

WAS CONVICTED OF STEALING CHARLES OTENDORF'S SENTENCE DEFERRED

Chinaman Elects to Take Speedy Trial After True Bill is Found.

(From Wednesday's Daily). In the Assize court yesterday Chas. Otendorf, the man charged with knocking down James Wilkes and robbing him of his money and valuables...

After lunch yesterday the case was resumed before Chief Justice Hunter and a jury, G. H. Barnard, K. C., for the crown, and J. A. Aikman for the defence.

The first witness was the victim Wilkes. He testified to having been drinking at the Half Way house, Esquimalt road, on the Sunday in question, and of leaving that place about midnight in company with the prisoner.

Harry Burke, at present a teamster, but formerly a bartender, said that he was on duty tending bar all the day in question and throughout the evening up to about midnight. He had advised the two men to go home together as the cars had topped running, and they were going in the same direction.

I Isaac Reno, a longshoreman, who speaks better French than English, gave evidence that the prisoner slept with him on the night in question, and that on the following day he saw the watch hanging in his cabin.

Detective Clayvards told of seeing the prisoner at the Half Way house on the day of the assault, and of arresting him the following day near the Victoria Transfer Company's stables. They took him to the cabin, where the prisoner, on seeing the watch hanging on the wall, said: "I guess I am up against it. I had previously been cautioned by the police that anything he might say would be used in evidence against him."

Giving evidence on his own behalf, Otendorf said that he had lent Wilkes \$2.50 and taken the watch and chain as security. The knife becoming tangled with the chain he had taken that too. He had been drinking and was unable to keep up with Wilkes, so had allowed him to go ahead. He denied having said that he was up against it when he saw the watch, but he had a remark when he was told that he was held for attempted murder.

After hearing Mr. Barnard for the prosecution and Mr. Aikman for the defence, the Chief Justice charged the jury, explaining that if they considered the explanation of the prisoner to be sufficient they would acquit him, but if on the other hand they believed the constables, there was nothing to do but to convict. They, however, had the privilege of convicting of any lesser offence, such as theft.

At the end of three-quarters of an hour the jury returned a verdict of robbery without violence. His Lordship explained to them that robbery indicated violence, and they therefore again retired, and this time returned a verdict of theft. Sentence was reserved until the conclusion of the assizes.

Wants Speedy Trial. During the afternoon session of the assizes the grand jury brought in true bills in Rex vs. Huck To, Rex vs. Smith and Rex vs. Leach.

When they had reported W. H. Langley asked permission for his client Huck To to elect for speedy trial before a judge.

H. G. Barnard, K. C., on behalf of the crown, objected to this action after the case had gone before the grand jury. He quoted a decision of a Supreme court judge to show that it was a course should not be allowed. His Lordship, however, decided that the prisoner had that privilege any time before he was indicted before the petty jury, and the prisoner was accordingly brought before him for election.

HEE GREATEST IMMIGRATION. Winnipeg, May 13.—The Rev. Dr. Eaton, the eminent divine of Cleveland, Ohio, in an address before the Canadian Club yesterday said that the greatest immigration Canada had known was that of American farmers to the Canadian West.

OFFERS BABIES FOR WORK. Winnipeg, May 13.—Mike Korspanski appeared at the city hall yesterday with his wife and three babies. He was looking for work, and tried to bribe Chief Clerk Bald in the street commissioner's office by offering to make him a present of the babies. The offer was declined.

INTERNATIONAL METEOROLOGY. Ottawa, May 13.—Dr. Robert Bell, of the geological survey, has been appointed by the Scottish Meteorological Society as their representative at the international congress which meets at Quebec the week following the tercentenary celebration.

SHOWS WINNIPEG'S GROWTH. Winnipeg, May 13.—Winnipeg's real property assessment for 1908 will run slightly over one hundred million dollars, an increase of about ten millions over last year.

FURTHER HONOR FOR SIR PERCY GIROUARD Noted Canadian Gazetted as Governor of Northern Nigera.

London, May 13.—Sir Percy Girouard has been gazetted governor and commander-in-chief of Northern Nigeria.

Distinguished Career. Sir Percy is a Canadian with a distinguished career. He was born in Montreal 41 years ago, receiving his education at the Royal Military College, Kingston. In 1888 he entered the army and was promoted to the rank of major in 1890. In 1890 he served with the Dongola expeditionary force and received the Khedive's medal with two clasps.

DEATH OF JOHN TEMPLEN. Fergus, Ont., May 13.—John Templen, carriage builder and senior member of the firm of Templen & Co., and father of J. T. Templen, of the Fergus News-Record, died suddenly yesterday of heart failure.

WILL SUPPLY GRAVEL FROM MOUNT TOLMIE Material Will Be Brought Into City Over Extension of Electric Railway.

