

ing had anything to do with it, but he would be charitable and— Mr. Whiting (interposing): "I don't want your charity, Mr. Collins."

Mr. Whiting: "But you can't give it." Continuing, the witness said the police violated the injunction when they contempted and fined. Through witness efforts Police Commissioner Hurton was removed from office. Witness' activity about this line made him a target for enemies of the Schmidt administration, among whom was the grand jury that indicted him.

In reply to questions by Mr. Higgins he said: That the conspirators against him included Judges Lawlor, Herrigan, Graham, the grand jury, the Thomas of the Hibernia Bank, the Newman board and the press. His further specialty denied that he had presented Charlotte E. Newmann with a wedding ring with his initials engraved upon it; that he had registered at the Palace hotel with her and the three children, and that he had lived with Charles McCarty at the Hotel Vendome, San Jose, as man and wife before his marriage with her in Chicago.

Mr. Higgins intervened the witness, "I'll supply the imagination and you the poetry," retorted counsel. Shortly afterwards the court adjourned. This morning the cross-examination of Mr. Collins was continued by Frank Higgins, who directed his attention chiefly to the California law. After the examination of Detective Givson with regard to a signature, an adjournment was taken until this afternoon.

Victoria's summer sensation, the Collins case, will probably be the exclusive property of history by the time the shades of night fall, or at the outside tomorrow. As far as the commission proceeds by Judge Lammiman is concerned, the many weeks the fact has been agitating the legal fraternity and laymen alike, and when it is removed from the boards the routine in court circles will seem distressingly flat.

Yesterday afternoon Mr. Collins was recalled by Judge Lammiman, and in reply to questions from His Honor described his relations with Agnes Newmann from the time of the civil contract marriage until her death. During that period he said he had lived with her continuously, and had introduced Agnes Newmann to his wife. His mother died a short time before he concluded to get married, and he moved his residence to a boarding house on Geary street. While he was living there he met Agnes Newmann by civil contract, and she came to reside with him. She was very disconsolate then, because of the condition of her family. She said her parents were not given to drink and the younger children required her attention. She had been the support of the family, having been employed in a factory. Witness approved her husband and took her to go to him for a short time. She returned in a few days, and from then on visited the family at intervals.

Witness moved his residence to Octavia street. In the meantime his wife exhibited a wish to have a religious ceremony supplement the civil marriage, and while witness did not appreciate the necessity of such a ceremony in view of the performance of the civil marriage, he consented, and the ceremony took place. His wife had brought to her residence the younger sister Charlotte, in whom she had a great interest and whose education she wished to further. Witness gave her permission to send Charlotte to a boarding school at Santa Rosa. This was before the church ceremony, but after the common law marriage. His wife brought home to live with her two other daughters. The witness, however, had arisen from an abnormal regard for his duty towards others and the manifestation of a requisite amount of charity. At any rate he allowed his wife to do as she pleased with regard to her family. For reasons he did not care to enter into here, he made his home at the Victoria hotel, contributing always to the maintenance of the people on Octavia street. He saw his wife two or three times a month, his attention being devoted wholly to his profession. His sister-in-law Charlotte was in the hospital, and he visited her during the church ceremony.

Helmecken was sailing along on the main body of his argument. Mr. Collins, he said, was called to the bar in California in 1885. In 1888 a contract marriage was entered into between him and Agnes M. Newmann. That marriage was perfectly legal and no exception was taken to it. But Mrs. Collins desired a religious ceremony in addition to the civil one, and Mr. Collins consented after some persuasion. Through a mistake in the certificate it was made to appear that Mr. Collins married Charlotte E. Newmann. But previous to this church ceremony Mr. Collins was lawfully married to Agnes M. Collins, and lived with her as his wife. It seemed untenable that Agnes Collins would allow a younger sister to supplant her as the wife of Mr. Collins, while the latter would be guilty of bigamy in the worst form. It was ridiculous to imagine that such a state of affairs as presented by the prosecution could possibly exist.

