

HIGHER COURT

Will Probably be Asked to Consider Affidavits in Slorah Case.

JUSTICE DUGAS OUTLINES TENOR

Of the Decision He Will Probably Reach Tomorrow.

LIKELY TO BE UNFAVORABLE

To Prisoner Who Still Has a Hope of Ultimate Success in Getting Another Trial.

From Monday and Tuesday's Daily. Hearing of argument in the Slorah case was resumed at 2 p. m. yesterday, Attorney Bleeker citing a number of objections made by himself at the time of the trial.

Regarding the affidavits, Mr. Bleeker spoke of that of Jarvis.

Mr. Wade objected to the introduction of affidavits, and Mr. Bleeker said:

"I hate to go into the argument of this again, as I understood your lordship to rule that the affidavits of jurymen dealing with matters outside the jury room was admissible.

Judge Dugas said that such evidence should be received.

Mr. Wade objected on the ground that the justice had no jurisdiction.

The objection was noted, and Mr. Bleeker continued by going into the gist of Jarvis' evidence, or at least such part of it as is allowable.

"Susie Vernon," said the attorney, "passed the door of the jury room and beckoned Jarvis to come out into the hall, which he did. She laid her hand upon his shoulder and said 'Don't, don't; for God's sake, don't do it.'"

Then the attorney went on to show what she must have meant by that, and cited cases which he considered bore directly upon the law governing this one.

The next affidavit referred to was that of Fred J. Wilson, who testifies that he, together with Jurymen Wilkins on the Sunday evening previous to the discharge of the jury, were in the parlor of the lodginghouse above the Green Tree saloon, and that with them were Josie Gordon and Cecil Marion, who sang for them, after which they went down stairs into one of the boxes of the restaurant, where they had drinks and a lunch. The party was there during about a half an hour.

He made a second sworn statement later which denied the use of intoxicating drinks by himself or Wilkins.

The further evidence contained in the statement was to the effect that liquors were obtainable by the jury.

Coming at length to the portion of his motion on the ground of misdirection the attorney for the condemned man cited the judge's charge to the jury, and claimed that there had been grounds in the evidence sufficient to warrant the jury's finding a verdict of manslaughter contrary to direction.

In furtherance of his argument he cited the evidence of Susie Vernon concerning the number of shots fired which she said in some place were a certain number, approximately, and in others that she was excited and could not tell the number.

Crown Prosecutor Wade then met the arguments of Attorney Bleeker by saying that Mr. Wilson's actions were rather extraordinary. He had made an affidavit which set forth as previously related, that he had had sundry drinks in a box of the Holborn, and that aforesaid drinks had been of an intoxicating nature.

He had later made a further statement under oath denying the statement of the first affidavit concerning the nature of the drinks, and also said they had not been allowed to get such drinks. He produced affidavits from Sergeant Marshall and Constable Borrows contradicting Wilson's affidavit.

Sergeant Marshall also contradicts the evidence of Wilson concerning the statement that the waiters were allowed

to visit the jury rooms in the service of meals or anything else.

An affidavit from Walter Babb states that F. J. Wilson, who was at the time of the killing, connected with the Yukon Sun, and that one Warrington also a reporter of the same paper, and that they frequently visited the Holborn and seemed anxious to obtain some evidence going to show that a theory advanced by the Yukon Sun at that time contrary to the guilt of the prisoner.

The deponent sets forth that he had told them their theory was crazy and he refused to have anything to say to them.

Proprietor Hall, of the Holborn, made affidavit to the effect that he had heard the said F. J. Wilson make remarks concerning Sergeant Marshall which he construed as a threat to ruin the said Sergeant Marshall.

Concerning the affidavits of Smith and Nesbitt Mr. Wade said that thus far cases were not being tried by newspapers or their representatives and he considered them irrelevant.

Mr. Bleeker did not contest the point, but withdrew the affidavits. He cited a number of cases sustaining his point, and then referred to the point raised by the defense regarding the alleged misdirection of the court.

He maintained that his opponent could not bring this point except in pursuance of points upon which the defense had taken exceptions during the trial, and cited some more cases to this end.

In bringing the hearing of argument to a close Justice Dugas said:

"Knowing that time would be a great factor in this matter I have taken it upon myself to look into the matter, and post myself as thoroughly as possible on its issues before hand, and while I cannot, at this time render a decision, I am inclined to think that my decision will be against the defense."

There will be no court in Justice Dugas' room today, as he finds it necessary to devote the whole day to arriving at a decision in the matter argued yesterday.

