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ST. JOHNSHMI-WHEKINSUM

VOL. 23.

SOUTH AFRICA.

Boer Force Carrying Off British

Prisoners Forced to Abandon

Their Guns.

Lord Frederick Temple Blackwood, Fourth

Son of the Marquis of Dufferin,

Wounded.

idly enclosed by Lord Kitchener's com-

martial law shall be proclaimed

throughout Cape Colony, but adds :

foreshadow perilous possibilities.

resourceful leader to rebel.

prised 300 Boers fifteen

with a loss of two men."

They will be followed up.'

"A responsible colonist who recently

made a tour of the colony, declares that 90 per cent of the Dutch are sim-

Boer column attacked Steynsburg, but

mountains. Another Boer commando

Burghersdorp, Dec. 23. and after a

brisk interchange of volleys, retired

LONDON, Dec. 25 .- Lord Kitchener,

telegraphing to the war office under

reports: "Thorneycroft's mounted in-

regularly. There are considerable de-

lays elsewhere as the result of heavy

WELLINGTON, N. Z., Dec. 25.-The

government has asked the governor,

the Earl of Ransfurly, to inform

Joseph Chamberlain, the secretary of

South Africa to be diminished, that

LONDON, Dec. 29, 3 a. m.—The

men will be sent.

eering all supplies available.

force it."

at Cape Town says:

ST. JOHN, N. B., SATURDA

activity over an immensely wide field. It is questionable whether his pro-

dread of De Wet's vengeance if they ments Delivered by Judge

surrender.
The proclamation is approved by the party at home that favors conciliatory terms to the Boers as a step in the right direction. Queen Victoria, it is said, has approved the proposal to institute a new order of knighthood to reward officers who have served in South Africa. The

clamation will have much effect until

Gen. De Wet has been captured. The

of weakness and to have a wholesome

order will probably be called the Star LONDON, Dec. 26.-The position of of Africa. Cape Colony is hanging in the balance. A despatch from Vryburg, dated Dec. 20, says the Boers in considerable According to the morning Post's Cape Town correspondent, everything denumbers were then making an inex pected movement westward. They had 150 wagons. The despatch sug-gests that they were trekking to Damaraland, although the Boers them-selves denied such an intention. pends upon the quantity of ammunition in possession of the disloyal Dutch residents, fifteen hundred of whom

have joined the Boers in the Philipse town district alone. Energetic mea-BLOEMFONTEIN, Orange River Colony, Dec. 26.—There are renewed but unconfirmed rumors here that General Dewet, President Steyne and General Haasbroeck have had a consures have been taken to stem the invasion, but there is unquestionably danger that parties of Boers will get through into parts of the Colony and gradually raise the whole Cape into rehallion. Bainforcements are agreed. ference and decided to offer to surrender provided the colonial rebels rebellion. Reinforcements can arrive shall not be punished, and the leaders including themselves, are not deport-Most of the despatches from Cape

Town, however, describe the raiders LONDON, Dec. 27.-The following as doing little harm, and as being rapdespatch from General Kitchener was received today from Pretoria, under

bination. Lord Kitchener is in the today's date: heart of the disaffected district. He "Yesterday two hundred Boers athas the advantage of being personally tacked a small police post near Boksacquainted with local conditions. He burg. The police gallantly drove them is bringing down thousands of troops off before reinforcements from Johannesburg arrived. The Boers damaged The Standard's Cape Town corresthe mining machinery in the neighborpondent says the loyalists demand that

"The Boers attacked Utrecht at two

o'clock this morning and were driven "Such a step is now impossible owing to the lack of sufficient troops to en-"The eastern force of Boers in Cape Colony was headed yesterday and The correspondent of the Daily Mail driven in the direction of Venterstadt. The western force is still being driven "The pro-Boer press are singularly

north through Strydenburg." quiet. It has been made uneasy by LONDON, Dec. 27.-The following the promptness and thoroughress of despatch has been received from Lord the military action, but reports from various parts of the western province

