The Semi-Weekly Colonist.

VOL. XLVII. NO. 89 — VICTORIA, BRITISH COLUMBIA, TUESDAY, AUGUST 22, 1905. — FORTY-FIFTH YEAR.

Collins to Be Extradited

Judge Lampman Rendered Decision Averse to Fugitive Lawyer Yesterday.

Committed Prisoner for Surrender to California to Be Tried for Perjury.

Habeus Corpus Proceedings Are Commenced Before Justice Duff—Liberty Curtailed.

GEORGE D. COLLINS was committed for extradition yesterday by Judge Lampman, and soon afterward, within an hour, began an appeal on habeas corpus proceedings taken before Mr. Justice Duff, contending that the warrant of Judge Lampman was defective in that it did not disclose conditions precedent to jurisdiction of the judge to commit; that it did not contain a recital that such evidence was produced as would, according to the law of Canada, subject to the provisions of the Extradition Act, justify the committal for trial if the crime had been committed in Canada; that the warrant did not commit the fugitive to the nearest convenient prison, there to remain until surrendered to the foreign state or discharged according to law; and that the section in the act validating forms did not dispense with a description of the substance of the offence mentioned. It gave the form, but not the substance, Mr. Taylor said. Justice Duff remanded the hearing until 3 p.m., when the question of the custody of Collins was also gone into, Mr. Taylor making efforts to secure the liberty of the accused upon a similar arrangement of guards as heretofore, but Mr. Justice Duff declined to interfere with the action of the court in giving the custody of the prisoner to Supt. Hussey of the provincial police, who said he would not be responsible for the custody unless accused was confined in the common jail.

The court was thronged when Judge Lampman took his seat on the bench yesterday, and, as he proceeded to read his judgment committing the prisoner for extradition, there was a hush, interrupted only by the strains of a march played by the band in a procession outside. Mrs. Collins and her mother, who had attended nearly every session of the case, were absent, but there was a large percentage of ladies present, more than usual. Room in the Assize court was at a premium. Collins sat behind his counsel, Messrs. H. D. Helmcken, K.C., and W. J. Taylor, K.C., his head bowed, listening to the judgment, adverse to him. At the close he rose to state he would avail himself of the opportunity to take habeas corpus proceedings. The judgment read by His Honor Judge Lampman, was as follows:

The Judgment.

The prisoner, George D. Collins, who was until recently an attorney practicing in San Francisco, is charged with having on 30th June last committed perjury in San Francisco, and I am asked to order his extradition, surrender to the authorities of the State of California under the provisions of the Extradition Act.

The perjury is alleged to have been committed by the prisoner by his making false statements in an affidavit verifying his answer to the plaintiff's complaint in an action in the Superior court of the State of California in and for the city and county of San Francisco, wherein one Charlotta Eugenie Collins was plaintiff, and the prisoner George D. Collins was defendant, and in which action the plaintiff by her complaint alleged inter alia that she and defendant intermarried in San Francisco on the 15th May, 1889, and she prayed for a decree of the court that defendant be required to pay her such sum as the court should deem reasonable and proper for the maintenance and support of herself and children. The complaint was verified by plaintiff's affidavit, and on 30th June, 1905, the defendant's answer was filed, and in it defendant (after taking the objection that the court had no jurisdiction of the subject matter of the action) denies inter alia that he and plaintiff intermarried on 15th May, 1899, or at any other time, or at all, and he verifies his answer by affidavit. In swearing that he and plaintiff were never married, it is charged that the prisoner committed perjury.

In May, 1905, the prisoner was indicted in San Francisco for bigamy, the allegation against him being that on the 23rd April, 1905, he married in Chicago one Clarice McCurdy, notwithstanding that his first wife (Charlotta) was alive, and that his marriage to her was in full force and effect, and during the proceedings before me the prisoner was still under the said indictment for bigamy, he having fled from San Francisco to escape the bigamy trial.

The first point argued before me was that perjury was not an extradition crime. In holding that it is I have already (on 24th July) stated my reasons.

In the evidence tendered before me were some depositions taken in San Francisco; these depositions or affidavits purport to be signed at the foot by the deponent and at the lower left hand corner there appears the following jurat: "Subscribed and sworn to before me this 14th day of July, 1905. William J. Lawlor, presiding judge of the Superior court of the State of California, in and for the city and county of San Francisco," and the seal of the said Superior court is attached. The signature of Judge Lawlor was verified by Thomas B. Gibson, a witness before me.

