COURT OPENS

The fall sitting of the supreme court opened its session yesterday with Mr. justice Morrison upon the bench, there being four cases on the criminal assize for the consideration of the grand

Mr. justice Morrison took his seat at 11 o'clock and the following gentlemen were empanelled for the grand jury: J. E. Annable, J. L. Buchan, J. J. Campbell. D. M. Carley, J. A. Gilker vine, P. Lamont, J. M. Lay, E. J. Travers, J. H. Wallace, w. C. Wells, all of son and A. J. Curle of Kaslo T. S. Gilmour of Rossland. After hearing of the charge by the court the grand jury retired and were in session for the greater part of the day finding true bills gainst Weston and Galligher for cheating, W. H. Beckett for sending a threatening letter, M. J. O'Connor for assault resisting the police and G. Bouchard for manslaughter. In the last named case the grand jury reduced the charge from one of murder to the less serious crime of manslaughter.

In the meantime the following petit C. I. Archibald, W. were called: Astley, C. D. Blackwood, Alexander Cheyne, W. B. Clayton, P. G. Ebbutt, G. C. Egg, D. J. Elvery. John Fraser, P. Gordon, G. M. Gunn, A. P. Hebden, Newlin Hoover, R. W. Hulbert, S. A. Kelly, L. K. Larsen, James Lilly, George Motion, Thomas Madden, B. B. Mighton, F. E. Morrison, H.McCausland, I. G. Nelson, E. Norman, V. Odlum, A. R. Poole, W. N. Poole, E. B. Robinson, W. Rutherford, Michael Scully, S. H. Seaney, A. P. Slade, G. W. Steele, Anthony Turner, W. H. Walmsley, W. A. Ward, Fred Weir, R.

Of these the following were empanelled as a jury to try the case of and Galligher: G. C. Egg. E. E. Robin-Nelson, B. B. Mighton, T. Madden, A Cheyne, W. Rutherford, C. Blackwood, D. J. Elvery, N. Hoover,

V. N. Poole and H. McCausland.
This case, which was for cheating on several specified occasions upon August 17 last in Rossland, occupied the remainder of the day, being unfinished when the court rose at 6 o'clock in the W. A. Macdonald, K. C., appeared for the crown and S. S. Taylor, C., for the prisoners. The charge was preferred in several indictments as to the proper presentment of which there was considerable discussion. Eventually two were struck out and the case proceeded with. Several witnesses for the crown testified that the prisoners had come into their stores and had made small purchases in each case tendering dollar bill in payment. When change was made invariably the pris-eners wanted the ten dollar bill back and in the confusion of such a transdollar bill, would disappear, the changer's attention being distracted by being asked the price of something in the store by the other one of the two.

Harry Weston testifying on his own behalf admitted having made small purchases and having bought sundry drinks and of paying for them by producing a \$10 bill for the return of which of which he seems to have in-

Charles Galligher, the other prisoner, was then called upon to testify in his asmuch as the monetary transactions had all been conducted by Weston. hearing of this witness, the oncluded its case. Argument defence by counsel will be heard on the openthe court this morning at 10

Three of the petit jury on being called yesterday morning were found not to be in court. These were V. Odlum, W. Hulburt and another.

On the sitting of the court yesterday morning at 10 o'clock, the trial of West-on and Galligher was proceeded with. addresses were given by counsel and a brief charge by Mr. justice Morrison, on which his lordship took occasion to compliment chief Long of Rossland on the manner in which he got up the case the jury retired at 10:30 to consider their verdict. They did not return till 2:30 o'clock in the afternoon, when the foreman, W. Ruthannounced the verdict to be an erford. acquitta! in the care of Galligher. Westfound guilty but was recommended for a light sentence. His lord-ship intimated that he would not pass until today and as the crown did not wish to take up any further charges as to Galligher he was set at

neantime the court proceeded y upon the retirement of the imm apanel another for the trial Bouchard for the manof D. Hosker.

wing jury were selected: 'ley, C. F. Archibald, A. Tur-Steele, A C. Clayton, P. W. E Morrison J Lilley, A. A. Slade, F. Weir, G. Motion. owd of spectators during the whole of the day, standing patiently as the evidence was slowly brought out by W. A. Macdonald for the crown or Taylor for the defense.