"PRETORIA, Dec. 26.-Knox, with Barker, Pilcher and White, is engaged with Dewet's force, holding a position in the neighborhood of Leuwkop. Dewet hopes to break through and go south ply waiting for the appearance of a

"The Boers' eastern column in Cape "Civil railway traffic has been sus-Colony is, apparently, headed by our pended largely in all parts of the Coltroops about Reitportspruit. ony, and the movements of both the "The Boers' western column is re Boers and British are almost unknown ported to have gone north in two porin Cape Town. It appears that one tions, one towards Prieska and the

other through Strydenburg. They are was repulsed, entrenching itself in the being followed up." BURGHERSDORP, Cape Colony, captured a party of police at Venterstad. Mounted colonial troops surcontinues in touch with Kruitzinger's command of 700 men, who are carrying off the British prisoners. Kruitzinger has abandoned his maxims and carts. An attempt of the 9th Lancers to turn Kruitzinger's flank at Plaisdate of Naauwpoort, Dec. 24, 9 a. m., terheuvel Dec. 24, resulted in eight

casualties among the lancers, including Lord Frederick Blackwood, who fantry have occupied Britstown withwas wounded. out opposition. The Boers retired to Lord Frederick Temple Blackwood the north in the direction of Prieska. referred to in the Burghersdorp despatch as having been wounded, is the CAPE TOWN, Dec. 24-Regular railfourth son of the Marquis of Dufferin way service between Cape Town and De Aar has been restored. The report and Ava, who was formerly governor general of Canada. Lord Frederick of the destruction of a bridge south of Blackwood is a lieutenant in the Ninth De Aar turns out to be incorrect; only Lancers, which regiment he coined Oct a culvert was damaged. Trains are Lord Ava, the eldest son of running from De Aar to Kimberley irthe Marquis of Dufferin, died of

smith in January last. NEWCASTLE, Natal, Dec. 27 .- The Boers celebrated Christmas in the district between Standerton and Ingogo by more or less determined attack upon every British garrison along the state of the colonies, that it does not lines of communication. This, howwish the New Zealand contingent in ever, were in all cases successfully repulsed. At Utrecht, the Boer comrdafts will be forwarded to fill the mandant sent in a demand for whisranks, and that additional mounted key, cigars and Christmas luxuries, and on pain of refusal threatened to CAPE TOWN, Dec. 25.-Fighting is going on near De Aar. Particulars attack the town. His demand was ignored, and the Boers attacked are unobtainable. Two hundred Boers Utrecht in strong force Christmas have left Britstown after commandmorning. They were repulsed with loss, the British casualties being slight.

wounds received in battle at Lady-

latest despatches from South Africa latest despatches from South Africa show that Lord Kitchener has succeeded in holding the invading Boers in check. But he has not yet been successful in expelling them from Cape Colony, while small commandoes continue to display astonishing daring and

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ST. JOHN, N. B.

EQUITY COURT.

Boers are likely to regard it as a sign A Number of Important Judg-

Barker. Thorne v. Perry - In re Wel

Abell v. Anderson-Bourque Chappell and Jackson-Ramsay v. Ramsay—Lawton Saw Co. v. Machum-Carroll v. Rogers,

The following judgments have bee delivered by Judge Barker:

me v. Perry-This was brought by the plaintiff to compel the defendant to pay over to her the sum of \$400, alleged to be due in respect of a donation mortis causa. It appeared that the mother of plaintiff and defendant, when ill and about to die, handed over to defendant a box containing a savings bank pass-book. which was the mother's property, but in the joint names of herself and defendant. This she said he was to have, but was to pay certain debts and also to pay plaintiff the sum of \$400. Short ly after the mother gave to plaintiff a pocket-book containing money and some promissory notes. The estate was not administered upon, and defendant, claiming that the donation martis causa was not well constituted, refused to pay the money to plaintiff. Judge Barker held that there was a donation mortis causa; that the pass book could be the subject of such a gift, and that all the circumstance showed that there was not a defective testamentary gift, as claimed by the defendant. The fact that plaintiff had also received a gift did not enter into the question, and he did not decide whether or not in that case a donation mortis causa had been constituted or not. Decree was made for the pay-

