

Equitable Litigation

Move Made to Block the Proposed Mutualization of Company.

Eighty Million Surplus the Bone of Contention in the Court.

Huge Excess Over the Legal Requirements Pointed Out by Counsel.

NEW YORK, April 11.—Today's proceedings before Justice Maddox in the trial of the Equitable Life Assurance Society's mutualization plan were enlivened by an attack made by Edward M. Shepard, counsel for Lord, on Francis Hendricks, state superintendent of insurance. Mr. Shepard declared that Mr. Hendricks had refused his plan was under consideration, although at the same time he was in conference with the attorneys for the society's officers. Mr. Shepard declared that Mr. Hendricks had forced Mr. Lord to remain in utter darkness while he had rushed through the mutualization plan with the representatives of the directors.

Another Feature of the Hearing was the Announcement by Geo. Seabriske, as Counsel for Chas. W. Morse, that his Client Wished to Intervene in the Suit for Mr. Lord.

Mr. Seabriske Informed the Court that his Client was the Owner of Fifteen Shares of Equitable Stock.

Mr. Undermeyer gave formal notice that he would intervene in behalf of James H. Hornblower, who said he represented the Equitable Society and its 600,000 policy holders contended that the stockholders' privilege to vote for directors was being infringed.

There was considerable argument also between Mr. Undermeyer and Mr. Hornblower as to whether the Equitable Society's surplus above reserve requirements. Of the \$80,000,000 carried as surplus, Mr. Hornblower said \$70,000,000 should be considered as reserved to meet obligations. This left \$10,000,000 clear, in which, however, he said, the money belonged to the policy holders.

Mr. Undermeyer questioned the placing of the reserve to meet obligations at \$70,000,000, and said that the court had not decided \$40,000,000 to be a sufficient reserve fund to meet this.

Mr. Hornblower did not reply. At the close of the hearing, Justice Maddox gave the lawyers until Friday to file briefs.

IN DEATH NOT DIVIDED. Strange Tragedy of the Gulf of Georgia—Survivor Is Rescued.

Drifting about on the Gulf of Georgia Saturday was an overturned fishing boat. There would be no story in the incident were it not that a man was clinging to the bottom of the craft. This man was an Indian, and he was delivered from his perilous situation by the steamer Otter, which came across the castaway about fifteen miles from Plumper Pass.

It was not even this fact which made the occurrence notable to the Otter's crew. Overturned boats are not an altogether unusual sight, and survivors are not infrequently rescued in similar cases.

But in this experience there was an odd feature. An Indian was being lifted from his treacherous saddle, he pointed downward and said: "My brother is underneath. He died yesterday."

Sure enough the corpse of another Indian was found beneath the boat. The rescued man and the body of his brother were landed at Mayne Island in Plumper Pass.

It seems that the two Indians had started out from the Gap, and their boat was overturned in the water. It was not distinguishable from any great distance, and this may account for the fact, as told by the rescued man, that he had been drifting about, sitting on the bottom, for days.

His brother, it is said, died from exposure and weakness on Friday, the day before, his body being apparently fastened in some way to the boat's gear by the survivor to prevent it drifting away.

When picked up the man was in an exhausted condition.

TRAILING A TRUNK. It Is Supposed to Contain Documentary Evidence Much Desired.

Chicago, April 12.—Secret service operatives are said to be seeking a mysterious trunk, which is missing, and wanted in connection with the federal grand jury's investigation of the packing industry. Six other trunks of a number-series have been seized, but the federal officials fear that unless the seventh is recovered valuable evidence may be lost. The six trunks were taken from the safety deposit vaults in the First National Bank building. In connection with the search for the missing receptacle, government officers are seeking officials of the Aetna Trading Co., who, it is said, may be able to tell the grand jury the meaning of every item contained in the books and papers found in the trunks. The information sought is in raising the price of the goods, and the officials of the company learned that an investigation was to begin their office was closed. Henry C. Godfrey, who was traced by secret service men from Chicago to Toronto, Ont., where all traces of his activities are said to have been in possession of the trunks.