Mr. Collins had told of living with Agnes Collins as his wife and of extending his bounty to her sisters upon her request, but it was plain that he had but one wife, who was Agnes Collins. In 1901 Mr. Collins' daughter died of diphtheria, and unfortunately the mother contracted the same disease and died. The latter was buried on May 15th, 1901. Who was the wife of the funeral? From the evidence it was known that Mr. and Mrs. Newmann, Charlotte Newmann, the Collins' children and Mr. Collins were there. The plate on the coffin bore the name of Mrs. M. Collins, and that she was the wife of Geo. D. Collins. No comment was made. No claim was advanced by Charlotte E. Newmann until this year, when she set up to discredit Mr. Collins in the community. As for perjury, this charge was not laid until a short time ago.

But previous to this a charge of bigamy had been launched against the accused in May, 1905. Mr. Collins at once proceeded to defend himself. Not content with laying that charge the chairman instituted proceedings for allimony on May 26th, 1905. Mr. Collins made a denial to this complaint and verified it by an affidavit. There were two answers, the second being necessitated by a clerical error in the first. Mr. Collins went personally to the office of Notary Henry, who admitted he didn't administer the oath, but attached his signature to the affidavit.

The proceedings launched on May 20th were instituted to prejudice Mr. Collins' defence in the bigamy action that was then, and still is, pending. As to the law, he submitted that the language of the statute of California was plain—that the cause of action for maintenance must exist for one year before the court had jurisdiction. The other side contended that Mr. Collins had demurred and the demurrer was overruled, but Mr. Collins, it would be remembered, in his two answers had reserved the right to contest the jurisdiction of the court.

Could Mr. Collins have adopted any other course than that he had? Was it not clear that he sought to dispute the claim of Charlotte E. Newmann? The accused had placed on issue his desire to have the matter fought out and the plaintiff decided one way or the other. When by the jury the other side would refer to Judge Graham's order for alimony, but counsel pointed out that this was granted in an irregular way—that it was not a part of the proceedings that Mr. Collins was not present when it was done, the court having singularly set in the evening, although the hour was set for 10 o'clock in the morning.

Counsel defied perjury under the law and contended that instead of Mr. Collins having spoken the truth, as to the alleged ceremony between the accused and Charlotte Newmann there was no evidence from Father Connolly, whom it was not attempted to find, and bring in evidence to support the charge. Judge Lammiman: "I don't suppose he would remember anything about it if he was." Why, continued Mr. Helmecken, didn't the prosecution bring the notary, Charles E. Collins into this court and submit her to cross-examination, just as Mr. Collins had submitted himself to a searching cross-examination? Messrs. Curran and Groen were brought here, but why did not the plaintiff, Charlotte E. Newmann, come? It was open to the defence to comment upon this fact. In substance, this opportunity for the defence to cross-examine Charlotte E. Newmann His Honor should place the most favorable construction upon Mr. Collins' action.

Counsel then quoted the Stoke case, which showed that even if the wrong names were given in a marriage ceremony it remained valid. A similar mistake had occurred in this city. The defence had shown that Mr. Collins married Agnes M. Newmann and none other. In Rex vs. Watts it was laid down that if the facts alleged did not constitute a crime under the law of the demanding country the prisoner should be released. When a student at Osgood Hall he listened to arguments on every important case on extradition, and the judges held there that the accused was entitled to the fullest protection of the law and could only be committed on strictly legal evidence. Mr. Justice Kilham, of Manitoba, took the same view, while a similar opinion was expressed by Mr. Justice Burton in Ontario. He also quoted from Sir Edward Clarke on extradition in this connection. The prosecution must bring home to the accused the charge against him, and upon their failing to do this the accused must be discharged. In this case the prosecution had lamentably failed.