ment by the defendant to the plaintiff of the sum of \$400. W. B. Wallace, Q. C., for plaintiff; J. D. Hazen, Q. C. and E. P. Raymond for defendant. In re Weich-In this case a power o attorney was given by a debtor to the plaintiff to collect a surplus arising from a sale under a mortgage of some of his property, which was about to be sold under a power of sale, and to apply such surplus on account of his debt to plaintiff. Before the sale un-

der mortgage took place the debtor Dec. 26-Wednesday.-Col. Grenfell died. Held, that the power of attordebtor, and that the money arish from the sale of the property after payment of the mortgage went to his executors as a part of his general estate. W. B. Chandler, Q. C., for the creditor; Amon A. Wilson, Q. C., for the executors

Abell v. Anderson-This was a denurrer to the plaintiff's bill filed for the specific performance of an agreement for the sale of land. In addition to the demurrer, defendant had put in an answer which was substantially to the whole of the bill. On argument of demurrer, plaintiff contended that defendant could not answer and demur to the same parts of the bill. Held. that this was incorrect, but leave given to defendant to amend by striking out such parts of the answer as conflict ed with the demurrer; if done, demurrer to be allowed with costs. On the substantial question involved it was held that the parties were only in treaty, and that the facts alleged did not amount to offer and acceptance. W. B. Wallace, Q. C., for plaintiff: A. P. Barnhill and Attorney General Pugsley for defendant.

Bourque v. Chappell & Jackson This was a bill filed by the plaintiff claiming priority over defendant Jackson, who had purchased land from Chappell, on the ground that there was a prior agreement between Chappel and plaintiff, of which defendant had notice. Held, that it was doubtful whether there was any agreement between plaintiff and Chappell capable of being enforced, but even if there were, the defendant Jackson had no notice of it. Bill dismissed with

Ramsay v. Ramsay et al-This was a suit for partition. In 1858 Thos. H. and James Ramsay acquired land as tenants in common. James died May 9. 1876, intestate and unmarried. Thos. H. died 8 Nov., 1896, leaving a widow and two infant children. Suit was commenced on 21 Sept., 1899. The question raised was that plaintiff, a sister, was barred by the statute of limitations, Thos. H. having had exclusive possession of the property. The judge found that Thos. H. had treated the plaintiff and her sisters with considerable kindness and had taken charge of the whole of his brother's property for his own use. While they set up that they had received portions of the rents and profits from time to time, he found these to be mere isolated transactions, unconnected with the property in the sense of accounting and as acts of kindness. Held, that the plaintiff's claim was barred by the statute, and the bill was ordered to be dismissed with costs. L. J. Tweedie, Q. C., for plaintiff; M. G. Teed, Q. C., for defendant.

Lawton Saw Co. v. Machum-This was a matter of exceptions to the re port of a referee to whom partnership accounts had been referred. The net Whelpley's Long Reach loss was \$1,776.38, which was to be divided between the parties. The referee, however, took into account two other sums due by defendent to plaintiffs, independently of the partnership agreement, and added them to the amount due by him, thus arriving at the total indebtedness of the defendant to the plaintiffs. Held, that the reference was confined to the partnership accounts and agreement and the report varied accordingly by striking out the items. Also, that in the absence of a special agreement defendant could not claim an allow- steamer will be the Cape Breton.

ce for depreciation of machinery nging to him which had been used

DECEMBER 29, 1900.