first witness called was Charlie Shields. He saw prisoner at 7 o'clock ning of May 12, the night of of Hosker. He was in the bar. Witness was in the card heard a kind of a racket and it to the bar room. Bouchard r were there and both wen chard said to Hosker while reet you big son of a the head off you if you don't riosker made no reply but went

proprietor of the Victoria on the night of May hotel and Bouchard had come up ed him of stealing a knife, bout 8:30 o'clock. Hosker ded Bouchard got hold of his ished him over and he fell ty and Jim Matheson helped hall. If Hosker had resisted witness would have been able to see that re-

to take it. George Morris took Bou-chard away 20 minutes after this. tween the door of room 4 and the head of the stairs. After Hosker was pulled H. Robb testified to having seen Bou-

chard and Hosker together on the night of Hosker's death. They were in the closed it and finished dressing. Witness Victoria hotel together. Several men were there, some of whom were under the influence of liquor. Bouchard was staggering. Hosker was in a room off the boar while there wilness heard a fall. the bar; while there witness heard a fall. He understood that Hosker had fallen over a chair but he did not see him fall. separated. Afterwards the party adjourned to the St. Elmo. It was about 11 oclock when witness saw Hosker at the foot of the stairs.

Cross-examined, witness said Hosker was a much bigger man than Bouchard. was a much olgger man than Bouchard.
After the trouble in the Victoria the
crowd went to the St. Elmo. The St.
Elmo is only a few steps from the Victoria. Bouchard roomed at the St. Elmo. So did Israel Macdonald. Macdonald was the man with whom Hosker had had the trouble in the Victoria when Macdonald threw him over a chair. Israel Macdonald left the bar at the St. Elmo before Bouchard. Dawson, the proprietor of the hotel, said to witness that Hocker had gone to bed. This was shortly after 10 o'clock. At about 10:30 o'clock Bouchard went up stairs to hed Witness did not hear any noise upstairs after that. Dawson, with-in a couple of minutes went up stairs also This was at the suggestion of the witness. Dawson was away five minu-Chapman, the policeman, call out to "Frenchy." as the prisoner is called, not to be dragging a man. Both Bouchard and Hosker were full on that night. Bouchard was the drunker of the two. When witness saw Hosker at the foot of the stairs he was breathing slowly but there did not seem to be anything else the matter with him. Witness then ran for a doctor. Witness had worked with the deceased. He was a nervous man for his hand shook at

his work. Re-examined witness said that he had whispered to Dawson when going into the hotel, asking him as to Hosker. When Dawson came down at a later time Dawson spoke out loud, saying that Hosker was all right. It was not ong after this that witness saw Hosker

at the foot of the stairs.

A Matheson was then called as a witness but was ordered out of the box severely by Mr. justice Morrison because he was not speaking up, his lordship intimating that if he thought his mumbling was deliberate he would deal with him in another way. His lordship went on to remark that there was too much padding in these cases generally. J. Matheson said that he had seen

Bouchard and Hosker together in the bar of the Victoria on the night of May 12 at about 8 o'clock. Bouchard threw Hosker on the floor. Sandy Matheson separated them and Hosker went away nome. Bouchard staved in the Victoria. There was no fight Cross-examined. between Bouchard and Hosker. Hosker had previously been thrown down by Israel Macdonald. Israel Macdonald said he was one of

the crowd in the Victoria on the night of the death of Hosker. Bouchard came in after the crowd gathered. Hosker was standing in the door of the sitting room facing the bar. Witness thought Hosker was laughing at him and therefore pushed him back against a round card From the table he slipped or fell into a chair. At no time was his head touched. Hosker was not hurt. He shook hands with the witness afterwards and together they went into the bar. Bouchard at that time was not there. Not long afterwards witness saw Bouchard there. He was about eight or ten feet away from Hosker who was at the end of the bar. Then Bouchard came up to Hosker, who re-mained at the end of the bar and acmained at the end of taking his knife. Boucksed him of taking his little. There was a mark above in a little. There was a mark above in a little. There was a mark above in a little. There was a mark above in the left eye. Witness had trouble with Hosker before. Hosker would buy a quantity of whisky and live in his room for several days and in containing the little with Hosker before. had been standing. Afterwards at 10:20 o'clock witness saw Bouchard in front of the St. Elmo and they went in together. Witness wanted Bouchard to go to work. Witness had room 4 at the St. Elmo and Bouchard No. 8. Witness tion of the court sittings at 8 o'clock las

and Bouchard went up stairs about 10:30 o'clock to change for the smelter. Bouchard came up a little after the witness. He passed by room 4 to go to his own room. Witness told him to hurry up and change. Both were full at the time. After this Dawson came up and spoke. He said, "are you going to work." Wit-ness said "yes." He said, "where's Gus." "In his room," replied the witness. "Who's talking," asked Dawson. "We were talking," said the witness. Up to that time no word had been heard work," and Bouchard said, "yes." Witness said, "well, hurry up. Just then ness said. "well, hurry up. Just then witness heard a voice behind. This was from room No. 9 which is just opposite No. 8. The doors of both rooms were