W. J. Taylor, K. C., followed Mr. Helmecken. He pointed out that the preliminary hearing segregated the preliminary facts, the evidence was reduced to very small compass. Those salient features were that in 1883 the accused was married to Agnes E. Newmann by civil contract, which was followed some time after by a church ceremony. There was no dispute up to the entrance to the church. At that point, however, was a difference of opinion as to the name of the bride. He contended that this was not a matter upon which His Honor had to determine—that it mattered not as far as the judge was concerned whether it was the lady or that lady who was married at the church. If it was Agnes Newmann, the marriage did not strengthen in any way the validity of the civil ceremony, and if it was Charlotte Newmann would invalidate it. The case, therefore, did not depend upon that issue because it was

preceded by a fact which, if true, would establish the truth of Mr. Collins' affidavit in this regard. Now with regard to the affidavit there was no dispute that Mr. Collins went to Notary Henry's office, laid a signed affidavit on the table, declared the contents of a true, which was followed by the attachment of the notarial certificate. This was not taking an affidavit according to the law in Canada, and counsel pointed out that His Honor's inquiry was not whether a set of facts labelled perjury in California could be labelled perjury here. If it constituted perjury here His Honor would have to confine himself to the law of California. He didn't think there was much doubt as to that. Mr. Higgins pointed out that His Honor had already decided the matter. His Honor, however, ruled that Mr. Taylor could proceed, counsel assuring him that his argument would not take up more than half an hour.

Continuing, Mr. Taylor said the authorities showed that the facts as alleged made a crime against the law of the country harboring him, and he quoted the extradition act in support of his contention. If the facts set up in this case were such as to establish the crime of perjury in Canada His Honor would have to inquire into the law of California, and he contended that the inquiry could proceed no further.

His Honor: "There is no dispute on that point, I think." Suppose, counsel resumed, the facts alleged occurred here would they constitute perjury in Canada? Taking up the administration of the oath Mr. Taylor contended that the oath taken by Mr. Collins before Notary Henry was not administered according to the law of Canada. It lacked the two vital essentials required in this country, namely, the person authorized by statute to take such an oath, and the solemnity. There was no law or decision in Canada which dispensed with the administration of an oath, where such was required. The notary required by statute was not a clergyman, but a person authorized by law to do so, and if he did not administer the oath it was not administered at all. Unless then this oath were administered under a law which gave the charge of perjury could not be set up.

Counsel then referred to the prescribed form of oath in Canada and pointed out that no person could go into an office here, throw up his hands and say that he had taken an oath, and be held to that without touching the scripture. Ane oath taken in California by accused was not on oath according to the requirements of our law, and if His Honor followed that fact he must discharge the prisoner. Mr. Taylor then alluded to the circumstantial evidence in newspapers, and asked if he could form the basis of a charge of perjury if false. Such a contention was ridiculous, and such an affidavit was waste paper. A person not authorized to take an oath was not authorized to swear if he did so, and the person who made the affidavit subjected himself to like penalty. An American judge had described an affidavit as "a piece of paper, required as a matter of course, and impertinent, while an English judge held that a person who made such an affidavit for the purpose of influencing the court, was guilty of contempt of court." Counsel went on to argue that there was no law or practice in Canada which required or permitted such an affidavit as that dealt with in the present case.

His Honor did not think it was necessary to suppose that all the features of the case were here. He must assume that the superior court of California was sitting here. Mr. Taylor said the decisions on the subject required His Honor to deal with the matter as though all the facts occurred in this country. His Honor said that if a man were charged with burning the Call building in Frisco, he wouldn't have to suppose the Call building was here, for it was known to be elsewhere. Mr. Taylor replied that if the law of California required one fact in regard to the crime charged, and that fact was known to be elsewhere, the law of two, His Honor couldn't commit for extradition unless the two facts or elements required by Canadian law were established. He cited a number of cases to uphold his position. Mr. Taylor contended that length on this point. He also cited a number of authorities, and after reading the definition of perjury under section 147 of the Criminal Code, he contended that there was no law in Canada which required or permitted such an affidavit as the one in this case.