It was contended that the affidavits were not certified as required by section 10, s.s. 2 (a) of the Extradition Act, but I think that the jurat contains all that the act requires it should contain, and the evidence of the witness Gibson completes the authentication. It is contended that Judge Lawlor might have signed some additional certificate which could have been written on the back or margin of the affidavits, but I cannot see that it would have added anything to the meaning which the jurat conveys; it would probably have contained more words that the jurat, but the learned judge could do no more than verify that he was a judge, and that the affidavit was subscribed and sworn to before him, and he has in effect certified both those facts.

The Maintenance Action.

The complaint in the maintenance action on its face shows that the defendant's alleged desertion of the plaintiff had not continued for a year, and it is argued that therefore the Superior court had no jurisdiction to entertain the cause, and hence there could be no perjury.

Section 137 of the Civil Code of California provides that when the wife has any cause of action for divorce as provided in section 92 of the code, she may maintain in the Superior court an action against the husband for maintenance; in section 92, wilful desertion is given as one of the grounds of divorce, and by section 107 wilful desertion must continue for one year before it is a ground for divorce.

Mr. Whiting, an assistant district attorney of San Francisco, who was called by the prosecution, says that notwithstanding section 137 he thinks the Superior court has some equitable jurisdiction in maintenance actions enabling it to grant some relief to a plaintiff, even though the desertion were for less than a year, and in support of his opinion he refers to Galland v. Galland, 38 Cal., 265; Murray v. Murray, 115 Cal., 274, and some other cases.

Mr. Collins, who gave evidence on his own behalf, says that the Superior court had no jurisdiction, and that his demurrer should have been allowed, but instead it was overruled, and an order for interim alimony was made by Judge Graham of the Superior court. As to whether Mr. Whiting or Mr. Collins is correct on this point is immaterial in the view I take. This objection it seems to me is rather an objection to the sufficiency of proof or allegations of the cause of action, and not to the jurisdiction to try the case. The action was brought in the proper court. The case of Reg. v. Ewington (1841) 1, Carrington & Marshman, 178, strongly relied on by Mr. Taylor rather strengthens me in my opinion: see the remarks of Lord Abinger at pp. 180 and 181.

The objection that no oath was ever administered to accused was strongly relied on. The evidence of Mr. Henry is that accused came to his office with the affidavit already signed, and producing it said: "Mr. Henry, that is my signature, and I swear to the statements therein being true," and at the same time raising his right hand, whereupon Mr. Henry signed his name to the jurat and impressed the affidavit with his notarial seal and handed it to accused. It is argued that no oath was in fact administered according to the law of either Canada or the United States. No English or Canadian decision on the precise point was cited, but I think according to the law of Canada the oath was administered. Rex v. Lai Ping, 11 B C., 102, may be usefully referred to in this respect, and also O'Reilly v. People, 86 N. Y., 154, which latter case was relied on by accused, but it seems to me altogether against his contention.

The Oath in California.

Then as to whether it was administered in California—i.e., according to California law. In People v. Simpton (1901), 65 Pac., 834, there are some expressions by the court, which it is contended indicate that the oath in question was not administered, and that the affiant could not be subject to the penalties for perjury. Section 2094 of the code of civil procedure lays down the form to be observed in administering an oath, but section 121 of the penal code it is provided "it is no defence to a prosecution for perjury that the oath was administered or taken in an irregular manner, or that the person accused of perjury did not go before, or was not in the presence of the officer purporting to administer the oath, if such accused caused or procured such officer to certify that the oath had been taken or administered."

Mr. Whiting says his opinion is that the curative provisions of section 121 apply here, and that the objection that the oath was not administered is not a good one. I should think any court would be slow to hold that a person charged with perjury who went before a notary, said he swore to the truth of certain statements, and at the same time holding up his right hand, was in a better position than one who sent his affidavit to a notary by an office boy, and thus procured a notary's certificate that the affidavit had been sworn to before him.

The accused in his evidence stated that in 1888 he entered into a contract marriage with Agnes M. Newman, and in her school in San Francisco he celebrated a religious marriage in 1889, at the church of St. John the Baptist in San Francisco. This religious marriage he said was with Agnes M. Newman, and not with Charlotta Eugenie Newman, as stated by the marriage certificate, and the evidence of the witnesses Newman and Curran, and the affidavits of Charlotta E. Collins and Florence Newman. The contention on behalf of accused is that the contract marriage in 1888 was good according to the law of California at that time, and that even if he were married to Charlotta Newman in 1889 the marriage was not valid, and therefore the statement in the affidavit denying the marriage was true.

Evidence of the Accused.