Although Slorah's case, so far as a new trial here on the grounds set forth yesterday is concerned, is practically without hope, he still has the strong chance of securing further hearing through the submitting of the affidavits of Jarvis and Wilson to the minister of justice at Ottawa, which step will probably be taken forthwith.

Weather Prophecy.

Weather prophecies have long been the butt of popular jests and in most cases with justice, for such guesses have usually been wide of the mark. When, however, a weather prophet, and a self constituted one at that, predicts within one day the date of so terrific a cyclone as that which devastated Galveston his future opinions should be regarded with considerable respect. Ten months before the Galveston visitation Andrew Jackson Devoe, weather prophet, of Hackensack, N. J., predicted it.

His forecast was printed on the September page of an almanac and read as follows: "On the 9th a great cyclone will form over the gulf of Mexico and move up the Atlantic coast, causing very heavy rains from Florida to Maine from the 10th to the 12th." It is positively proved that this prediction was sent out toward the end of last year. Scoffers may say that it was only a lucky guess, but they cannot impugn its authenticity or accuracy.

Besides this, Prof. Devoe predicted within two days the floods that wrought such destruction at Austin, Tex., in April.

Andrew Jackson Devoe, meteorologist, as he styles himself, has been for years before the public as a weather prophet. He has been scoffed at and derided, and the government has consistently refused to recognize him, but withal he has gone on prophesying. The light seems to be breaking for him, and the remarkable accuracy of many of his predictions seems about to be universally acknowledged, although many persons have believed in him for years. He is a resident of Hackensack, N. J., and a member of the school board of his town. He is also engaged in business there, for in weather prophesying the financial returns are very slim.

Prof. Devoe is about 40 years of age, married and has several children. He is not without honor in his own country, for he is well thought of by his townsmen. He explains his theory of the weather thus: "After many years of careful investigation I have discovered the law which causes storms to form and draws them in their course as they travel over our earth's surface. It is a difficult law to explain, but I would call it electrical magnetism, and the force and power of its energy are decreased or increased just in proportion as certain astronomical conditions approach or recede from our earth.

When the great Creator created our earth and the heavens above it, he established a law, and by that law every thing on and above our earth is perpetually balanced. Therefore, when one great storm belt forms over the United States it must have its counterpart in Asia. I have learned by observation that the surface of our earth is divided into wet and dry belts, and that these wet and dry belts are controlled by astronomical law; that they can be located years in advance; that although they may change their positions on our earth's surface every two or three months, yet they move by law, and their future positions can be determined by applying that law.—Ex.

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CURRENT COMMENT

"The idea that vegetables should be kept in warm storage, artificially heated, is entirely wrong," said Ezra Meeker, commission merchant. "When warm air is introduced in a warehouse it creates a great difference in the temperature between the floor and ceiling as the warm air rises to the top, while below the cold air is constantly circulating. I do not use artificial heat in my warehouse, the only heat introduced being the leakage from our living rooms which is an inconsiderable amount. Vegetables contain natural heat which if confined in a closely built warehouse is sufficient in itself to keep the temperature at the right degree of heat. I find that potatoes and in fact nearly all vegetables will stand eight degrees of frost without freezing, that is a temperature of 24 above. Parsnips will do well in a much lower temperature. Eggs should be kept at about 20 or 24."

"A most delicious dessert can be made by using canned strawberries from which a strawberry shortcake is made in four layers, leaving a layer of strawberries on top of the cake. Then take canned cream and whip it, allowing the same to freeze, after which it can be readily whipped again and added to the top layer of strawberries. If properly made this will be found to be a most delicious dish." The informant is one of Dawson's leading chefs.

"Coal oil will freeze at 60 below," said C. W. Tennant, of the Standard Oil Co. "It will thicken some before reaching that degree of cold, but at 60 it will take the consistency of mush. You should never fill a lamp within one inch of the top in extreme cold weather," he added, "for coal oil prior to congealing, contracts considerably and will again expand from the heat of the flame, consequently it will flow out through the vents in the receptacle with the chances in favor of its igniting."

"That button was sewed on by a woman," said George Brewett, as he critically examined an overcoat which was brought to his shop for repairs. When asked how he knew he answered: "You can tell easily." First, cotton thread is used; a tailor would never use cotton for sewing buttons; again, the thread is not pulled down evenly which make the button depend for its strength upon one or two threads which soon break and the balance of the stitches follow quickly. A tailor by working the button while sewing it on makes every stitch of equal strength, consequently its tenacity is measured by the number of threads run through the button."