from Hosker. Dawson and witness walked over to Bouchard's room and Dawson said, "Oh! you're going to open. Hosker was lying on the floor. He was full. Dawson told him to get on the bed, but Hosker said he was and asked to be left alone. Dawson turned around and went down stairs again. Witness went back to his room to finish dressing. Three or four minutes later witness heard talking between room. Bouchard was saying, your mouth," then again, "shut up," then again, "if you don't shut up I'll throw you out," then again, "if you don't shut your mouth I'll throw you Witness did not hear what Hosker replied. Then witness heard some noise and looked out into the hall and saw Bouchard pulling Hosker out of room No. 9 by his foot. Witness saw Bouchard pull Hosker down the hall past the door of witness' room, past the stove in the hall and down the stairs. Hosker said nothing. Witness saw

Hosker's face as he was pulled past. It was as usual. Witness did not speak

to Bouchard. There was a light in the

past witness' door witness, who had ness had finished dressing and was going down the stairs. Bouchard said: "I saw a policeman down there, I saw

After that Hosker came out and short-ly after Bouchard caught Hosker by the coat and pulled him roughly so that he his head on the last step. Witness thought ag was full and went into the him of taking his knife. The men were separated. Afterwards the party adker's upper lip as if his nose had been bleeding. Chapman was there Presently Bouchard appeared and witness and Bouchard went off to the smelter together. Hosker was still breathing when witness left the house. Neither Bou-chard nor witness talked of the recent occurrence while going to work. At a later hour Bouchard was arrested. Wit-ness heard of Hosker's death as he was coming off shift in the morning. On going back to the St. Elmo witness went to room No. 9. He saw the bed was shifted a little out of its place, the spread was only a little rumpled as if somebody had sat on the edge of the bed. There was a little pool of blood near the door. When Hosker was first noticed by witness in his room which was when Dawson was up, Hosker was lying with his feet nearest the dcor so that if he were pulled out by the feet there would be no necessity of turning

> badly bruised. cross-examined. Witness hear? of some trouble between Dawson and Hosker because of his being in the hotel. Hosker's atterance was thick when he was lying on the floor in room 9. There were bloodstains next day on the car pet in the hotel, a few drops near the door of No. 9, a couple of feet away. There was a blood spot, the size of a silver dollar right opposite witness' room. Hosker's head might have struck the stove in the hall as he was dragged past. Witness did not hear Hos-ker speak after the time he had been

him round. The noise which witness heard after Bouchard threatened Hos-

ker was that of walking or jumping around. When witness saw Hosker af-ter his death he noticed his face was

lying on the floor of room 9. James Dawson said that Hosker had roomed at the St. Elmo. His steady room was No. 2. Witness could not say whether No. 2 had been otherwise occupied on the night of May 12. Witness flid not see Hosker at all that night. He saw Bouchard and Israel Macdon ald between 7 and 8 o'clock in the evening, not afterwards. Witness went up at 9:45 to call Macdonald and Bou-chard. Macdonald's door was fast; wit-ness called out to him and Macdonald said he would get up. Bouchard's door was open and Bouchard was lying on his bed clothed. He had his good clothes on. Witness saw at that time Hosker lying on the floor parallel to the bed in romm No. 9 and told him to get into bed. He was not up stairs more than once that evening. Chapman came in at the time that Hosmer was lying that the time that Hosmer was lying the training that the time that Hosmer was lying the training that the time that Hosmer was lying that the time that Hosmer was lying that the time that Hosmer was lying the training that the time that Hosmer was lying that the time that Hosmer was lying the training that the time that Hosmer was lying that the time that Hosmer was likely at the bottom of the stairs. Bouchard had then gone to work. Chapman said he would arrest Bouchard. Witness he would arrest Bouchard. Witness said he did not think any harm had

been done. He did not prevent Chap-man arresting Bouchard. Cross-examined. Witness declared that Israel Macdonald had not accompanied him to room 9. Hosker did not say anything, he merely nodded his head when told to get into bed. Witness did not know that Hosker had been dragged down the wafrs till Thomas told him that Hosker was lving at the foot of the stairs. Yet every sound can be heard through the house. was afterwards arrested in Grand Forks for petty larceny. Thomas remained in Trail for two or three days after the occurrence and then went to Spokane. He was in the house on the night in question. Witness had washed the face of the deceased while lying at the bot-

sequence was told to pay up and leave the house. Re-examined, witness said the be was in its ordinary position when he saw Hosker lying alongside of it. The first witness called on the resump