The evidence of the accused is so at variance with the rest of the evidence that I cannot accept his statement as to the contract marriage; to believe it I must be satisfied that the religious marriage in 1889 was to Agnes M. Newman, and not to Charlotta E. Newman. On the back of the marriage license and certificate there is the endorsement "Geo. D. Collins and Charlotta E. Newman," and this endorsement is in the handwriting of the accused, at least Mr. Groom says it is, and he was not cross-examined, (although accused denies it is his handwriting) on that point, and it was not charged, or even suggested, before me that he was one of the many alleged conspirators against the accused. It is contended the name "Charlotta Eugenie" was inserted in the marriage license by mistake, and a fairly plausible explanation of how that mistake was made is given, but unless accused was married to Charlotta—why he wrote the name of "Charlotta E. Newman" on the back of the marriage license is inexplicable.

Dealing with this branch of the case I do not think I could do better than adopt the language of Mr. Lafontaine, who, as extradition commissioner (sitting in Montreal) ordered the surrender of Gaynor and Greene on the 6th June last, said: "The opinion of Sir Edward Clarke upon the duties of an extradition commissioner as to committal or discharge might perhaps be cited with advantage, not that I have any doubts as to the course that I have to follow, but to show how the path of the extradition commissioner is narrow. And this also answers the contention of the learned counsel for the defence that the accused were entitled to the benefit of any reasonable doubt, if any existed.

"Clarke, on extradition, p. 247: 'It must be remembered that the magistrate investigation a case of demanded extradition is not quite in the same position as if he were deciding on a charge of crime committed within his own jurisdiction. In the latter case he has full discretion, he may, and often does, discharge a prisoner because, although there is prima facie evidence of guilt, the circumstances are so obscure, the intent so doubtful, the testimony so conflicting, that he thinks a jury would not be likely to convict. But in a case of extradition he cannot consider these matters. If he finds sufficient evidence of guilt to justify a commitment, the question of a probability of a conviction is not one for his consideration.'"

I think the evidence is sufficient to put the accused on his trial, and I determine that he must be committed for jail pending surrender."

"It is my duty to inform you that you will not be surrendered for fifteen days," said His Honor.

"We desire to announce, Your Honor, that we will apply for a writ of habeas corpus," said Mr. Collins.

The proceedings were commenced before Mr. Justice Duff shortly afterward, and after some argument yesterday afternoon, were remanded until Tuesday at 11 a.m.

It is understood that Mr. Hussey, superintendent of the provincial police, has made arrangements to give Mr. Collins liberty during the day, accompanied by a guard, similar to the custody in which he was previously held.

CZAR'S "GIFT" TO PEOPLE.

Promulgation of Reform Edict Received Quietly by Masses.

St. Petersburg, Aug. 19.—The Emperor's gift of popular representation was received quietly and without special manifestation by the Russian public. A stranger in St. Petersburg would only have noticed that the crowds in the streets were carefully reading in the newspapers the long columns of the manifesto and the details of the project as they walked home from work. The newspapers, which published the full account of the project as well as tablets including the number of representatives had little room for comment. Except among the extreme radicals, who had made up their minds in advance to be dissatisfied, and in the factionist camp and among others of extreme views, who believe the Emperor has surrendered far too much in creating an assembly.

Public opinion is also slow to crystallize as the outlines of the new institution are too broad and too complex to be grasped and understood on a first survey. But the indications are that the project will be popular. The manifesto had

An Extremely Good Effect.

as the revolutionists and other agitators had been declaring that the Emperor had no intention of carrying out the promised reforms.

The principal comment heard today concerned the omission of Poland from the electorate scheme, but it was explained that this was owing to the differences in local organizations on which the scene of suffrage rests. The Emperor has intrusted the elaboration of measures to supply the deficiency in this and other provinces of the empire where the system of local organization is irregular to a special commission under Count Selsky of the committee of ministers, with instructions to have a report ready in time to permit the participation of all parts of the empire in the first elections. In St. Petersburg and Moscow, the manifesto and accompanying documents were published simultaneously, and in other governmental centres, and are known now throughout the length and breadth of the empire.

First Fruits of Reform.

In the imperial ukase ordering the ruling senate to promulgate his manifesto for the creation of the assembly, the Emperor rescinded the ukase of March 3, as he considers that all questions relating to the perfecting of the system of government ought to be submitted to the assembly. This decision was emphasized by General Duralovo, governor-general of Moscow, yesterday at his reception which was attended by members of the zemstvo congress. The governor-general informed them that in view of the reforms now granted all privileges accorded by the previous ukase had lapsed, that private conferences would be no longer necessary and that he would not permit in Moscow private meetings of zemstvo congresses or the discussion of constitutional questions.