Lord Alverstone.

The official announcement was made the other day that Lord Alverstone, better known as Sir Richard Webster, has been appointed Lord Chief Justice of England, succeeding the late Baron Russell, of Killowen. Lord Alverstone's successor as Master of Rolls is Justice A. L. Smith.

Richard Everard Webster, first Baron Alverstone, was born at Swineshead Abbey, Lincolnshire, on December 22, 1842. He was educated at King's college and the Charterhouse schools and at Trinity college, Cambridge. He was a noted athlete at the university and beat the Oxford men in the one and two mile races. On being called to the bar in 1868, he joined the home circuit, and, although a comparatively dull man among the great lights of the English bar, he was cool, lucid and hardworking, so that he got along rapidly from the start, and was made a queen's counsel in 1878.

In June, 1885, he was appointed attorney general in the first Salisbury ministry, and held the same office from 1886 to 1892, and from 1895 until a few months ago, when he was appointed Master of the Rolls, and was raised to the peerage.

Lord Alverstone appeared in behalf of the London Times before the Parnell commission, and was one of the British representatives in the Behring sea arbitration case, and also in the Venezuela boundary case.—Ex.

SLIGHT MISUNDERSTANDING

How a Young Girl Married a Lunatic.

And Lived Happily With Him Until Death—Strange Experience of a Noble Woman.

"Ruth, Ruth, it's important; I want you"—from the farther side of my door.

I had resolved to devote the morning to study, but, mother being on the continent, I felt a certain responsibility for my beautiful younger sister. The "important" decided me. "What is it?" I asked as she entered the room.

"You'll never guess. Lord Avonmouth has proposed."

"But you haven't accepted him?" I asked, fearful that inexperienced Joan should trust her life to the man with the worst reputation in the country.

"Why not?"

"You don't know anything about him."

"Don't I? He's the most charming man I ever met, and I certainly said 'yes.'"

"What will mother say?" I asked, as Joan, not at all disconcerted at my cool reception of her news, left my room, humming the refrain of a song. Perplexed with the situation that had suddenly arisen, I went down stairs to find our old friend and neighbor, Jack Villiers, of whose presence the exigencies of the diplomatic service, to which he belonged, would soon deprive us. I told him of my troubles, and ended by asking his advice.

Ten minutes later he said:

"This is my idea: Joan is impressionable. I have an old friend in town who has a rare knack of fascinating girls. I'll get him down for a week's shoot. If he devotes his time to Joan it may destroy her inclination for Avonmouth."

The plan seemed feasible. I prayed that Joan's affections would be diverted from their objectionable object.

Two days later I received a note from Jack saying that his friend had accepted the invitation and was coming today.

When I descended about luncheon time Jack and his friend were the only occupants of the drawing room.

"Let me introduce you to my old friend, Claude Blackwood," said Jack.

I gave my hand mechanically. My thoughts were concerned with Joan's future.

Later I noticed that he had fine eyes and there was plenty of him, but all the same I was disappointed. Perhaps I expected too much.

Soon Lord Avonmouth and Joan strolled in from the garden, and, after the usual commonplaces, we went in to luncheon. Before half an hour had passed I discovered that Captain Blackwood fascinated me and to such an extent that I almost forgot my fears with regard to Joan. She, too, seemed interested. Her white muslin dress, decorated with a red rose at her waist, showed off to advantage her rich young beauty.

After lunch, while Joan and I awaited the men in the rose garden, I was strangely silent. I had only thought for Jack's friend.

When the men had been with us some few minutes Jack maneuvered so that Captain Blackwood and Joan strolled off to inspect some ruins at the farther end of the park.

"Well contrived," whispered Jack as they disappeared from our sight.

"Well contrived," I echoed absently. The next morning we assembled for a ride previously arranged. Jack again managed that Captain Blackwood accompanied Joan.

Though the knowledge that he left my side reluctantly gave me intense secret pleasure, I found myself surrendering to a desire for isolation, and soon I was alone with the softly whispering trees. Their sadness had never seemed so attuned to my mood before.

Horse's hoofs, a beating of my heart, and Jack's friend drew rein beside me. The whispering of the trees was so beautiful I wondered I had not noticed it before.

He did not speak. I summoned courage to glance at his face—only for a moment.

"I think we had better find the others," I said. "I want to speak to Jack."

"Have I offended you?"