night, after rising at 5.40 p.m., was

William John Devitt who said he wa chief of the city police of Trail on May 12. Constable Chapman was under his control. At 10.45 p.m. on May 12 Constable Chapman reported to him by telephone Witness' house was about 10,000 feet away fro mthe St. Elmo hotel. He went down to the hotel at once. He found deceased in the sitting room. His mouth and nose were full of coagulated blood, his left eye was discolredo and a wound over it. The clothing was partially saturated with water and was torn away from the chest. The coat was not on the deceased. It was a black coat, dusty, but otherwise in good condition. Deceased was then alive but almost dead. Hosker was still alive. After Bouchard was arrested they went up stairs followed by Dawson, and looked at room No. 9. The bed was out of place, so as to obstruct any light coming in through the window and so as to prevent the door being closed. The head boards of the bed were not exactly smashed but were so disarranged as to let the light show through in the day time. There were some bloodstains on the carpet. The stove in the hall appeared to have been shifted. Near the stove was a pool of blood, about 21/2 inches across, oval in shape. There were smears of blood along the hall. There was also a small pool of blood at the foot of the stairs. Net day Bouchard, who had been arrested on a charge of aggravated assault, was seen by witness. Witness said

and you're now charged with murder.'

such a caution is necessary.

W. A. Macdonald went on to ask what Bouchard had replied but was interrupted by S. S. Taylor who declared that this was inadmissible inasmuch as the accused should have been cautioned. Mr. Macdonald stated there was no law which said

against him unless those utterances were volunteered without pressure. If not cautioned words used by the prisoner should not be used against him.

The data relationship to limit. He dat not be used against him.
Witness was not clear whether he had

the hill from the smelter.
To Mr. Taylor—The prisoner said nothing in reply for some minutes and then volun-teered a statement. After that witness proceeded to ask him questions. The

proceeded to ask him questions. The prisoner's statement was not provoked by a question by the witness.

Mr. Taylor then argued that the statement should not be admitted. Witness declared that when he told Bouchard that he was charged with murder prisoner had said. "If he's dead let me die too." There was a silence of a couple of min-utes, Bouchard appearing to feel his position, and then witness questioned him. Cross-examined.—Witness denied that the prisoner had told him in effect er substance that he had not struck deceased.

Prisoner did not say that he had struck struck him. Witness did not ask prisoner if he had struck Hosker. He had asked him what he did to the deceased. Bou-chard had replied that the only wrong the stairs. Accused said that he had thing he had done was to drag Hosker a talk with Devitt after his arrest and because then he had been caught—Chap-man had seen him. Witness would swear that Bouchard had used those very words to him.

to him, Hiram Kinney stated he was boarding in No. 6 St. Elmo hotel on May 12. He went to bed about 10 o'clock but did not go to sleep immediately. Presently he heard talking and then something being dragged along the hall. His door was burst open. Witness got up to close the door. He saw the upper half of a man going down the stairs on his back. Macdonald was in the hall nearly opposite witnesses' room. Fraser was standing in the door of his room opposite. Witness noticed some blood on the face of the man who was disappearing down the staircase. Dr. J. B. Paterson said he performed an autopsy on the body of D. Hosker in May to the alleged confession which was last. He had been called in a few minutes before or after eleven o'clock at night to the St. Elmo hotel. Death was recent as out the suspicion which attaches to all the body was quite warm. It might have such confessions. He further pointed occurred an hour or an hour and a half previously. The autopsy showed some that the prisoner had never admitted superficial bruises. None of the bruises striking the deceased and that the conwere serious except those on the eye and forchead which were fresh. There was a confession which, after all, amounted were serious except those on the eye and cut on the tongue some days old. The heart was abnormal, there being disease of the mitral valve. There was concussion of the brain and a slight effusion of blood. There was a clot of blood on the left side of the brain at the base, at a point about two inches in from the left ear. That clot could have been caused by the bruise over the eye and that in the The forehead bruise was half an inch long and a quarter of an inch deep. It looked as if it had been caused by the corner of a board. There had been no bleeding from

a board. There had been no bleeding from the forehead bruise. Cross-examined.—If the effusion of blood had been caused by the blow over the eye it was not in the place where it would naturally be looked for. That clot hol and excitement alone without a blow but if such were the case in the instance of Hosker then the area diseased would have not been so circumscribed as low d. The clot of blood caused death. The wounds on Hosker's body propely aggravated the matter. A person, however, could die of a clot of blood on the train without any wound whatsoever wounds would not have caused death if it had not been for the alcoholic condition of Hosker. Such a cut as decaased had on his tongue could have been caused in an apoplectic fit. An apoplectic fit would cause a clot of blood on the brain. The blood vessels of the deceased were slightly

diseased. Re-examined.—If no violence were used become insensible. If the lesion were slight the sufferer might remain consciuos long enough to express a tired feeling. He would not be able to get around.

son's evidence. J. J. Haley saw Hosker at the Victoria notel on the night of May 12 at about lusk. He had told Hosker to go home as e would otherwise get into trouble. Hos ker had walked away.