Pacific Coast Happenings

Resident of Notch Hill B. C. Victim of Hotel Fire in Portland.

Chinese Exclusion Again Discussed by Trans-Mississippi Conference.

PORTLAND, Ore., Aug. 19.—(Special.)—Thomas Sorensen of Notch Hill, B. C., and an unknown companion were burned to death in a fire which destroyed the Stateroom Inn, Thurman street, between Twenty-sixth and Seventh streets at 2.30 o'clock this morning. Both were attempting to make their escape when overcome by smoke. Their bodies were found in a small toilet room near their room.

Deputy Coroner A. L. Finley and Sergeant of Police Lovell at 2 o'clock this afternoon succeeded in discovering the identity of the larger of the two men, whether victims having been recognized up to that time. His watch, $11 in money and some letters and papers revealed the name. News of the holocaust will be wired to Notch Hill today in an effort to find out who the second man was. Both were farmers residing in British Columbia.

No register of guests was kept at the hotel, and the bodies of both men were charred beyond any possibility of identification. Sorensen is described as being about 35 years old, six feet 2 inches tall, short cut hair and wearing a light suit of clothes. His partner was about 35 years old, five feet six inches tall, very dark complexioned, and is described as having a slightly shaped nose, which overhung a very thick broad upper lip. They came to the city yesterday morning. The fire, which completely destroyed the two-storey frame building, had its origin in a defective gas jet, or from carelessness of a guest in smoking. Several roomers were seriously injured in jumping from the windows.

On the question of the report of the committee handling the question of Chinese exclusion at the trans-Mississippi congress today there was a lively debate. The California delegation declared their resolutions tame and an attempt to "straddle" the question. The report was finally adopted, a motion to reconsider the adoption having failed. Kansas, Mo., was selected as the next place of meeting. The following officers were elected for the ensuing year: President, David R. Frances, St. Louis; first vice-president, H. D. Loveland, San Francisco; second vice-president, L. Bradford, Prince, Santa Fe; third vice-president, N. J. Larimore, Larimore, N. D.; fourth vice-president, C. A. Fellows, Topeka; secretary, Arthur B. Francis, Cripple Creek, and H. B. Topping, Kansas City, was elected treasurer.

Tacoma, Aug. 19.—Robert Keefer of the Tacoma baseball nine, the "Tiger's" star pitcher, has been sold to the New York American League for over $2,500.

WAS BRUTALLY FLOGGED.

Leaped Overboard from Deutscherland—Ship's Officers Condemned.

New York, Aug. 19.—Passengers coming ashore from the Deutscherland when she was docked in Hoboken last evening brought an almost incredible story of the fate of Louis Jansen, common seaman, who was alleged by them to have been so severely punished by the ship's officers that he committed suicide by leaping into the sea. By several passengers it was stated the man had been flogged, but this was denied by the ship's officers.

Mrs. Henry Siegel, Mme. Schenmann Heinck, Ethel Barrymore and Robert Edson are among those who told about how Louis Jansen had been punished by the ship's officers, and that in sheer desperation he leaped to suicide.

The story quickly spread among the passengers and indignation ran so high that, it is said, the trip became extremely unpleasant for the officers. A dance arranged for last Tuesday night was postponed by the ship's captain when he was informed that none of the passengers would take part in the affair.

Roosevelt Intervenes

At President's Invitation Baron De Rosen Has Prolonged Interview.

Assumed That Final Effort Was Made to Bridge Over Difficulties.

Japan Has Every Confidence in President's Intentions But Remains Firm.

OYSTER BAY, Aug. 19.—Baron De Rosen, Russian ambassador to the United States and second official of the Russian emperor's envoy to the peace conference, was with President Roosevelt for an hour late this afternoon at Sagamore Hill. He came to Oyster Bay by invitation of the President, not merely to discuss with him the situation, but to have presented to him by the President a proposition which, it is hoped, may solve the differences which have arisen between the plenipotentiaries of the two governments. After his conferences with the President, Baron De Rosen left immediately for his summer home at Magnolia, Mass., where he and M. Witte, the principal Russian envoy, expect to spend Sunday.

Neither President Roosevelt nor Baron De Rosen would consent to discuss, even in the most general terms, the details or result of their conference. The ambassador will present the proposition to M. Witte tonight, and the likelihood is that it will be submitted to Emperor Nicholas. On receipt of a consideration will depend the fate of the peace conference. It is not improbable that before the envoys meet next Tuesday it may be known with some degree of definiteness whether it is to be peace in the far east or a continuation of the war.

Hinges on Interview.