Mr. Taylor's argument continued until court adjourned. SPENCE'S BRIDGE DISASTER. Nanher Killed May Be Greater Than at First Reported. Rev. E. Pugh, who during the absence in England of the Ven. Archbishop Small is in charge of the Anglican mission to the Indians at Lytton, left for there with his wife on Tuesday's Lytton Mission at Lytton. The Vancouver News-Advertiser says: "Mr. Pugh had been up the coast on a holiday trip, but at once came back on hearing of the catastrophe at Spence's Bridge, as the church secretary of the Lytton Anglican Society has kindly given his consent for the excursionists to have access to the grounds of the society."

WEEKLY WEATHER SYNOPSIS. Victoria Meteorological Office, 10th to 15th August, 1905.

The first four days of this week were fine and warm throughout Vancouver Island and the Lower Mainland, and in this vicinity the average daily sunshine recorded exceeded 11 hours. The weather then became unsettled, and by Monday, 14th, rain became general both on this island and the Lower Mainland. A little rain has fallen since the 16th. The weather then became unsettled, and by Monday, 14th, rain became general both on this island and the Lower Mainland. A little rain has fallen since the 16th. The weather then became unsettled, and by Monday, 14th, rain became general both on this island and the Lower Mainland. A little rain has fallen since the 16th.

Table with 2 columns: Location and inches of precipitation. Locations include Victoria, Beaver Lake, Goldstream Lake, Sooke, Alberni (Some), Nanaimo, Cowichan, Port Alberni, Vancouver, New Westminster, Garry Point, Barkerville, Chilliwack, Quesnel, Rosedale, Nelson, Kitimat, Port Simpson, Naas Harbor, Moresby Island (Queen Charlotte).

At Victoria—The total amount of bright sunshine registered was 321 hours and 12 minutes. The highest temperature, 84.2 on 8th; lowest, 59.9 on 2nd; mean, 64.07. There were 6,042 miles of wind recorded on the electrical anemograph, and the directions were as follows: North, 62; northeast, 128; east, 27; southeast, 65; south, 648; southwest, 3,988; west, 1,076; northwest, 49. Average highest temperature, 67.2; lowest, 57.2; mean, 62.8. Average amount of bright sunshine, registered, was 232 hours and 39 minutes. Average wind velocity, 4.2 miles per hour. Average relative humidity, 85.0 on 9th; lowest, 48.2 on 6th; mean, 63.17. Windy Harbor—Highest temperature, 73 on 12th; lowest, 62 on 12th; mean, 67.7. The Island—Highest temperature, 83.1 on 25th; lowest, 48.2 on 12th; mean, 62.7. Vancouver—Highest temperature, 83 on 12th; lowest, 57.2 on 12th; mean, 62.7. New Westminster—Highest temperature, 80.2 on 8th; lowest, 47.8 on 8th; mean, 63.6. Garry Point—Highest temperature, 89 on 12th; lowest, 48 on 12th; mean, 63.2. Kamloops—Highest temperature, 71.5 on 9th; lowest, 52 on 15th; mean, 71.6. Barkerville—Highest temperature, 82 on 22nd; lowest, 49 on 26th; mean, 57.57. Port Simpson—Highest temperature, 92 on 8th; lowest, 46 on 12th; mean, 69.4. Quesnel—Highest temperature, 96 on 20th; lowest, 40 on 20th; mean, 70.1 on 21st; lowest, 47 on 8th and 15th. Rosedale—Highest temperature, 90.6 on 1st; lowest, 68.9 on 14th; mean, 79.7. Nelson—Highest temperature, 93 on 8th; lowest, 64.4 on 14th; mean, 78.7. Kitimat—Highest temperature, 94 on 20th; lowest, 46 on 12th; mean, 63.65. Port Simpson—Highest temperature, 77.4 on 5th; lowest, 44.8 on 12th; mean, 60.6.