The Lineham Sand & Gravel Company is the name of a new concern which proposes to cater to the needs of Victoria in these commodities. The source of the company's supply will be Mount Tormie, where a branch line of the B. C. Electric Railway, one and three quarters miles long, is to be run along the Mount Tormie road from its junction with the line to the Willows.

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ST. LAWRENCE COLLISION. Steamer Ottawa Returning to Quebec in Damaged Condition. Montreal, May 13.—The steamer Ottawa, which was on Monday reported as having been in collision with the golfer Troid, below Fame point, reached Father point on her return to Quebec last night.

Several of the rescue party were overcome by gas and had to be taken from the mine in semi-conscious condition.

SHOCKING CRIME OF IMPULSE IN P. E. I. Farmer is Shot Down While Walking With Two Girls.

Summerside, P. E. I., May 12.—One of the most sensational murders that ever exercised this almost crimeless province occurred on Sunday night at Miscouche, a small village five miles from here. The victim is Joseph McMillan, a farmer and a prominent farmer, and his slayer is Alonzo Docherty, aged 21.

On Sunday afternoon McMillan, accompanied by Stella McDonald and her sister, walked from Miscouche along the railway track. When about one and a half miles from their destination they met Docherty coming towards them. He had a revolver in his hands.

"Hold on," he said, "I've a revolver you have," asked McMillan.

"Yes," replied Docherty, and pulled the trigger. A .22-calibre bullet crashed into McMillan's heart. As he lay on the ground, Docherty put two more bullets into the head of his victim. He then dragged the body into the woods and accompanied him to the house.

The murderer later drove to Miscouche, awaited the arrival of police from Summerside, and gave himself up.

In a statement Docherty said he had no quarrel with McMillan; he was one of the best fellows in Miscouche. The deed was not prompted by jealousy. He had a habit of carrying a revolver through the woods, and had placed one in his pocket on Sunday. Some uncontrollable impulse seized him when he met McMillan, and he acted. He had kept company with her for three years.

An inquest was held yesterday and the jury brought in a verdict holding Docherty responsible. He was remanded till to-morrow.

WINDING UP MONARCH BANK. Ottawa, May 13.—An order has been made for the winding up of the Monarch bank. It was incorporated in 1905 by never commenced operations. The recent bank failures have made investors chary.

FIENCE ORNADOES SWEEPING STATES BIG PROPERTY LOSSES IN NEBRASKA

Number of Victims as Yet Unknown—Northern Texas Suffers.

Omaha, Neb., May 13.—At least five persons have been killed, several others sustained serious injuries and considerable property damage resulted from a tornado which swept through the northern section of this state late yesterday. At Ord, Texas, Mrs. Bowley lost her life and her husband was injured when their home, a two-story structure, was demolished.

At Dallas, Texas, May 13.—One person is known to have been killed, several others sustained serious injuries and considerable property damage resulted from a tornado which swept through the northern section of this state late yesterday. At Ord, Texas, Mrs. Bowley lost her life and her husband was injured when their home, a two-story structure, was demolished.

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TRAVELLERS' CONVENTION. Vancouver, May 12.—On June 5th and 6th one thousand members of the United Commercial Travellers of America will be in Vancouver in attendance on the sessions of the grand council of the order.

THREATENED YOUNG GIRL. Toronto, May 13.—Robert Scott, a married man, was arrested after admitting he had written to a young girl threatening her with exposure if she did not meet him at a lonely spot. She kept the appointment, but a plain clothes policeman accompanied her.

NEW YORK LEGISLATURE. Albany, N. Y., May 13.—Both houses of the legislature in extraordinary session to-day adjourned until next Monday.

BOMB KILLS 29 RUSSIAN FUGITIVES. Yekaterinstav, May 13.—The attempt was made yesterday by prisoners to break out from the government jail here after making a breach in the wall of the guard with a bomb has resulted in the death of 29 of the fugitives. The prisoners were either killed outright or received wounds from which they have since died. Out of the 29 wounded, 11 are in a serious condition.

MORE PIT VICTIMS IN PENNSYLVANIA. Seven Die in Explosion in Mount Lookout Colliery—Bodies Recovered.

Wilkesbarre, Pa., May 13.—Seven mine workers were instantly killed and more than a dozen injured yesterday afternoon in an explosion in the Mount Lookout section of the Temple Coal Iron Company's mine here.

The explosion occurred six hundred feet underground, and eighteen hundred feet from the shaft up which the miners make their way. A miner left a small gas feeder burning in the extreme end of a gangway all of Monday night, which set fire to the timbers and the coal, Early yesterday, when the fire was discovered, the mine bosses and three men were driven back by gas. Shortly afterwards a slight explosion occurred, burning the four men slightly. Then they came out of the mine, and later another gang of men was sent down to fight the fire.