Portsmouth, N. H., Aug. 19.—All hope here that the peace negotiations may yet be saved from a break on Tuesday is fastened on the proposition which Baron De Rosen is bringing from President Roosevelt to M. Witte. This proposition, it is said, concerns only Russia's position, and if it shall prove acceptable to Russia, will be presented by M. Witte as soon as it shall have received the sanction of the Emperor. When M. Witte retired tonight he was entirely ignorant of the nature of the proposition.

Late tonight M. Witte was advised by Baron de Rosen that he was leaving Oyster Bay and expected to reach here some time tomorrow morning.

The Japanese plenipotentiaries are yet without any official knowledge of Baron De Rosen's visit to Oyster Bay. Baron Komura and Mr. Takahira do not expect that the proposition will come before the conference as a suggestion from the President, but in case it shall be acceptable to Russia they expect to see its terms modify the attitude of the Russian attitude.

Russia Must Pay for War.

The Associated Press is authorized to say that Japan has the most absolute confidence in the President, and although without any official knowledge of the latest movement, the Japanese plenipotentiaries feel certain that the President is acting not only in behalf of peace, but as much in the interest of Japan as of Russia; that before Baron De Rosen arrived at Oyster Bay the President was in full possession of Japan's views and knew on what points she might, under certain conditions, yield, and what demands were regarded as essential and unchangeable.

Japan, it can be stated, must somehow be reimbursed for the cost of the war. Unless the Japanese Emperor shall change his position, which his plenipotentiaries do not for a moment believe is probable, Russia must yield on article 9 (war indemnity) or Japan will be forced to continue the war.

The Associated Press is further authorized to say that the Japanese plenipotentiaries have not recommended to their government a retraction of the principles for which the war was fought, and for which Baron Komura and Mr. Takahira have been striving earnestly throughout the conference.

President's Latest Move.

Regarding the President's latest move a Japanese secretary said tonight: "Japan's confidence in President Roosevelt as a great and good friend, has been strengthened rather than shaken in the final effort on the eve of what, it is feared, may prove the farewell session of the Washington conference to prevent a rupture. Japan has done her utmost for peace. We believe the President appreciates this, and if he does, any action he may, in the light of this knowledge, take to serve the cause of peace will find hearty sympathy and support on the part of Japan. The day Russia realizes that Japan's 'irreducible minimum' is irreducible, peace will be much nearer."

According to cipher telegrams received here by both the Russian and Japanese missions it is understood that the efforts of the powers who are ready to tender their good offices to prevent the rupture of the negotiations will be especially directed towards persuading Japan to withdraw her demand for indemnity. The assurance will be given by the powers that if the demand is withdrawn Japan will receive adequate compensation in other ways. At St. Petersburg the powers will endeavor to induce the emperor to cede Sakhalien. Once agreement is reached regarding Sakhallen and indemnity it is believed the success of the negotiations will be assured.

Russia Will Not Yield.

St. Petersburg, Aug. 19.—As the time approaches for the playing of the last cards at Portsmouth, there is manifested here among certain high officials and the press and public the unmistakable conviction that Russia will not yield on the point of paying an indemnity as such, or of absolutely ceding Sakhalien to the Japanese. The Associated Press can state authoritatively that Emperor Nicholas, the day preceding the announcement of the new national assembly, was firmly resolved that he would not accede to the Japanese demands on either of these points, and furthermore that the reception by the people of the assembly project has done much to strengthen him in that resolution. It is not felt here that the questions of the transfer to Japan of all interned warships and the limitation of Russia's naval force in the Pacific will be crucial points in the final settlement. They are regarded as terms inserted in the demands by the Japanese to humiliate Russia before the world. They are also roundly declared to be unacceptable, but are not vested with the importance of the other two unsettled questions.

People Would Prefer War.

The Emperor has received further addresses from the country begging neither to cede the territory nor pay indemnity, and expressing the readiness of the senders to make further sacrifices if necessary. In the Emperor's known state of mind these communications certainly have their effect.

Two things were particularly noticeable today. One was the determination not to pay indemnity, as such, or to cede Sakhalien absolutely; the other was the fact that the promulgation of the national assembly at this time was a clever and able move that has done more to make an issue of the war, its continuance or the signing of a peace treaty at Portsmouth, a question of the people, than has any other event since the beginning of hostilities.

The calling into being of the national assembly is a new factor in the situation. If peace does not result from the Portsmouth negotiations the war bids fair to be a national one supported by a popular sentiment, going in a great measure to

Unite the Distracted Country.

on national and popular issues. The war is to be carried on in future by the people instead of being a war in which the hearts and interests of the people do not enter.