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Used by always ordering the perfectly blended DIXIE TEA. At 85c. and 60c. per lb. Success is always assured. Independent Grocers. The Mutual Life of Canada publish in this issue the necessary notice in regard to registration as required by the recent amendment to the "Companies Act." The head office of the Mutual Life of Canada in British Columbia is situated at Victoria, and R. L. Drury, of Victoria, the provincial manager, is the attorney for the company.

The funeral of Mrs. Smith took place from the family residence, James street, James Bay, on Monday afternoon. Religious services were conducted by Rev. W. Leslie Clay. There was a large attendance of sympathizing friends. The following acted as pallbearers: Messrs. J. Lawson, J. E. McRoberts, E. M. Whyte, P. Oakes, A. Ross, and A. Duncan.

HOW TO KILL A COLD. NO easier or more pleasant way than to inhale "Catarrhose"; it stops the cold instantly, clears the nostrils and cuts out the phlegm. Try Catarrhose yourself. The remains of Hugh O'Neill were laid at rest Monday afternoon. The funeral took place at 2.30 o'clock from the residence of his son, F. C. O'Neill, No. 340 Johnson street, services being conducted by Rev. G. K. B. Adams. There was a large attendance of friends and many floral tributes. The following acted as pallbearers: D. Spencer, Jr., G. E. Munro, B. Bray, T. Carson, F. J. Hall and D. McLachlan.

Calvary Baptist Mission at Victoria spent a very enjoyable picnic at the home of Mr. Few, a former superintendent of the school, on Saturday last. The party proceeded by car to the Gorge park, and from thence by boats to the head of the Arm, where games and races were held. Of the sixty-six who partook of the good things at 5 o'clock, there was not one but pronounced it a successful picnic, and the very hearty vote of thanks to the host was unanimous.

Harry Leighton, a boarder at the Grand hotel, and Peter Seaman, of Extension, were hurt while working on the bridge that is being built upon the new line on Tuesday, the former's leg being broken and his face grazed, while the latter's face was injured. The accident was caused by the falling of a heavy wooden beam. It struck Leighton on the leg with the above results, and Seaman fell on his face while attempting to spring clear of the falling timber.

Christopher Robinson, K. C. of Toronto, probably Canada's most eminent lawyer, will leave on Friday for the North, his object being to tour Alaska. He is greatly enjoying his sojourn in Victoria, especially the charming spot at Oak Bay hotel, which is temporarily his home. To a Times representative Mr. Robinson said his last visit here was in 1890, when he was in the employ of the late Sir Joseph Trutch in the latter eighties. He regards the growth of the Canadian West in the last few years as wonderful, and predicts a continuance of its investigations. Returning, he intends to spend a day at Chemainus, a witness the Victoria Lumber Company's mill in operation. Mr. Schiek intends to tour the eastern provinces on behalf of his department later in the season.

Alard Schiek, an officer of the forestry department of the German government, is visiting his family here. He has made arrangements to accompany J. R. Anderson, deputy minister of agriculture, to Alberta for the purpose of pursuing his investigations. Returning, he intends to spend a day at Chemainus, a witness the Victoria Lumber Company's mill in operation. Mr. Schiek intends to tour the eastern provinces on behalf of his department later in the season.

A meeting of the Trades and Labor Council was held Wednesday, when essentials were presented by Frank Van Arthur as a delegate from local union No. 220 International Brotherhood of Electrical Workers, and Henry Norman, a delegate from the Street Electrical Employees' Union. A communication was submitted from Vancouver announcing that everything possible would be done by the Terminal City board to make the Labor Day celebration in that city a success. Other matters of minor importance were discussed, after which the meeting adjourned.