partnership purposes. arroll v. Rogers et al-in 1894 tiff bought a piece of land from aughlin and wife for \$50. He got eed on 2nd August, 1894, but did hen record the same. McLaughfterwards wanted to pay off age, and for this purpose raised on another mortgage to Sproule ortgage as "excepting that por-f the above described lands

was sold and conveyed by the

ohn McLaughlin and Elizabeth

ighlin to one Fenton Carroll, hole lot "being the lands and ises that were conveyed to the Elizabeth McLaughlin by W. S. sie and wife by deed hearing date 1st November, 1893, as by referace thereto will fully appear." was registered 5th June, 1896. In 1897 defendant Rogers purchased the whole lot, as he claimed, from McLaughlin, for \$700, and on 1st Oct., 1897, McLaughlin and wife conveyed the whole lot to Rogers in completion of the gistered 25th March, 1898. Held, not a case for reformation of the convey-ance from McLaughlin to Rogers, but under section 69 of the Registry Act, 1894, chapter 20, "the registration of

any instrument under this act shall constitute notice of the instrument to be powerless to suppress risings, be all persons claiming any interest in the lands subsequent to such registration, notwithstanding any defect in the proof for registration, etc." There was notice to the defendant Rogers of the conveyance to Carroll. Decree made declaring plaintiff as against the defendant Rogers entitled to priority as to the piece of land sold to the plaintiff, with costs. L. J. Pweedle, Q. C., for plaintiff; R. Murray for de-

TORONTO BANQUET

To Colonel Otter and Other Returned Officers a Most Enjoyable Affair.

TORONTO, Dec. 27.-Col. Otter, Lieut. Col. Buchanan, Lt. Col. Ryerson, Major Macdougall, Capt. Macdonald, Capt. Barker, Capt. Mason, Lts. Lengthy Report from Colone Otter Temple and Wilkie, Rev. Father O'Leary and war correspondents Hamilton, Brown and Ewan were guests of honor at a public banquet here to night attended by the governor gen enal, Premier Ross, Postmaster Gen- Cable from Milner Announces the Death eral Mulock and many other preminent men. The guests of the evening were given a great ovation when their health was proposed. The governor general praised most

highly the work of Col. Otter, his old comrade in arms of the Northwest rebellion, and of the Royal Canadians. Referring to the South African camalgn, he reviewed the later incidents of the war, and pointed out how difficult it was to meet guerilla tactics. No European nation he said ever had such a tough nut to crack as we have had in South Africa. In closing Lord Minto made the following significant reference to military reorganization: "Military reform is in the air throughout the empire, and with military reorganization will come fresh opportunities for able officers. It rests with the people of Canada, as it does with the public of the old country, to say to what extent it shall go and with what honesty of purpose it shall be accomplished. Personally I should like to see far closer connection between the military forces of Canada and those of the old country. Not at all with an idea of throwing fresh obligations on Canadian troops but with the idea of throwing open to selected Canadian officers higher possibilities of imperial service." Col. Otter made an eloquent and lengthy reply in response, and the banquet closed at a very late hour.

PHILIPPINE COMMISSION

MANILA, Dec. 27 .- The Philippine com

MANILA, Dec. 27.—The Philippine commission has completed the tariff bill and mailed it to Washington for approval. Its decision is being prepared and will be made public Monday.

The first question dealt with by the commission affecting an issue between the church and the United States government is the question whether the control of the San Jose Medical College is vested in the government or the church. The college was established by bequest in the 17th century, and the Jesuit order was given its control. When the authority of the Jesuits in the Philippines ceased the Spanish government assumed direction of the college, and later permitted the Dominican order to conduct San Jose College as part of the University of Santo Tomas. Following the American occupation a representative of the people in or Santo Tomas. Following the American occupation a representative of the people insisted that the college, under the treaty of Paris, came into the control of the United States and ought not to be controlled by the church. The church authorities claimed the church had full legal possession. Gen. Otis finally closed the insulution. The first hearing took place shortly after the commission arrived. Archbishops Chapelle and Nozaleda made the presentations of the church's

If the commission decides that the control vested in the government, litigation sidered probable

NOT THE FANNIE EARL.

BOSTON, Dec. 27.- A. C. Wheelwright, part owner of the schr. Fannie Earl, is now satisfied that the vessel sunk off Kennebunkport, is not the Earl. He learned today the wreck off the Maine coast was seen there Dec. 9, two days before the Earl left Provincetown for Rockland. He also received information that the Earl was seen on Dec. 16 off the Isle of Shoals with foresail blown away, and it is probable that she had put to sea before the northwest gale. While there has been ample time for her to make her way to the coast since then, it is hoped she is afloat and will report in due time.

HALIFAX SYDNEY LINE

HALIFAX, N. S., Dec. 27-The Halifax Board of Trade have contracted with the Dominion Coal Company to put on a direct steamer between Halifax and Sylney. The steamer will make weekly trips and will begin the service next Thursday. Halifax guarantees a certain weekly freight. The

CHINA DIFFICULTY.

Chinese Newspapers Object to the Proposed Peace Terms.

perty which was described in Court Objects to Reducing the Forts and Allowing Permanent Guards.

> SHANGHAI, Dec. 27.-The Chinese newspapers here object to the proposed peace terms. The Universal Gazetteconsiders that the princes and officials who are to be punished should be named.

It is questionable whether General Tung Fu Hslang is included among Tung Fu Hslang is included among those punishable; and so far as Prince Tuan is concerned, it is well known that the Chinese peace commissioners have been instructed not to consent to any punishment of any person of royal blood exceeding imprisonment.

Some of the native journals hold

that the presence of permanent legation gaards will render the emperor's return impossible, because these would be a menace to the court. "China," says one of them, "would

prohibited from increasing her milltary strength and the powers, therefor, would renew hostilities again and the people would be mowed down like PEKIN, Dec. 27.— Li Hung Chang

and Prince Ching, the Chinese peace commissioners, have heard from Emperor Kwang Su. The court objects stremucusly to reducing the forts, and also to allowing permanent guards, which it seems to think, could be made sufficiently large at any time in order to menace the court itself. After a con-ference, Barl Li and Prince Ching decided to hold further communication with the court before seeing the min-

OTTAWA.

re the First Contingent.

of a British Columbia Man-Kingston Man Wounded.

OTTAWA, Dec. 27.-Official reports of the stay of the balance of the first contingent in England and the trip home on the steamer Lake Champlain reached the department of militia today. The former is a voluminous record, a small volume in fact, detailing the various receptions and other honors paid to the contingent, and including even a copy of the sermon preached to the Royal Canadians in Westminster Abbey by Canon Wilberforce. Col. Otter in the second reports speaks of the Lake Champlain as a most comfortable and steady ship. He adds in the matter of accommodation: I stated in my last letter both quartering and messing were everything that could be desired, and since then I have had no reason to change my opinion In fact, we have been supplied with many extras and nothing left undone by the ship's officers to make our passage most comfortable.

Col. Otter reports the court martial of four men on board, two of them who belonged to the permanent corps, having "previously given much trouble." A cable from Sir Alfred Milner says

that Pte. W. H. Ingraham of Grand Prairie, B. C., was killed, and Corp. C. R. McDonnell of Kingston, wounded at Elocalan, on Dec. 22nd. Both were members of Strathcona's Horse. Winston Churchill, M. P., lectured tonight on his experiences in the South

African war to a crowded audience. Hon. Mr. Fielding presided. The patriotic fund committee made a grant of \$1,000 to Trooper Mulloy, who lost his eyesight in action in

South Africa. ENGLAND'S NEXT CENSUS MAY, they also had with them the pipe of ALARM.

Stated It Will Reveal a Startling

Shrinkage in Native British Race. LONDON, Dec. 24.—Population cal-

culations predict that the decennial census of the United Kingdom, which will be taken next year, will reveal a startling shrinkage in the native Britrace. According to estimates issued by the registrar general, England, Scotland, Ireland and Wales will contain on April 1 .1901, a population of 41,297,000, compared with 38,104,000 in 1891, or a total increase of 3,193,000, which amounts to only 8.40 per cent., being 3.15 per cent. less increase than

in the preceding decade, and 3.5 per cent, below the lowest ratio of increase recorded in any previous decade.

London expects to hold its own as the biggest city on earth. According to the expectation of the registrate general, M will return a population of four million five hundred thousand. four million five hundred thousand four million five hundred thousand for the city proper, or a modest gain of three hundred thousand since 1896, when a municipal census was made. By including, however, the population of the whole of "Greater London," which takes in a dezen suburban towns within a radius of about fifteen miles without any distinct demarks tion, the total will probably reach six million and a half.

For the first time the census will ex-

million and a half.

For the first time the census will exhibit the nationality of aliens living in the British isles. There is keen speculation here as to how many americans will be found to be living under the protecting folds of the Union lack. When the last census was taken the American colony was so instanticant that it was not considered was the of a micro in the folds of the way that the last census was so instanticant that it was not considered. worthy of a place in the table of for-eign residents. Now Uncle Sam's British sons and daughters run into the tens of thousands. Conservative estimates place their number ar hard-ly less than 25,000, due jointly to their commercial invasion of the kingdom and the continuing popularity of Anglo-American marriages.

CHRISTMAS PRESENTATIONS

The students of the St. John Business College on Friday presented Miss Brown with a valuable gift and an address.

The committee who conducted the North End Laberals' banquet have presented James Boyd and Benjamin T. Logan each with a silk umbrella, in: token of their interest in the work of decorating the hall. Rev. Dr. Wilson was waited upon

Saturday morning by Miss McCiuskey, who, or behalf of his friends at Millidgevil: presented him with an amount of money, accompanied by their best wishes for his comfort and happiness.

E. Perkins, the superintendent of the Portland Rolling Mills, was pre-

sented on Saturday by the employes of the works with a handsome fur col-lar, cap and gloves, with the compliments of the season. A. P. McIntyre, the accountant of the works, was the recipient of a gold-headed cane and a tobacco pouch. Each of the employes was presented with a Christ-

At the Maritime Nail Works, on Saturday evening, the superintendent, F. E. Marvin, was presented by the employes with a fur cap and gloves, accompanied by an address, which was read by S. Kirk. Mr. Marvin replied in a neat speech, in which he referred to the good feeling always prevailing among the employes of the vompany, F. P. Elkin, the accountant for the company, was presented with a handsome travelling case, accompanied also by an address, read by W. J. Kyle.

Elkin suitably responded. On Friday evening last Mr. Chas. H. McKay and John Griffin, two very popular employes of the car cleaning department of the I. C. R., were presented by their fellow workmen with a handsome present each, to Mr. Mc-Kay a beautiful silver mounted briarwood pipe and case, and to Mr. Griffin a handsome came.

The directors of the Maritime Nail Works presented each of their employes with a Christmas turkey. There are over fifty hands employed.

William McGorman, chief of the blacksmithing staff of Waring, White & Co.'s mechanical works, was made the recipient of a cash gift in gold on Saturday by his fellow workmen. The employes of this concern in general made up a \$35 purse for their injured fellow employe, Jack Downey.

This afternoon the travelling and accountant staff of H. F. Finlay, wholesale grocer, presented their employer with a beautiful gold-headed cane, suitably inscribed. Scott E. Morrill unexpectedly was

made glad for Christmas. Two delegations invaded his office one from the motormen and the other from the conductors of the Street Railway. Although they had with them a cane and a set of carvers, their mission was one of good will, for besides these articles

peace. On behalf of the motormen, Mr. Morrill was asked to accept a beautiful ebony gold-headed cane, suitably engraved. The conductors' delegation next asked him to accept a handsome carving set, as well as case containing a pipe, that would even tempt an anti-tobacco leaguer to indulge in the solace of the weed: Dr. Macaulay, house physician at the Gene al Public Hospital, was pre sented with a pair of silver mounted military hair brushes, and Dr. Morris with an English plate-glass shaving mirror by the nursing staff. The hospital matron was remembered with a handsome silver urn fro mher assist