St. Elmo hotel at about 10.25 o'clock srael Macdonald was with them. They were dressed in good clothes, Court adjourned at 10.50 o'clock to again at 10 o'clock this morning.

At the assize vesterday were heard three cases, the remainder of that against Gustavo Bouchard, and the whole of the cases against W. Beckett and Maurice O'Connor, all ending in an

acquittal for the accused. At the sitting of the court at 10 a. m. the Bouchard trial was resumed.

Daniel H. Chapman, police constable at Trail, said he was on duty on the the case any more than that of a drunk night of Sunday, May 12. He had seen Bouchard in front of the St. Elmo at about 10:30 o'clock. He was with a crowd and asked after Hosker and said he'd fix him. Macdonald came out of the hotel and asked Bouchard to go to work. After a little time witness heard a thud at the St. Elmo and went back there, for he had walked away a little distance in the meantime. Witness heard talking at the head of the stairs. Accused was saying that he would fix Hosker. He then saw Bouchard drag Hosker down the stairs walking down with a foot under each arm, facing the foot of the stairs. Witness stopped him and Bouchard said that Hosker had been in his room. Witness saw Hosker's face at the foot of the stairs. It was cover-ed with a coat when he saw that blood was on the face he said he would have est Bouchard but Dawson prevent-

Gustavo Bouchard told the story of the early evening and then said he went up stairs to dress for the smelter. Maclonald was dressing also. He came along to see whether accused was dress-ing. Accused told him he would be ready first. He did not threaten Macready first. He did not threaten Macdonald. Just then he heard talking and went out to see who it was. He saw Hoskin's feet in the doorway and dragged him out by the feet. Hosker said. The court read a judgment stating that | ged him out by the feet. Hosker said erford, G. C. Egg, B. B. Mighton and

dollar for his knife and it was not good sistance. There is about three feet be- no utterances of a prisoner could be used nothing to him. He did not resist. Ac- S. H. Seany. I. G. Nelson was chosen

he had missed something from his room, of the Daily News on May 7. He reor had not cautioned the prisoner at the time of his arrest on bringing him down ing. He stepped out into the half to see who it was. After he had stepped out the talking ceased. He did not ask Hosker if it was he who had done the talking. He did not go into Hosker's room. He did not understand what was said. He said that if the talking did not cease he would "put him out." Accused did not remember bursting open Kinney's door as he was dragging Hos-ker along the hall. He did not remember whether he dragged Hosker by one foot or by both feet. He did not see whether Hosker had blood on his face. He did know that he dragged Hosker down the estairs. He backed down. He saw Chapman when nearing the bottom of the stairs. He went up stairs again and finished dressing. He did not think that Hosker was hurt, just drunk. He did not think when arrested that he was arrested for anything else than bedead.

S. S. Taylor in addressing the jury for the prisoner laid stress on the fact that for an hour to an hour and a half previous to the dragging of Hosker along the hall Hosker had not been in the company of Bouchard. Apparently he had been in the hotel where a struggle may have occurred in the bed roo which would account for the moved bed In fact suspicion would more readily fall upon Dawson than upon Bouchard. As to the assertion by Chapman that he heard a thud which attracted him to the St. Elmo, it was a move that was a noise that was heard by no witness to little. Dealing with the medical evidence Mr. Taylor pointed out that the facts would fit so well with the theory that death had occurred through apo-plexy as from violence. W. A. Macdonald said that the defence

was that death was not attributable to the blow over the eye and if attributa-ble then the blow was not traced to the accused. But Dr. Paterson had said that the blow had contributed to the death. There was no evidence as to an apopletic fit nor was there any of any excitement. The accused had shown by his language to the deceased that he had a grudge against him . It was established that Hosker was alive and sensible at the time that Macdonald and the eye it was not in the place where it would naturally be looked for. That clot of blood might have bee neared by alconise was the case. Was the noise caused by the prisoner kicking the deceased insensible? That would account for the blood in the room and in the hall. It would account for the blood police that was an usual feature of these

trials. In his opinion the police had done their duty.