He never knew the effort it cost me to curb his ardor when he reminded me of my self imposed duty to Joan.

Ten minutes later Jack was beside me.

"Blackwood said you wanted me."

"I want him to give all his time to Joan. Have you forgotten our compact?"

He was so confused that I said to him, "What's the matter?" Then, as he did not answer, "Surely you can tell me," I said.

"I love Joan, have always loved her, and you know it's hopeless, hopeless."

I did not contradict him.

A week passed, and Captain Blackwood, happily, was still among us. Our

scheme, as far as Joan was concerned, had answered admirably. She had been so distant to Lord Avonmouth that he had betaken himself to Paris. But I had saved Joan by compromising my life's happiness. I loved Captain Blackwood, and I feared with a great fear the day on which he would take his imminent departure.

While he was near I could be almost happy. But I knew the blackness that would supervene when he had gone. He stood before me. I could not look at him.

"Ruth!"

"Goodbye!" I whispered.

"Not goodbye, never goodbye."

"Why?" I timidly whispered.

"I love you, I love you." Then, after a pause, "Have you no word for me?"

Duty to Joan alone restrained me from throwing my arms about his neck.

"Have you no word for me?"

I could not speak. I only shook my head.

When I next had a consciousness of things he was gone.

"Where's Ruth?" cried a voice. It was Joan's. I dried my eyes and summoned the ghost of a smile.

"Here she is!" cried Jack's voice. They entered together.

"Why didn't you come with us to the station? Captain Blackwood was in such a bad temper we left him before the train started," said Joan.

"A good job, too," from Jack.

"Jack!" from Joan.

"It is, Joan and I are engaged. I should never have asked if we hadn't found ourselves alone on the way"—

"What?" I gasped.

For answer Joan took Jack's hand in hers.

"What about Lord Avonmouth?" I asked when a few minutes later Joan and I were alone together.

"I hate him. I always loved Jack, and I knew he loved me, but he wouldn't speak. I pretended to care for Lord Avonmouth as Jack was going away, and—that is the matter, Ruth?"

I had no time and less inclination to explain. I seized a hat and hurried toward the station.

Half way there, I paused for breath. The warning whistle of a train seemed to stab my heart.

"Come back, come back, my love!" I cried.

For answer a cloud of smoke that told me of the departure of the man I loved. All the same I pressed on. Arrived at the station, I almost fell into the arms of the station master, who prided himself on the flowers that decorated his station.

"What's happened, miss?"

"I want a gentleman, but he's gone."

"There's a lunatic here, if that's him, miss."

My attention was drawn to a knot of officials who were watching a tall, well built man, who was viciously striking the heads from the flowers with a walking cane.

"A lunatic!" I gasped.

"Well, miss, he drove for a certain train, but didn't go by it. Ever since he's been spilling my flowers, and he looked so savage none of us liked to interfere."

It was the man I loved.

At that moment the lunatic caught my eyes.

He approached.

"You!"

"Yes, dear."

Our eyes said all that was left unsaid.—Mainly About People.

Spider Cures.

In China spiders are highly esteemed in the treatment of croup. You get from an old wall the webs of seven black spiders—two of which must have the owners sitting in the middle—and pound them up in a mortar with a little powdered alum. The resulting mixture must then be set on fire, and the ashes, when squirted into the throat of the patient, by means of a bamboo tube, are said to effect a certain and immediate cure.

Black spiders are evidently full of medicinal virtue, for they are largely employed in the treatment of ague as well. In Somersetshire, if one is afflicted with the unpleasant ailment, the way to get well is to shut up a large black spider in a box and leave it there till it dies. At the moment of its decease the ague should disappear. In Sussex the treatment is more heroic; the patient must swallow the spider.

Perhaps, after all, this remedy may not be so disagreeable as it appears, for a German lady who was in the habit of picking out spiders from their webs as she walked through the woods and eating them after first depriving them of their legs declared that they were very nice indeed and tasted like nuts.

Smallpox Epidemic.

Louisville, Ky., Dec. 25.—The Courier-Journal today says:

The smallpox situation in Greenup county is critical. There are several hundred cases and the death rate has been 10 per cent. The state board of health has ordered that every person in the county be vaccinated, and has ordered all the Chesapeake & Ohio railroad agents to discontinue the sale of tickets and to refuse all freight to or from the county. Guards have been stationed to prevent anyone leaving the county. Several persons have been stopped, who attempted to cross the Ohio river in skiffs.