The promulgation of the national assembly, coupled with the ten days' consideration, study and discussion of the Japanese terms, has given the first evidence of what may become a wave of more or less popular feeling. The actuality of the national assembly has increased among the people their personal interest in the Japanese demands and has resulted in strong expressions from practically all classes of society excepting the extreme radicals, that the Russian people should not pay an indemnity nor cede Sakhalien.

An immense majority of the Russian people do not recognize the Japanese as victors, and say that Russia has already conceded Japan even more than she demanded at the outbreak of the war, and declare that the payment now of an indemnity as such would spell political death for Russia. It can be stated authoritatively that the United States is not attempting to exercise influence upon Russia through St. Petersburg.

Opinion in London.

London, Aug. 19.—Baron Hayashi, the Japanese minister to Great Britain, said to the Associated Press today: "If the Russian government does not insist on the plenipotentiaries to concede the indemnity clause the war will go on.

"This seems to be the only clause not agreed to in principle, but ample compensation must be made to Japan in one form or another. When the Japanese entered the conference they made the statement that they were not bluffing. It will be found in the end that they have not been.

"As to the intentions of the Russians we have no means of knowing. I don't know Baron Komura's plans for Tuesday, and don't know whether the meeting then will simply be for the purpose of signing protocols. I have only been informed regarding accomplished facts and not as to intentions. I think, however, that our plenipotentiaries would accept the amount demanded in some other form than that of an indemnity, but the principle of our demands must be complied with. So long as the sum demanded is paid I don't think we are going to quibble about form."

Baron Hayashi said he could not understand the motive, if there was one, of publishing Emperor Nicholas' manifesto promulgating a national assembly at this juncture, but he thought it significant on this account. He said he held a less hopeful view than he entertained two days ago.

Germany Still Hopeful.

Berlin, Aug. 19.—The conviction continues to exist at the foreign office that the conference at Portsmouth will result in peace. This belief appears to rest on the strong desire for peace manifested by both belligerents. As the point of extreme tension is approaching in which each side will hold to its decisions with a tenacity close to the verge of breaking, the whole influence of Emperor William and the German government is being exerted as tactfully as possible towards peace. The bourse and bankers in general reckon on an agreement at Portsmouth, yet Russian bonds today were slightly depressed.

Draft of the Fair Programme

Great Exhibition Is Now Only a Few Weeks' Distant.

Some Very Attractive Events Are Already Arranged for the Exposition.

New Westminster, Aug. 17.—Exactly five weeks from today the big Dominion fair at New Westminster will open its gates to the world. For months past, indeed ever since the announcement was made that New Westminster would get the $50,000 grant, the management has been hard at work getting things in readiness, the exertions increasing as the time of the big fair draws near. At the present time it has the satisfaction of knowing that an immense amount of work has been done, but nevertheless, much remains to be accomplished before everything will be favorable for making the ceremonies of September 27, when the Governor General will officially open the fair, a success.

So far as the fair itself is concerned, things are quite satisfactory. The new buildings are all completed, or at such a stage that a few more weeks will see them in readiness, while the only trouble with the exhibits is that there are too many. It is the attractions that are now causing Manager Keary to lose sleep at nights. Only five weeks remain, and much is yet left to be done before the final arrangements will be complete. The unexpected refusal of Townes to row on the Fraser after his defeat by Stansbury, and the similar action on Stansbury's part, had the effect of disorganizing a number of carefuly laid plans. Things, however, look better now, and there can be no doubt that all the attractions and sports will have been arranged for when the time comes.

So far no attempt has been made at making a draft of the programme for the fair, but it is possible to make a very fair guess at how the days will be divided up. The great event of September 27, the opening day of the fair, will be the lacrosse match between the Capitals of Ottawa and the New Westminster team. This will take place in the afternoon, immediately consequent upon the official opening.

On Thursday will take place the Scottish sports. These will be held under the auspices of the Sons of Scotland, and will be on a much larger scale than ever before.

The horse racing will open on September 29, and of this there will be three solid days. The management has decided to scatter the racing, and the other two days will be Wednesday and Saturday of the following week, September 4 and September 7, respectively.

Throughout the first three days of the exhibition an attractive feature will be the concerts given by the Royal Irish Guards band, which will play every morning at the park. The management has hit upon the idea of having no attraction at the park in the mornings save the band, so that people may have a chance to look at the exhibits, which are after all the most important feature.

On Saturday will take place a schedule lacrosse match between Queen's Westminster and Vancouver, the last of the games on the British Columbia Amateur Lacrosse Association schedule of the present season.

On Sunday the exhibition proper will be closed down. The buildings will be shut and no one will be allowed to see the exhibits. The grounds, however, will be open, and one of the most interesting spectacles of the fair will take place on that day. This will be a great drumhead service, at which it is expected that over a thousand soldiers and sailors will be present. The sailors will be from one of His Majesty's ships, probably the Shearwater, which is expected in port during fairtime, while the Sixth Regiment Duke of Connaught's Own Rifles, the Fifth Regiment Garrison Artillery of Victoria, and very probably the Rocky Mountain Rangers, will attend en masse.

A day will be set apart for the soldiers and sailors visiting the fair, probably the Monday following. On that day will take place sailors' and soldiers' sports, and probably a great naval and military concert in the main building in the evening. A feature of the day will be a grand review and march past before His Excellency Earl Grey, in his capacity of commander in chief of the Canadian forces.

Tuesday will be marked by another lacrosse match, although which of the teams will meet on that day is not certain. Horse races and another lacrosse match will be the features of Wednesday and Thursday.

Friday, October 6, will be Children's Day. On that date the school children of the city of Vancouver will have the run of the exhibition, the Boys5 Brigades of New Westminster, Vancouver and Nanaimo will attend, and the Nanaimo Brigade Band will supply the necessary music.

Saturday, the closing day, will be marked by the conclusion of the horse racing.

Just exactly when the big regatta will be pulled off is uncertain. That the events will take place in the mornings is sure, and it is probable that they will be spread over several days. An interesting feature of the regatta will be competition among the Indians for the international canoeing championship. The management has offered three separate prizes for war canoes of different numbers of paddles, to be competed for by crews representing the Indians of Canada and the United States.

It has not yet been decided on what date the big Indian band competition will take place. It has been arranged for the Indian bands to play an hour each day of the fair, if so required by the management.

Weather Forces An Armistice

Operations at the Front Prevented by Rains Throughout Manchuria.

Great Reserves of Munition Have Been Collected at Bases by Japanese.

PEKIN, Aug. 19.—While the Russian and Japanese peace plenipotentiaries have failed to arrange an armistice during their negotiations, the weather is enforcing an effective armistice for the month of August. Operations on a large scale by either army are impossible at present, and the situation probably remains unchanged for the next fortnight or three weeks. The rains throughout Manchuria have been unusually heavy and prolonged this summer. The country is now a swamp and the roads are so soft that attempts to move artillery and heavy transports would be out of the question. There were many heavy rains in June and July and the rainy season began in earnest about the middle of July. During the following three weeks there was a downpour almost daily. The valleys east of the railway particularly are inundated and the streams are swollen, making the movements of carts and horses very slow and difficult.

Japanese Ready to Strike.

The Japanese army was fully prepared for a general advance before the rains began and probably will give battle quickly with its whole strength as soon as the country is sufficiently dry, in the event that the peace negotiations fail.

Great reserves of supplies have been accumulated by the Japanese at the front and at Mukden, Tieling and other base depots. The army is in better condition than ever before for work. The health of the troops throughout the summer has been kept at a high standard, and the percentage of sickness has been far below that of the same period last year.

The army's energies have been directed to transporting munitions, building bridges, making roads and unceasing target practice by the artillery and infantry when the weather permitted. From the sound of firing within the Japanese lines for many days it was thought that a battle was in progress.

Whatever opinion the Japanese staff entertains regarding the probability of peace it has made preparations to continue the war.

MISSING WITH $10,000.

Chicago Messenger With Much Cash Never Reached Bank.

Chicago, Aug. 19.—August Bobbs, aged 22, a messenger employed by the millinery establishment of Charles A. Stevens & Bros., was sent from the store at 1 o'clock today with $10,000 in a valise which he was to deposit at the Corn Exchange National bank. The young man and the $10,000 did not arrive at the bank, and both are still missing. When the hour for the bank to close arrived and the messenger had not returned members of the firm became alarmed and applied to the police for assistance. There was no record of the messenger being assaulted and robbed, but inquiry disclosed the fact that he had been playing the races and indulging in poker heavily of late. These facts were unknown to his employers, who have offered a substantial reward for his apprehension.

FATAL AUTO ACCIDENT.

Newport Society People Victims of Machine Wreck.

Newport, R. I., Aug. 19.—Vinson Walsh, son of Thomas F. Walsh, of Washington, was killed and four other prominent young members of the Newport summer colony, were injured in an auto accident there this afternoon.

A Big West Coast Mill

A Mammoth Plant to Handle Cedar Is to Be Erected at Mosquito Bay.

Construction of Large Wharves Is to Be Undertaken at Once.

A Capacity of Two Hundred Thousand Feet of Timber Per Day.

DOMINION Engineer Haydon will leave for the west coast of Vancouver Island by the Queen City this evening to study the tides in the vicinity of Mosquito Harbor for the purpose of making a chart, etc., and placing buoys. This is being done to facilitate the operations of the American Mill Company, which is erecting the largest cedar mill in the world on Mosquito bay, Vaucouver island. W. C. Schultheis, of Seattle, who represents the company in British Columbia, is to push the work on the mill at once. It will operate six bands and will have a capacity of 200,000 feet of cedar timber per day of ten hours, which easily leads the world in cedar manufacturing.

The new company holds vast areas of cedar limits under special licenses and have numerous small lakes wherein to store their logs away from wind and tide. These cedar limits are of the choicest and have remained in their virgin state for many years because of the impossibility of towing logs against wind and tide by the coast mills. The present company will not have this condition to contend with, as they will be able to manufacture the logs into timber on the spot and load the timber in deep water.

The cedar will be loaded in ships at the mill and taken directly to United States points. It is said that in spite of the $2 duty the mill will pay handsomely. The Puget Sound American of Bellingham states that in four years the shingle mills will be out of business, as there will be no more available cedar outside the limits held by speculators. As most of those engaged in the big Vancouver Island enterprise are lumbermen from Ballard, the American's comment on the scarcity of cedar in Washington state is considered significant:

Date of Commencing Work.

The date when the mill will commence cutting cannot be accurately fixed just now, as preparations, such as the clearing of the mill site, building of roads, trails, etc., have not progressed to that point where it is possible to decide how long a time will elaps ebefore the big mill can be entirely completed.

When the mill is ready for operation and the owning company has commenced logging on its extensive limits bordering on Kennedy and Anderson lakes on the west coast of the island, hundreds of men will be employed at the logging camps and at the mill. Mr. Schultheis thinks that when his undertaking is working full blast a better steamship service between Mosquito bay and Victoria will be required. He will probably make representations to the C. P. R. to that effect, and should the company be unable to make arrangements the mill company will probably build and operate their own steamer.

The product of the big mill will all be shipped to foreign ports by sailing and steam vessels, which will load at Mosquito bay. In the course of a few weeks the construction of large wharves will be commenced, and appliances for the rapid handling of lumber and the loading of vessels will be installed.

BULLDOZING CHINESE.

U. S. Government Holds Authorities Responsible for Boycott.

Pekin, Aug. 19.—It is learned here upon good authority that the American government has notified China that all negotiations for a new convention to discuss the Chinese exclusion act will be discontinued until the anti-American boycott is stopped, and has also given notice that China will be held responsible for loss sustained by reason of the boycott. The Chinese authorities state that they will take energetic steps to stop everything of an illegal or disorderly character, but that they cannot stop the boycott.

WANT NO TAINTED CASH.

Resolution Aimed at Rockefeller to be Offered Congregational Union.

Boston, Aug. 19.—A resolution which will take from the executive officers of the American board of foreign missions of the Congregational church the power to accept gifts of money, and which is aimed particularly at John D. Rockefeller, is to be introduced by Dr. Washington B. Gladden at the annual meeting of the board to be held at Seattle September 14 to 18. Strong pressure will be brought to bear by the ministers who fought the acceptance of the famous Rockefeller gift to have the resolution adopted.

Officers of the board consider the subject of the gift of $100,000 as closed, and as the money has been appropriated for various uses in the mission field they consider they are justified in saying so. It has been learned, however, that a strenuous effort will be made to govern the board in the future in the collection of funds for mission work.

JEALOUS WIFE'S DEED.

Shoots Handsome New York Stenographer in the Back.

New York, Aug. 19.—Mrs. Beatrice Young, wife of William G. Young, who employs several stenographers in New York hotels, shot and badly wounded Mrs. Catharine Morgan in a parlor of the Hotel Imperial today, where the latter was employed by Mr. Young. It is expected that the wound will prove fatal. Jealousy is believed to be the cause of the shooting.

Mrs. Young had separated from her husband, and believed Mrs. Morgan was to blame for it. Mrs. Young entered the hotel and walked to a parlor up one flight, where Mrs. Morgan was at work as a stenographer. Without a word to the unsuspecting woman, Mrs. Young shot her in the back, the bullet penetrating the lung and liver. Holding the revolver in her hand, Mrs. Young awaited the arrival of the police and her arrest, which promptly followed. The two stenographers, one of whom was dictating to Mrs. Morgan, were in the room and witnessed the shooting. Mrs. Morgan was removed to a hospital. Both women are handsome.