The court in charging the jury began by explaining the meaning of man-slaughter. Had the accused the exclusive opportunity of killing the deceased? If he had not been seen dragging Hos-ker would he have been apprehended? If there was a doubt, if the jury thought that somebody else had the opportunity of killing Hosker then the prisoner should have the benefit of the doubt. Mr. justice Morrison said he was satisfied that half of the truth had not been tent to kill him or beat him. If Ma donald told the truth then Dawson did not or vice versa. "Where" asked the court. "is there one reliable witness whom you can put your finger on." crepancies as to time and place and distance did not count for much. It was eldom evidence as to perjury. As to the prisoner it is something known to all lawyers that the innocent will often do under arrest just that one thing which will lead to conviction. The evidence of the prisoner is entitled to the same credence as that of any other withe Bouchard had concocted no story although he had had the oportunity. On the contrary he told an unsophisticated,

stupid story. Was there any believable evidence that Hosker was alive when he was dragged out of the room? That he was alive when he was at the foot of the stairs? Chapman said he was breathing but did Chapman really think en man? Chapman wals apparently hardworking, honest officer. The tion of Bouchard in completing hi dressing and going to work was not that of a guilty man. The evidence of the dragging the body of Hosker along the hall was not conclusive evidence against the accused. The doctor's testi showed that there was no injury to the back of the head. It was not the bump ing down the stairs which caused the death. There was no evidence as to that The evidence of the prisoner was to be taken where uncontradicted by other witnesses. The charge ended with a direction that the accused should have the benefit of any reasonable doubt.

W. A. Macdonald made objection to that part of the charge relative to credibility of the prisoner's evidence on his own behalf where uncontradicted. The jury retired at 3:30 p. m., returning at 4:20 with a verdict of "not guilty," in which his lordship said he

The next case called was that of Rex vs. Beckett, wherein W. H. Beckett was accused of sending a letter threatening to kill W. C. E. Koch.

F. C. Moffatt said ne was in charge ceived a letter (produced) about that date. He did not know the accused. date. He did not know the accused.

A. M. Johnson said he was solicitor for W. C. E. Koch. He knew the accused and knew his handwriting. The letter produced was in Beckett's writing. cused and knew his handwriting. The letter produced was in Beckett's writing.

Cross-examined. Witness had no knowledge of any trouble between Beckett and Koch before the preliminary hearing in this cale, about May 11. He knew the handwriting since he had received two letters from Beckett and celebrate sign his name.

this city. About three hundred celebrates from all parts of the province gates from all parts of t

S. S. Taylor moved that the case be digmissed since it was not shown that Beckett had sent the letter, even if it had been written by him, and further because the indictment charged that a threat was made to kill W. C. E. Koch Mr. justice Morrison held that the letter was that of an illiterate man and

was not to be seriously considered. He considered that Mr. Moffatt had done exactly the right thing and that the crown had also acted properly. Mr. Beckett under slightly different circumstances might be serving ten years in the penitentiary. The law of Canada the penitentiary. The law of Canada was such as to visit heavily shooting or cutting. But the court felt bound, especially under the circumstances, to give weight to Mr. Taylor's arguments and consequently he discharged the

At 4:30 p. m. the next case on the locket was called. This was Rev vs. Maurice O'Connor, charged with assault in resisting the police. W. A. Mac-donald appeared for the crown. Pris-oner defended himself and pleaded not guilty. The following jury were empanelled: L. P. Larsen, J. Fraser, R. A. Wier, M. Scully, S. A. J. Kelly, W. A. Ward, P. G Ebbutt, A. P. Hebden, W. N. Poole, T. Madden, S. H. Seaney and D. J. Elvery. S. A. J Kelly was chosen foreman.

W. A. Macdonald opening the case

said that the prisoner was disorderly and on being threatened with arrest brandlehed a knife. Chief Savage armed himself with a revolver and came back to make the arrest Prisoner threatened Savage with the knife, one Smith got behind the prisoner and held his arms and the arrest was then made.

Andrew Waugh said he sad O'Connor sitting in a chair in front of the Province hotel in Grand Forks on Aug-use 14. He heard Savage tell O'Connor to behave himself. Savage went away to behave himself. Savage went away when suddenly prisoner rushed into the middle of the street and threw down his middle of the street and threw down his to sir Wilfrid Laurier. hat and began kicking it. He disap-peared down the street and Savage went after him. He came back with a knife in his hand and Savage went away.

O'Connor kept in the middle of the street threatening all and sundry. Then Savage came with a gun. O'Connor threatened him and Smith got behind O'Connor and caught his arms and the approval of the district and local oragnizations.

arrest was made.

F. Magee said that O'Connor was walking up and down the center of the walking up and down the center of the street cursing and swearing at the top of his voice. He had something in his hand. Savage and Smith came up within 30 feet, Savage pulled a gun and said to O'Connor, "drop that knife." O'Connor did not do so. Smith got behind O'Connor and jumped on his back and Savage took away the holfs.