A pleasant time was spent by those who attended the "At Home" given by the party of Oak Bay campers Wednesday. Most elaborate arrangements had been made for the entertainment of the guests. In the first place a huge platform had been constructed for dancing, and from it was a walk, gaily decorated, leading to a fleet of small boats, all of which were brilliantly illuminated. Thus the pleasure-seekers had the choice of two amusements, namely, dancing or boating. Nothing had been omitted likely to contribute to the success of the affair, and those who returned to their homes by the special car provided for the occasion expressed themselves as delighted with the entertainment. Rev. C. W. Houghton, of St. Barabas church, New Westminster, has returned to the Mainland in charge of the body of the late G. H. Hawkins Emmet, who died in Victoria so suddenly

THE BEST TEA. Of housewives get tired of failures, especially when the fault is generally in the quality of the tea. Used by always ordering the perfectly blended DIXIE TEA. At 85c. and 60c. per lb. Success is always assured. Independent Grocers. THE HICKMAN TYPE HARDWARE CO., LTD., 32 and 34 Yates Street, Victoria, B. C. P. O. DRAWER 613. TELEPHONE 59.

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On Monday, Sunday evening Mr. Hawkins-Emett attended service in Christ Church cathedral, and on Monday he went out to dinner at the home of a friend, William Gordon, of the lands and works department, 18 Bellot street, where he passed away from an attack of heart disease. The late Mr. Hawkins-Emett was a prominent engineer. For quite a while he had been working on the production of a new and extremely hard metal. About six months ago his labors were crowned with success and his invention was patented as Emett's handle. The following are the names of the school attendance:

Table with 2 columns: Name and attendance count. Includes Boys' Central (531), Girls' Central (426), North Ward (438), South Ward (309), Victoria West (232), Spring Ridge (171), Kingston Street (124), Hillside Avenue (96), Rock Bay (20).

It was pointed out that last year's figures include a class of about forty Chinamen, while those of 1905 are not so augmented, that portion of the Boys' Central school having been disbanded. Therefore instead of there being only an increase of seventy-two there was an addition of 110 pupils, a very important matter under the present conditions. The general discussion then took place, it being suggested that the addition of a teacher to the staff of the Boys' Central school might meet the requirement. This was endorsed by the others, and Miss E. Lovell was finally appointed to a position at the school mentioned. The question of repairs and other details came up, but nothing else of importance was done. The meeting shortly after adjourned.

SITUATION IMPROVING. New Orleans, La., Aug. 17.—The relatively insignificant number of deaths here in the past 24 hours, at a time when it was expected that there would be some increase over the maximum figures already reported, has made a fine impression on the local public, and has given rise to an erroneous view that the yellow fever is losing its virulence in contact with modern forms of treatment. Of the 10 new squares infected 12 are immediately adjoining squares previously reported as infected, showing the slight spread of the disease. A list of 15 suspicious cases reached the marine hospital officers after the report was closed and were under investigation to-day.

BORN. SCANLAN—At Nelson, on Aug. 12th, the wife of T. J. Scanlan, of a daughter. MARRIED. CHASE-GREEN—At Vancouver, on Aug. 14th, Miss M. G. Wilson, wife of Chase and Miss E. M. Green. DIED. HALSB—At Vancouver, on Aug. 15th, Miss Anne Isabella Halsb, aged 83 years.

PRIZE THE AWARDS Large Display (From This afternoon the Victoria and was in the night. In the city of the exhibition of that or moderation here than is necessary to riches at their are a manner. Without magnificence The competition rivals the ladies interested with the most of them than 22 the judge ask where this decision. are most been used that, to be most in prior to an which see adornment sheets and other every prove the Never to be discarded your doris aut is in magis show the "dence." of cut flowers prizes were awarded to the winners. The jury after among a number of others the W. F. B. Manton will make classes. complete as show from and their this is a officials. Question Discussed at Special Meeting of School Board—New Teachers Appointed. A special meeting of the Board of School Trustees was held Wednesday afternoon, when the lack of school accommodations was discussed. Chairman Boggs presided, and in his introductory remarks briefly explained the matter to be considered. He pointed out that since the opening of the schools there had been so many applications for admittance that the best method of arranging the distribution was assuming a rather serious aspect. This was followed by a general debate, during which most of those present expressed opinions. Superintendent Batson then read the following statistics, comparing the number of scholars admitted to the schools during vacation of 1904 with the total now attending: