...rewells To ... His Troops

...out to Visit Volga Region ...spect Levies For Far East.

...ing Version of General ...'s Recent Encounters With Kuroki.

...ent Was Taken In Order ...op a Flank Attack By Japanese.

...ersburg, July 7.—It is report-... the Emperor will leave St. ...g Saturday for the Volga re-... visit Kazan, Penza, Samara ...n to bid farewell to the Fifth ...Siberian army corps, which ...eld in reserve at Irkutsk and ...

...re a dozen versions of Lieut.-... Count Keller's reconnaissance ... which resulted in two fights ...ne at Ekhavuin and the other ...mizza, west of the line be-...tien and Feushuia passes. The ...of the London Daily Telegraph ...aoyang, announcing a battle ...eeding 25 miles from there, ... refers to this fighting. ...g to official information re-... the war office, the Japanese ...ir advance toward Liaoyang ...one column moving along the ... the other over the direct ... former reaching Oufongkou, ... beyond Fenshui pass, and the ...ching Laiokhan pass, twelve ...thwest of Motien pass. They ... these points till July 3, the ...falling back to Liaotse pass, ...rom Liaoyang. The Japanese ...uard, consisting of 1,500 men, ... two miles east of the Russian ... The next day occurred Kel-...nnaissance in force, when the ... were discovered to be trying ...novement in the direction of ...ian.

... the last fighting reported ..., but still further north a ...olumn is continuing to hold ...enshui pass, twelve miles ... of Saimatsza, on the road ... Liaoyang and Mukden, and ...east of the latter place. At ... the Japanese main forces are ... Haicheng and Chowtatche-..., at Vandiapudze and Shike-...pectively 37 miles from Hai-... 50 miles from Tatchekiao ...ou.

...r office denies that a battle ...ess as reported by the Liao-...espondents of the London ...egraph. The officials of the ... repeat the substance of the ...n contained in these de-...tch, saying that the corre-...of the Daily Telegraph pro-...ed to the reconnaissance ...e by Lieut.-Gen. Count Ke-...th in the direction of the Mo-...east of Liaoyang.

... appear that confusion has ...ough the use of the words ...ss" in General Kuropatkin's ...t June 27. The Motien pass ... the "gate of Motien," and ... troops would not be likely ... from there on Haicheng or ..., as they would have to move ... miles southwest after get-...th the pass.

...other hand, there is a Mono-...nearly east of Haicheng, and ...y miles from that town. It ... that Monotien pass was ...en Motien pass was men-...

...eems probable that the refer-...a pass in General Kuropat-...Th meant "Dalin pass," ...Da pass, which is about ... miles southwest of Tatche-...

...nounced from Haicheng last ...a heavy engagement was ex-...y near the village of Simou-...en miles south southeast of ...and an equal distance due ...e railroad. Simoucheng is ...y miles from Monotien pass.

...ATH OF SUCCESSION.

...orfolk in the Lords Proposes ...a Modification.

...uly 7.—The question of al-...oath of succession taken by ...eign, which occupied the ...ords last night, came up on ...of Norfolk's resolution that ...ould be amended so as to ... condemnation of doctrines ...part of the conscientious be-... of His Majesty's subjects. ...Jersey moved to amend ...on by adding that while the ...Lords was desirous that no ... unnecessarily offensive to ... Majesty's subjects should ... of the sovereign, nothing ...done to weaken the security ...rotestant succession. The ...was carried after a lengthy ...during the course of which ...downe said he recognized ...d desire that the question ...ettled in a reasonable way. ...lorable that a grievance ...in in the minds of the Ro-...c subjects of the King, but ...ossible for the Government ...settlement until the leaders ...nion were able to show that ...rived at a basis as settle-...common ground could be ...ween Protestants and Ro-...cs, the Government would ...ee an inquiry instituted.

...TY INCREASING.

...of Affairs Shown by Lat-... Asylum Statistics.

...s from the Public Hospital ...e offer good cause for ser-...they show that the steady ...the number of inmates, ...een going on for such a ...s not ceased, but, on the ...still going ahead, and un-...ension is made on the pres-...or the state of congestion ...ne way, the conditions of ...m... become serious. It ...d that steps will soon be ...omething in this direction, ...certainly needs doing. The ...the piece of land by the ...some weeks ago, for the ...urning it into an asylum ...wise move in the right di-...returns are as follows:

	Males.	Females.
...in. month ..	820	89
...g month....	7	1
... probation..	2	0
...hout prob...	2	0
...probation...	2	0
...ry probation	1	0
... ...	2	0
...se of month	283	89
...ose of month	10	6
... treatment..	293	95

...nter, the Wisconsin senator, ...ing a case before the Su-...Before Carpenter got half ...his argument, the judges ...inds that he might as well ...decision would go against ...wn, and his opponent, who ...arose to speak. The chief ...I don't think it will be ...r from you." Seeing that ...dressed, the lawyer turned ... said. "What did the chief ...ice?" he whispered. "He ...ave you the case than to ...arpenter bawled in his ear.

The Appeal To Be Heard

Full Court Grants Application Made By Counsel for Hutchinson.

Objections on Technical Points to Be Argued Next Monday.

(From Friday's daily.)

Yesterday afternoon the Full court decided to allow an appeal from the sentence passed upon Joseph Hutchinson of six months' imprisonment for conspiracy to defraud certain merchants in connection with the B. C. Supply Co., of Vancouver, on a stated case. The points on which the appeal is allowed are: 1, Whether, if the Crown puts a witness into the box to prove the cardinal point in an indictment, the Crown can afterwards put other witnesses into the box to contradict their chief witness? And 2, whether the evidence of Howell in regard to statements or acts in the absence of Hutchinson is receivable as evidence against Hutchinson when taken prior to the establishment of a prima facie case of conspiracy?

These points will be argued before the Full court on Monday morning next.

The case was tried before Mr. Justice Duff and a jury in Vancouver in April last. Mr. Justice Duff reserved some of the points raised by counsel for the accused for the opinion of the Full court, and Hutchinson was released on bail pending the hearing of these points. On Tuesday last some of the bondsmen withdrew, and Hutchinson was committed to the care of the sheriff and taken to the jail at New Westminster.

In presenting the second part of his argument in favor of leave for appeal being granted, Mr. McCaul yesterday reviewed some of the evidence given at the trial describing the deal between Hutchinson and Howell, by which the latter took over from the former the business known as the B. C. Supply Co., in which Hutchinson was apparently the only shareholder and the actual proprietor. The transaction took place in November of last year, Howell paying for the business, stock-in-trade and fixtures, the sum of $500 and assuming a liability of $850. Howell declared that it was not his intention to assume any further liability and said that the other liabilities were to have been assumed by Hutchinson, who also was to take the book debts of the concern. Having taken over the business Howell remodelled the building and purchased a considerable stock of goods from various merchants with the idea of making a "splurge" and working up a big business. From a legal point of view there could be no doubt that as a matter of fact the liabilities of the business passed from Hutchinson to Howell on the transfer of the shares in the company from the former to the latter, but Howell claims that he looked upon this transfer as only a matter of "red tape" and did not worry about it. About the beginning of January Howell decided to endeavor to enlarge the business and to lay down a cold storage plant, and for this purpose wished to get some more capital into the business. He intended going to Victoria on this mission. In the meanwhile Mr. Kelly, to whom there was some money owing on a bill due on the 20th of the month, got uneasy about it and asked Howell for a chattel mortgage. The two went to Mr. Russell's law office and Mr. Russell stated that this form of security could not be given under the circumstances, and Howell was persuaded to make a pretended sale to Kelly of $1,000 worth of goods. As soon as this was done Kelly sent two drays down to the store to fetch the goods. These were taken out of the store through the back door on January 4, just prior to the assignment. Howell, meanwhile started off to catch the steamer for Victoria, but owing to the drays having been sent to get the goods at the lunch hour, the draymen delayed delivering them to Kelly, Douglas & Co. until after their meal, and Kelly became alarmed. He went down the street, and, catching Howell, made him return to the bank and give him a check for all the money Howell had there. This, Howell says, became the talk of the city, and the story got about that he was endeavoring to abscond. Baker, Leason & Co. sent up a man to the store and they also took away a load of goods. Then Howell was forced to assign. This was the story told by Howell, and as he was the principal witness for the Crown, Mr. McCaul urged that his story would have to be accepted by the Crown.

Taking the verdict of the jury, Mr. McCaul said that there had been two instances of fraudulent representations proved. One was in the dealing with Harry Jacobs, who had been persuaded to give Howell credit for some $800 worth of cigars on representations made by Hutchinson that Howell was the starting business with a clean sheet, free from incumbrances, and the other was in the case of Brackman-Ker, wherein Hutchinson had made the same representations. Mr. McCaul pointed out that these cases did not support the allegation of conspiracy, as the statements were in effect true, and it was not shown that Howell had the fraudulent intention of not paying for the goods obtained. Moreover, to prove the existence of a conspiracy it was necessary to show an arrangement between the two men in these dealings, and Howell, the Crown's witness, had sworn that he did not know of the representations made by Hutchinson.

Mr. Justice Drake—Was it true that the business was free from incumbrances when there were debts owing by it?

Mr. McLean—There were $6,000 of debts owing.

Mr. McCaul—The business was free from incumbrances in the sense that there were no mortgages or liens on it.

Mr. Justice Drake—I think that the expression "a clean sheet" implies no debts.

Mr. McCaul—The assets were more than the liabilities, according to the statement, and according to the evidence of Howell, Hutchinson assumed the liabilities.

Continuing his argument, Mr. McCaul said that the learned trial judge had erred in admitting evidence of acts and declarations not connected with the person charged. Such evidence was inadmissible and might wrongly affect the minds of the jury. Moreover, he contended that the judge should have charged the jury specifically on what points they could find the accused guilty of the charge laid against him. The trial had occupied ten days, and such a mass of evidence had been put in that a clear direction to the jury was necessary. The jury was probably more or less confused.

The Chief Justice—Especially as the court seems to have been fusilladed with objections.

Mr. McCaul—They were fired in on every possible occasion.

The Chief Justice having intimated that he would like to hear the deputy attorney-general on some points raised, Mr. McLean said he was not prepared to argue on all the points raised by Mr. McCaul, but he would deal with the whole question of whether a case should be stated for appeal.

The judgment delivered by the court was