avage took away the knife. Cross-examined. Witness said he had known prisoner for five years but had not known him to be a quarrelsome man. He did not know of the police insulting O'Connor before the Province

hotel Joseph Snavely said he saw prisoner singing and shouting and reciting his poetry, his genealogy and claiming to be the Messiah, the Supreme Power. be the Messiah, the Supreme Power This was about 11 o'clock, the trouble which caused his arrest was about 1 fied that half of the truth had not been produced. He did not think that counsel had produced substantial evidence to convince the jury to show that accuked had followed up deceased with an inened any and all with his knife, curs ing the magistrates and authorities gen erally. In about 10 or 15 minutes Sax age came back with a revolver and the est was made. Cross-eaxmined. Witness said pris-

oner was quarrelsome. He had fought hand to hand with all his family. Wit-ness had not heard any insult given by prisoner to any one prior to the time he was sitting in the chair by the Prov-A. Erskine Smith corroborated the

circumstances of the arrest. Prisoner was intoxicated. Chief Savage said he had walked up to the prisoner who was in front of the Province hotel and said he would give him ten minutes to cut out the noise he was making. Witness then described again the circumstances of the arrest.
Cross-examined. Prisoner had not enife in his hand when in the chair by he Province. Prisoner was not using the knife to pare his nails.

This concluded the case for the crown Maurice, O'Connor, testifying on his wn behalf, said he got mad with Savage because Savage had given him 15 rinking. He was working steadily at the smelter and was supporting his

nother and family.

The court remarked that the whole trouble seemed to be a case of drunk-enness. The chief had done his duty The prisoner might have been in doci not for resisting the police but for murder. Mr. Smith had acted very courageously. The police generally were doing their duty well His lords in thereupon directed the jury to bring in a verdict of "not gullty," which was done and the prisoner was discharged. lone and the prisoner was discharge the court remarking that he was not dis-graced but that he must not think that chief Savage had any ill feeling against him. If, however, the prisoner did not behave himself in future the circumstances of this trial would come up

The court rose at 5:45 p. m. for 16 o'clock this morning when the grand jury will consider the case of the three nen accused of swindling Charles Mitbe taken up tomorrow by the crown Read Daily News Want Ads

S. H. Seany. 1. G. Nelson was chosen foreman. W. A. Macdonald appeared for the crown and S. S. Taylor for the accus.d.

given an address of welcome to the vis-itors. Mr. Macdonald, at the request of the chair, briefly stated the occasion and object of the gathering. The old provincial liberal association had laps-ed and ther being no organization with threat was made to kill W. C. E. Koch whereas the letter merely stated Beckett would shoot man and beast.

Mr. justice Morrison held that the letter was that of an illiterate man and sociation be formed with subsidary district and local associations. Mr. Mac donald, who had been received with an ovation, resumed his seat amid loud ap-

> ing a committee on credentials: J. W. Deb Farris, Vancouver, M. McIntosh, Victoria, W. Grigor. Rossland, Dr. M. S. Wade, Kamloops, W. Briggs, Rev. elstoke, W. Moore, Port Essington, and Dr. King, M. P. P., Cranbrook. He then suggested that committees on organization, resolutions and press reports be organized, but that as a preliminary, a striking committee of three be appointed to submit autable names for the standing committees. This was agreed to and the credentials and striking committees withdrawing, an adjournment was made pending their re-

The striking committeemen appointed were W. Fraser, Victoria, John Oliver, M. P. P., Delta, and Dr. Hall, M. P. P., Nelson. When the meeting resumed the reports were received and adopted with slight amendments. Hon. W. Templeman and J. A. Macdonald, M. P. P., were appointed ex-

officio members of all committees.

The meeting then adjorned until 8 clock in the evening.

Every riding in the rpovince was represented except Columbia, most of them with full delegations. In addition to the duly elected delegates, most of the Do

minion and provincial members are in attendance, also senator Bostock. At the evening session the first busi-The convention next took up the pro-posed constitution for the British Col-umbia liberal association which, after

izations.

The session adjourned at 11 p. m. to meet at 9:30 o'clock tomorrow morn-

AMERICA'S CUP.

Meeting in Dublin Today to Consider Lip-

ton's Challenge. Dublin, Oct. 1.-A meeting of the challenge committee of the Royal Irish Yacht club will be held here tomorrow, when sir Thomas Lipton's challenge for the American cup will be considered. It is anticipated that the regulations to be decided on will permit of a more useful and less extraordinary type of vessel to be entered. ent as well as royal having been organized in 1731. Its headquarters are located at Kingston, near Dublin, and modore, the Marquis of Orn amodore of the Royal Yacht club, the remier yachting association of Et

The Queen's cup, now known as the America's cup, was won by the American yacht America from the British yacht Aurora, in a race around the Isle of Wight from Cowes, Aug. 22, 1851. Since 1870 the British have at intervals vainly attempted to recover the trophy, which, in 1887, was presented to the New York Yacht club by George L. Schuyler, the sole surviving winner of the trophy. It was successfully defended by the Columbia in 1871, by the Madeline in 1876, by the Mischief in 1881, by the Puritan in 1885 and by the Mayflower in 1886. In 1887 General Paine's Volunteer defended James Bell's Scotch cutter Thistic for the cup. In 1883 the Vigilant defeated Lord Dunraven's Valkyrie II, and in 1895 the Defender defeated Lord Dunraven's Valkyrie III. The Columbia in 1899 beat sir Thomas Lipton's Shamrock, and in 1901 again defeated Lipton's Sham-Shamrock III, which was defeated by the

WE THOUGHT SO, TOO. Editor Deane, of the Nelson Daily News, has troubles of his own. In the endeavor to obtain the best press despatches for his readers, he has constantly criticised the Associated Press dope dished up by the C. P. R. For doing so he has otified by some of the officials of the big corporation, that "as nothing seems to please" him, the A. P. service will be dis continued at the end of the month, which was September. This the big corporation, powerful and all as it is, dare not do. To do so would bring down a sweeping condemnation of the entire press through-out the land, and the one thing only that the C. P. R. winces at, is caustic press comment. We think the C. P. R. press dictator will think twice before he

out his threat.-Kaslo Kootenian

SCHOOL ME

New Westminster, Oct. 1.-The convention of the Association of Columbia School Trustees is progress here. About 200 delega in attendance. A reception was tendered the

in St. George's hall last evening.
The program includes the foll Resolved: That this institute. ly favors, where practicable, the tralization of schools. Resolved: That the provincia ernment be asked to allow a sm

ernment be asker to allow a sin yearly to assist all rural schools curing a school library. Resolved: That in the inter public education the private should submit yearly or oftener endance of pupils in their rol Resolved: That the governm asked to provide for a flag for

chools.

Resolved: That the neces urged upon the government thorough and systematic medical ination of all public school of

and teachers.

Resolved: That our educatio terest would be best conserved ling reciprocity between the pr in the matter of school teacher throughout the Dominion would eficial.

eficial.

Resolved: That it would be interests of the empire to ha universal text book.

Address by Dr. Scott, citv sch perintendent, Calgary, Alta., s "The efficiency of the teacher at to determine it."

to determine it."

Paper by J. C. Fagan, M. D., e
"Are hygiene and public health
ciently taught in our public scho our medical health inspection Address by Rev. Dr. Fraser,
"What the child has a right to

of the state."
Other subjects of debate dur convention will be the cheape the cost of school text books, the cost of school text books, to posed increasing of government to small municipalities, a proporomote education along industriagricultural rather than along it tile lines, thus directing youths a rural rather than city life, and other matters. er matters .

THE MOLSEM MENACE A Stirring Everywhere Among Long Counted Dead.

In the current number of the teenth Century captain H. A. discusses the probable effects of cret propagandist organization on in Africa by the Mohammed on in Africa by the Mohammed known as Senussia. Its primary is to free Moslem countries for del rule, and this is to be acceed by a universal Jehad or he Over all the British possessions east and west coast of Africa, is tain Wilson, and of course in Eg the Soudan, the most determined are help made to early all are being made to enrol all a hammedan troops, and numbers ussia agents yearly enlist as

for the sole purpose of carrying for the sole purpose of carrying mission.

It is captain Wilson's convict the Senussia is a far more mighthan people in Europe have a ception of, that it is prosperting and that the day is drawing nearer when they shall stand face with a wave of Mohammed tacism, universal throughout thoroughly organized and amply ed, to which all previous we black races will be the meres play. Indeed in his opinion the concerned will be so great the end it is unlikely to a degree this gle white man remains in Africorists will come in twenty years crisis will come in twenty years Wilson thinks, or it may be fit

If there be anything in warning and in presence of the and equally formidable yellow drawing together of the Europers may have more significance ers may have more significance first appeared. The advent of gle for racial supremacy may most optent hammer for the together of the white races in of a vast and common danger urpising on the part of the fol the prophet, Britain, since it ramonammedans than the sultan will be deeply concerned, whithe propaganda extend to I the propaganda extend to ences are not easily to There seems to be a stirri where among the races coun or deemed incapable of conc tion and the white peoples we held their places impregnable

hard but to it to hold their o GIGANTIC RAIL PR

LINE FROM DAWSON CITY MONTON.

EXPECTED THAT CONST WILL START NEXT Y

Winnipeg, Oct. 1.-To const way, which will penetrate as yet absolutely undeveloep known reaching from Daws Edmonton an aproximate 1,500 miles, is the latest pro-will come to the fore in the railway develoment in the

So far has the scheme prog promoters are now in New 1 der to obtain the assurance of capital, which, by the way, we tributed antirely by monied nancial centres. Engli next i Dominion government of actual control of actual to get which w within fourteen

of the British Isl