NEWFOUNDLAND FISHERIES. St. John's, Nfld., April 12.—In the House of Assembly tonight, Premier Bonney introduced a bill which provides for the fishing industry. It tends adding to the bill excluding American fishermen from British waters an optional clause providing for the suspension of the restriction by action of the government and council at any time.

This statement is taken to mean that the government has information which indicates the prospect of some arrangement being reached in the United States treaty, with reference to the Bond-Hay deal with the fishing situation as necessarily arises.

BELASCO AND THE TRUST. Abraham Erlanger Denies That Independent Houses Are Crowded Out.

New York, April 12.—The charge made by David Belasco, the playwright, in the trial of his suit to establish his assertion that Klaw & Erlanger were his real partners in the co-partnership that starred David Warfield in "The Auctioneer," and that Abraham L. Erlanger had threatened to drive him out of the theatrical business and crush him, was denied in the court today by Erlanger. He insisted that Belasco should have no trouble in booking his stars in independent theatres, and making James K. Hackett as an illustration, named three in New York, Boston, Philadelphia, and Chicago, and San Francisco, not controlled by the combination, where Hackett could be placed for a season's run.

GETTING BIG STICK READY. Washington Declines to Make Public Castro's Rude Reply.

Washington, April 12.—While the official text of the president's reply to Minister Balfour's arbitration proposal, it may be stated that there was no mention of the American minister in President Castro's statement, so that it should be eventually held to be the property of the United States department rather than by the minister, and therefore it is the former alone who have a hearing upon the matter. The true of an inquiry from the Venezuelan government as to whether the United States presumed to question the integrity of the Venezuelan courts, the inquiry being couched in rather vigorous language.

WEEKLY WEATHER SYNOPSIS. Victoria Meteorological Office.

April 5 to 11, 1905. The ocean disturbance which at the close of last week was approaching Vancouver Island passed inland over the northern part of the province, weather conditions improved and the atmospheric pressure has been remarkably steady during the whole week. Although the nights have been cold and one or two frosts have occurred in this district and on the lower mainland, the weather has considerably advanced, owing to the increase of bright sunshine and the resulting higher temperature. The rainfall has been unusually light and more is needed for fruit trees and crops of all kinds; it is reported that in lowest and wetter parts of the upper mainland, the crop area will be less than usual, owing to the fear of the drought, especially where irrigation is necessary. In the lower districts also the snowfall has been very light, and the winter, and consequently a shortage of water is anticipated during the coming summer, which will interfere with hydraulic operations. In the series of low pressure areas have prevailed throughout the entire week, the weather has been cold and snowfall has occurred in almost all sections.

At Victoria 51 hours and 40 minutes of bright sunshine registered; the highest temperature was 62.1 on the 10th; lowest, 34.7, on the 8th; only a trace of rain on the 7th, 8th and 10th; rain 0.28 inch.

At Kamloops—Highest temperature, 74.0 on the 10th; lowest, 30.0 on the 8th; no precipitation.

At Barkerville—Highest temperature, 54.0 on the 10th; lowest, 19.0 on the 9th; no precipitation.

At Port Simpson—Highest temperature, 52.0 on the 10th; lowest, 30.0 on the 8th; no precipitation.

At Dawson—Highest temperature, 48.0 on the 10th; lowest, 14.0 on the 8th; precipitation, 0.23 inch.

NEWS OF GRAND FORKS. Interesting Items of the Camps in the Boundary.

Grand Forks, April 11.—(Special)—George Coleman, a resident of this city, who was employed as blacksmith at the Granby smelter, died last night at the First National Bank building. The funeral was held at the residence of Mrs. M. E. Reaney, who is filling the position of the smelter which has become vacant owing to the death of Mr. Coleman.

Geo. A. McLeod, of the mine, accompanied by W. A. Harkley has returned from a tour of inspection of the mine. He reports that the mine is in good condition and that the prospecting of the mine is being carried on by some of our citizens.

It is understood that the Victoria Hotel, which was damaged recently by fire, will be repaired at once and will in all probability be occupied by Mr. John Holmes, its former occupant.

