rain. Barns and outbuildings in all directions were struck by lightning and many of them were destroyed.

The Quebec Synod

Quebec, Sept. 8.—At the meeting of the lower house of the general synod of the Church of England yesterday afternoon a motion was made asking that steps be taken to secure the appointment of a Sunday as Thanksgiving Day, the following day to be observed as a public holiday. Members of the synod will go to Lake St. Joseph as the guests of the Lake St. John railway tomorrow. They have also received invitations to visit Lavalle University (French Catholic).

At the meeting this morning the triennial report of the board of management of the missionary society of Canada was discussed. The report showed that during the years 1902, 1903 and 1904, $352,966.81 was subscribed.

Halifax, Sept. 8.—A writ has been issued at the instance of W. E. Stavert, liquidator of the Bank of Yarmouth, against Senator John Lovitt, S. A. Crowe, Augustus Cahu, J. Bradford Cahu and J. Leslie Lovitt, directors of the bank, for declaration that the defendants were guilty of a breach of trust and negligence as directors and for payment of money lost by the said bank, amounting to about half a million of dollars. The suit is in the interest of shareholders, who seek to recover their losses from the directors.

Stampede for Oil Fields

Oil City, Alberta, Sept. 7.—At last the efforts of those who have been boring in Southwestern Alberta for the past two years have been rewarded with the biggest oil strike ever made in the Dominion of Canada. For the past two days a gusher struck at a depth of 1,400 feet on the property of the Rocky Mountain Development Company has been giving up oil at the rate of 8,000 barrels daily, and the flow shows signs of increasing. For several days the company managed to keep the discovery quiet, but it became known in spite of its efforts, and a stampede has ensued, with the result that hundreds of claims have been filed. Accommodations provided by the company have proved quite inadequate to the flow, and the oil is being stored in hastily constructed reservoirs in the earth, but much of it is going to waste. Well-known Pennsylvania experts declare the strike to be one of the richest in the world, on account of the high quality of the oil.

Preparing for Commissioners

Nelson, Sept. 8.—Elaborate preparations are being made to receive Hon. Messrs. Fielding, Paterson and Brodeur, the tariff commissioners, when they meet here on the 15th. The lumbermen are making a special effort to place their views on record, and the local board of trade is making arrangements to submit evidence on several matters. Several individual efforts will be made. A public reception and banquet will be tendered the ministers. After Nelson, Rossland and the Boundary will be visited in succession.

Christopher Robinson, K.C., with his wife and daughter, is spending a week here.

THE PORTE IS OBDURATE.

Sultan Refuses the Demands of the United States Minister.

Constantinople, Sept. 8.—The Porte has replied to Minister Leishman's protest in regard to the Armenian Griskis Vartanian, said to be an American citizen, who was condemned to death by the Criminal court at Stamboul for the murder of an Armenian merchant August 26th, reiterating its old contention in regard to the status of naturalized Turks, that all Ottoman subjects obtaining foreign naturalization without the consent of the Turkish government will not be considered foreigners when they return to their country of origin.

THE NEW PROVINCES.

Glasgow Paper's Comments on Edmonton Celebration.

London, Sept. 8.—Commenting on the autonomy celebrations in Edmonton, the Glasgow Herald emphasizes the fact that the future inhabitants will be taken from an admixture of nations, and says it will be interesting to note whether it is easier to Canadianize a foreigner than the United States have found it to Americanize him. It the long run, the large infusion of the less developed races rests upon the government ideals