John Holmes, a prospector of this section, who is working on Hardy mountain properties, is authority for the fact that the mine workings in the tunnel on the Sunset Fraction some six feet of solid ore was encountered. The ore is of high grade copper ore. It is expected that this strike will be of great importance to Hardy mountain camp.

Thomas Newby, one of the owners of the Gloucester mill in Franklin camp, came down from the mine yesterday, where he has been developing that property for some weeks past. He reports that the mine workings have been very good in some one hundred feet, and is in solid ore. He says that active development work will be carried on all summer. He also says that the mine is pretty well out of the hills in that upper country, making the roads to the various mines quite passable. The Gloucester will be one of the very early shippers in Franklin camp, and has a big showing of copper gold ore.

Inspector J. C. Clute, of the customs department, and J. C. Bourne, special auditor of the same department, who have been on a tour of inspection of the Grand Forks customs office for the past ten days, have completed their work and returned to the coast.

THE DIFFERENCE THEN AND NOW. Sir Wilfrid Laurier claims that separate schools should remain in the constitution of the new Province because they have been in force and operation since 1875. That was not his view in 1890, when he was arguing against their permanency. On the contrary, he said in the House: "It is impossible to admit, for instance, that the institutions of the province are permanent. On the contrary, they are exceptionally temporary; they deal with a state of things which is exceptional in itself; no law is devised at a time when there is no population, and they must be modified from time to time as the necessities of the country require. But let me mention to say they are permanent is a thing in which I cannot agree, except so far as they may be permanent in every particular, so long as we are not ready to give these people a more extended form of local authority."

MAYOR DUNNE INSTALLED. Chicago, April 10.—Edward F. Dunne was installed as mayor of Chicago tonight in a most simple manner.

Home Rule For Ireland

Midnight Discussion in Commons on Question of Policy.

Leader of the Opposition Taken to Task for Speeches on Subject.

Fleary Irish Leader Would Advocate Armed Revolt if Necessary.

LONDON, April 13.—Home rule for Ireland was discussed at tonight's session of the House of Commons. The government was well represented. Premier Balfour was greeted with ironical opposition cheers when he entered. Mr. T. B. Spence (Conservative) called the attention of the House to speeches by certain members of the opposition on Home Rule for Ireland, and moved that the principle underlying these various leaders on the subject of home rule the House decide it expedient for the member for Stirlingburgh (Sir Henry Campbell-Bannerman) to explain and declare whether it is the intention to recommend to the electors of the United Kingdom the policy of establishing a parliament in Ireland. Sir Walter Plummer (Conservative) seconded the motion.

Sir Henry Campbell-Bannerman caustically congratulated Mr. Balfour on his presence in the House tonight when an abstract motion was not being specifically presented which would not come before parliament. The speaker declined to give a direct reply to the motion. He said it was not necessary to relate the record of the Liberal party for twenty years had labored unceasingly to secure good government for Ireland. He said the principle underlying these efforts was that self-government should be created. He would endeavor to bring it to a successful issue.

Would Advocate Armed Revolt. John E. Redmond declared that Ireland demanded home rule as a right. If there were the smallest reasonable prospect of success he would not hesitate to advise his countrymen to take the situation by an armed revolt, but they desired to terminate the ancient quarrel upon terms of equality and honorable to both nations. He then turned to Mr. Henry Campbell-Bannerman for his declaration, but said the radical party would find this question an insistent one, which would knock loudly at the door of the next parliament.

Premier Balfour spoke briefly, alluding ironically to the discussion among the opposition leaders upon their policy and declaring that if the Liberals returned a large majority at the next elections Irishmen might wish to emerge with a small majority they would certainly in heaven's name demand justice to Ireland.

Secret Business of Packers Disclosed by Contents of Eight Trunks. Chicago, April 11.—Further and full investigation by the federal grand jury, which is inquiring into the alleged methods of the alleged beef trust, it is reported to result from the examination of the contents of eight trunks taken yesterday from the secret vaults in the First National Bank building. The trunks were opened, it is said in the presence of the public, and the contents were disclosed. The Aetna Trading Co., a corporation, which the alleged secret business of the packers was transacted, were revealed to the grand jury. The contents of the trunks and contents have been impounded on an order by Judge Sanborn so that the grand jury may obtain possession of them. Among the names of the new witnesses subpoenaed today are said to be those of G. B. Godfrey, alleged secretary and treasurer of the Aetna Trading Co., and R. E. Cowan, another officer of the company. The initials "R. E. C." appear on each of the trunks taken from the depository vaults, and it is believed they belong to Cowan. Godfrey and Cowan, it is asserted, left Chicago the day the investigation by the grand jury began. They recently were in Toronto, Ont., where it is said all trace of them was lost.

MONEY TALKED LOUDER. Objections to Rockefeller Donation Not Sufficient to Justify Rejection. Boston, Mass., April 12.—A statement was made public today by the presidential committee of the American board of commissioners of foreign missions, which yesterday voted to accept the \$100,000 Rockefeller donation. The board of the money, but a majority of the committee adopted the report of a sub-committee recommending the acceptance of the money, but a majority of the board protested against the congressional clerk's final action was deferred until yesterday, when a supplementary report was made by the sub-committee. The report together with that of two weeks ago was adopted. The supplementary report which was made public today takes up the objections of the protestants and asserts that they are not sufficient to prevent the board from accepting the money.

SETTLEMENT REACHED. Litigation Over Judgments in Celebrated Mining Case Ends. Nelson, April 12.—S. S. Taylor, K. C., of this city, has effected an amicable settlement of the long pending litigation between the West End and Star mines of Rossland and the Western Star Mining Union. The settlement was effected by the me of over \$50,000. Under former manager Kirby these judgments against the federation, union and several of the me manager, has followed a different course.

ITALY SENTENCED. Ithaca, N. Y., April 11.—Carlo's killing an Italian convicted of the crime of killing his fellow countryman, Louis Foral, was sentenced this morning to death in the electric chair at Auburn prison during the week beginning May 15.

THEIR MAJESTIES STORMBOUND. Another Link Forged

Russian Lawyers Advocate the Formation of National Reform League.

Would Unite Activities of All the Learned Professions of the Nation.

Meetings Held in Spite of the Police Interdiction and Pickets.

RECALTRANT LAWYERS. Pan-Russian Congress of Attorneys Defy the Authorities.

St. Petersburg, April 11.—Another meeting of the pan-Russian congress of attorneys was held here today, and was devoted to the discussion of the reform of the autocratic regime and the proclamation of a democratic constitution on the basis of universal suffrage and equal rights for all citizens. It is announced that the attorneys intend to conduct a propaganda throughout the empire, and if necessary to employ physical resistance to arbitrary action by the authorities. Two arrests have been made, and the authorities were not intimidated, and one defiance of the authorities was evident. At another meeting, held tonight, the attorneys decided to send a delegation of barristers to the police to demand the revocation of the resolutions in which it was proposed to furnish the people with arms to resist the police. The meeting tonight decided that such an action would defeat the entire object of the association.

NEBOGATOFF SIGHTED. London, April 12.—A despatch from Jubail, in the Gulf of Aden, to the Daily Mail says "Vice-Admiral Nebogatoff's fleet has been seen, cruising near Socatra. It is reported to be awaiting reinforcement from the Black Sea fleet."

COQUETTING WITH MOROCCO. Dusky Sultan Refuses French Overtures and Invites German Visitors.

London, April 12.—The Tangier correspondent of the Times writes that the advisers of the Sultan of Morocco proposed to the French government to return from Fez to Tangier, where the Sultan's definite refusal to accept the proposed reforms will be officially communicated. The correspondent says that Germany will accept the Sultan's invitation to send a mission to Morocco to negotiate a new commercial treaty and to discuss the best means of procuring an European convention on the Moroccan coast. The only stockholders present at the meeting were E. T. Nicholas, general counsel, with P. C. Lough and Nicholas.

NORTHERN SECURITIES CO. Report That E. H. Harriman Failed to Be Re-elected Director.

New York, April 11.—The annual meeting of the stockholders of the Northern Securities Co. in Hoboken today elected five directors, of whom E. H. Harriman is a new member. Robert Bacon, D. Willis James, John S. Kennedy and Edward T. Nichols were re-elected directors. The only stockholders present at the meeting were E. T. Nicholas, general counsel, with P. C. Lough and Nicholas.

FIRE AT VAN ANDA. Dr. Christie's Fine Residence Burned—Island's Mining Progress.

Van Anda, April 8.—(Special)—On Friday morning last the town of Van Anda was visited by a great fire, which destroyed the four long whistles of the Marble Bay mines, and the order sent down below for all hands to hurry up to the discovery of fire in Dr. Christie's residence on Columbia street. The fire got so out of control before it was discovered that the employees of the company could do the structure was burnt to the ground. The cause of the fire is not yet known, but it is believed that the fire was caused by a gas leak from the mine. The fire was extinguished by the fire department, and the building was saved as well as other household effects. The lack of water, within an available distance, made it from the first impossible to save the building.

On Saturday morning shortly before 1 o'clock residents of Chinatown were awakened by several loud yells which proceeded from the bed of a sleeping countryman, and they rushed in to the room to the bed and found that the Chinaman was dead. On Friday he was one of the men sent by the Marble Bay Co. to help at the fire, and up to 10 o'clock on that night appeared hale and hearty, at which time he retired to bed. The cause of death seems to be a mystery. He was buried on Saturday by his countrymen at Van Anda. He had worked at the "Bay" mines for some years.

Not Positive About Smith. Hymen Smith, the pawnbroker, who sold the revolver with which Caesar Young was killed, was in the court of general sessions when J. Morgan Smith and his wife were arraigned on a charge of conspiracy. It was alleged at the trial of Nan Patterson that Stern had the revolver to Smith, whom it was expected Stern would identify.

Before going into court Stern said he was doubtful if he could positively identify Smith. He said he saw many people in his business it was impossible to remember them all. After the case had been put over until Friday at the request of counsel.

GORKY IN THE CRIMEA. Yalta, Crimea, April 12.—Maxim Gorky and Leonide Andreeff, the radical writers who were arrested in connection with the alleged plan to overthrow the provisional government in place of the autocracy, have arrived here from Biga.

DUNNE'S OVERTURES FAIL. Chicago's New Mayor Unable to Arrange Labor Troubles.

Chicago, April 12.—An effort made today by Mayor E. F. Dunne, to have the suiters' seven Montgomery Ward & Co. and their striking employees submitted to arbitration, was unsuccessful, and the indications are that the struggle will be continued. Mr. Dunne's offer to act as mediator was declined by the employers, who explained that the strikers had broken their agreement by ordering the sympathy strikers in an effort to bring about a settlement of the garment workers' difficulties. The several classes of strikers between the police and strike sympathizers, but no one was seriously hurt.

JAPANESE BATTLESHIP YASHIMA. Reported Sinking of Vessel Last June May Have Been Error.

London, April 13.—The Daily Telegraph's Tokio correspondent this morning in a comparative statement of the strength of the fighting fleets of Japan and Russia claims that the Japanese have four battleships. The Daily Telegraph considers that this disposition of the fleet is a serious blow to the Japanese navy. Despatches from Chefoo stating that the Japanese battleship Yashima had been sunk by a mine off Dalny in June last.

MONORAIL IS APPROVED. Committee Endorses Invention in Which Victorians Are Interested.

Ottawa, April 12.—(Special)—The private bills committee has passed the bill legalizing the monorail railway invention of Mr. J. J. Joly, in which a number of Victorian gentlemen are interested. Their object is to promote the construction of light railways in British Columbia. The Vancouver and Coast to Kootenay railway bill passed its second reading in the Commons. A proposed intercolonial railway employment bill was introduced to establish a pension fund in connection with government railways.

The Conservative caucus decided today that it would not be possible to conclude the autonomy debate before Easter. Five speakers addressed the House today.

The Senate has adjourned until May 3. A return shows a total of land areas granted to railways in the Dominion of 30,569,354 acres, of which the Dominion Columbia 2,923,007 acres have been granted.

U. S. AMBASSADOR TO RUSSIA. Mr. Meyer Receives Cordial Welcome From Emperor Nicholas.

St. Petersburg, April 12.—Ambassador Meyer today presented his letters of credence to Emperor Nicholas at Tsarskoye Selo. In diplomatic circles the great interest is manifested at the first interview between the Emperor and the new ambassador. It is widely spread belief that President Roosevelt has already allowed the intimation to be conveyed to the Emperor that he stands ready, upon the Emperor's part, to undertake the promotion of peace. It is supposed that Mr. Meyer today delivered a confidential communication to His Majesty from President Roosevelt. Mr. Meyer was first presented to the Emperor by the Emperor's mother, who presented the ambassador to the Emperor in the Emperor's private apartments, as well as of the government of the United States. Ambassador Meyer met the Emperor and his family in a friendly and cordial manner.

DOMINION NEWS NOTES. Montreal Harbor Board About to Be Abolished—Other Items.

Toronto, April 12.—J. B. Hill, the St. Thomas bankrupt, convicted of obtaining goods from wholesalers by means of a check, was sentenced to the county jail for six months. Hill denied his guilt.

Eliza Sweatman, who was operated upon yesterday morning, is reported today to be making good progress and is a prospect of his recovery.

Ontario registrar-general reports the population of Ontario for the year ending Dec. 31, 1904, as 2,198,392, and the number of births, including still births, was 48,742, of which number 25,071 were males and 23,671 females. This shows a rate of 22.1 per thousand of all Europeans according to the returns of 1900, the latest available, with the exception of France, in which country it was 21.9 per cent.

Rider Haggard, the well known author, was a guest at the annual luncheon today, and gave that body a very interesting and brief address. After a few humorous sallies at the colossal nerve of the American reporter, with whom he had come in contact frequently of late, he launched into the scheme which has brought him to Canada—that of furthering immigration of British subjects under Salvation Army colonization. He is firmly convinced that disaster will overtake the nation unless it is possible to divert a continuous procession of people to great cities. The only salvation lies in getting people back to the land in some way and he is very enthusiastic of the part Canada can play in that scheme of reformation.

Dr. John Herd, a professor of medicine at Queen's University, Kingston, died this morning at the general hospital, where he had been under treatment for kidney trouble. Dr. Herd was born in Scotland in 1855. He was a son of Rev. John Herd, late Presbyterian minister at Dundee. He graduated at Queen's in arts in 1876 and in medicine in 1884, soon after joining the staff of the hospital.

Harbor Board to Go. Montreal, April 12.—In government circles it is reported today that the abolition of the Montreal harbor board as now stands has been practically decided upon. It is said that the government has come to the conclusion to assume control of Montreal harbor and take over the debt. It is not expected that legislation will be introduced in this connection, the only question remaining to be settled is when the change shall go into effect.

Quebec, April 12.—The steamer King Edward, Capt. Bernier, opened navigation today. She left port at 4 o'clock this morning for Bennington point and way places on the first trip of the season. She has on board 25 cabin, 200 steerage passengers, men's and women's cargo.

THE CASE OF PRINCE EDWARD ISLAND. A delegation has been at Ottawa discussing the claims of Prince Edward Island for a tunnel through the province. The experience of the province has been very severe, owing to the snowstorms which raged for five or six weeks, as a consequence, the trains moved and for a longer time there was no communication by mail with the outside world. The hardship occasioned by a shortage of food for stock, as a result of which many animals died. Notwithstanding that a vast undertaking, a tunnel would be a vast undertaking, it is being supported by the people of the Maritime Provinces generally as a matter of necessity in the interests of trade and commerce. Nearly every winter communication is interrupted, if not by the ice, in 1901, we think it was the Dominion Government made a settlement with the Island Government, in which the sum of \$35,000 per annum was made for the purpose of the Dominion Government to fulfill the Terms of Union by maintaining regular communication. We presume that if the Government should entertain a proposition for a tunnel that the allowance for \$35,000 per annum will be dropped. The people of the rest of Canada will have every sympathy with their political condition, who are so isolated at times, and will not object to reasonable expenditure in order to relieve them.

TYPTHETAE FOR NIAGARA. Kansas City, April 11.—The executive committee of the United Typothetae of America today decided to hold the convention on Sept. 4 next at Niagara Falls, N. Y.