They then jet air in from another gangway to allow the gas to escape, and while doing so a second explosion occurred, killing six of the men and injuring the others. The shock of the explosion was felt on the surface, and a rescue party was formed and they were sent down into the mine at first great excitement, but good discipline was maintained, and Capt. Evans was soon able to assure them that they were in no danger. The Ottawa has a portion of the bow of the Troisd still embedded in her own.

RIVER DISPUTE ON BOUNDARY. Ottawa, May 13.—It is understood that the Washington authorities are agreeable to submit to arbitration the case of the proposed diversion of St. Mary's river in the state of Montana into the Milk river, so that justice may be done to settlers on both sides of the boundary.

MONTH IN JAIL FOR THEFT FROM BOAT. William Bowles, Fireman on Princess May, Pleads Guilty.

(From Wednesday's Daily). William Bowles, a fireman on the steamer Princess May, pleaded guilty yesterday before Magistrate Jay to stealing a sack of vegetables from a vessel and was given a month in jail. Bowles pleaded not guilty and Sergt. R. H. Walker was called to give evidence. He said he had met Bowles at 1:15 a. m. on May 3rd, on Wharf street, carrying the bag of vegetables. As he did not give a good account of himself he had arrested him. After being cautioned, Bowles admitted having taken the vegetables from the May, saying he was going to give them to a chum who had befriended him last winter. He had afterwards changed this story and had said he got the vegetables from the steamer Trader and also from a schooner. On the following Monday, Bowles told still another story and said that they had been given to him by a longshoreman named Smith to take to the latter's cabin.

When given a chance to cross-examine, Bowles instead took advantage of the opportunity to change his plea, admitted his guilt but urged in extenuation that he had been drunk at the time. It was the first time he had been "hooked up" and he worked hard to support himself and his mother who lived in England. He hoped therefore that the magistrate would be lenient with him.

"One month in jail" was the magistrate's answer.

IMMIGRANT'S SAD DEATH. Gorrie, Ont., May 13.—A young Englishman named Hyne died yesterday as the result of injuries received when a team he was driving to a hand roller became unmanageable and ran away. Hyne was thrown under the roller and badly crushed. He was only out from the old country a couple of months.

IDENTIFYING GUINNESS VICTIMS AUTHORITIES STILL BAFFLED BY MYSTERY

Full Details of Matrimonial Murder Bureau May Never Be Known.

Laporte, Ind., May 13.—Unless the sifting and sifting of the powdered debris taken from the cellar of the ruined Guinness farm house results in startling discoveries to-day, the prosecution of further tangible evidence in the big tragedy is not likely. Yesterday's developments exhausted most of the sources of sensation in the case, and the authorities are now confronting with the task of finding details confirming the main points already adduced. Just how successful they will be, will probably not be revealed until Ray Lamphere is brought to trial.

Prosecutor Smith has evidently modified his suspicious determination to rush the case into court, finding that the state side may be strengthened in many particulars.

Coroner Mack has made public the results of his investigations on all the known bodies except that of Ira W. Wils. It is expected that the mystery surrounding the bodies yet unidentified will never be fully solved. The decomposed state of the fragmentary masses of flesh and bones makes identification practically impossible.

What developments are to come probably will be in the direction of establishing the identity of more of the mysterious men seen to enter the farm house, but never to leave it. Yesterday three such persons were connected with the Guinness woman, the evidence regarding John Moo, of Elbow lake, Minn., and Henry Gerholt, of Scandinavia, Wis., being almost conclusive. The fate of George Brady, of Tuscola, Ill., is less certain.

Moe was traced to the farm house by means of the banking actions which preceded his visit. The facts as then are shown startling and similar to those brought to light in the cases of Ole Buddsberg and Andrew Helgeisen. Each of the men carried a cheque, draft or note for a considerable amount at one or the other of the local banks and at the desks of the cashiers, all trails would reveal further evidence of a similar nature.

Denies Cohesion. Laporte, Ind., May 13.—Mrs. Guinness' hired man, Ray Lamphere, vigorously denied to-day that he had made any confession or promised any to the Rev. T. A. Schell, or any one else. Lamphere is under arrest, charged with complicity in the wholesale murders at the Guinness farm.

BOMB OUTRAGE IN NEW YORK. Dastardly Attempt to Wreck Beautiful Residence at Port Henry.

Port Henry, N. Y., May 13.—Dynamite was attempted to wreck the residence of George D. Sherman near here yesterday. A heavy charge of the explosive placed near the front of the dwelling tore off the piazza and broke all the windows on that side of the house.

The explosion started a fire which was checked before it had gained much headway. Mr. Sherman and his family were not injured. The dynamite gave warning of their intended outrage in a note received by Mr. Sherman. The "ideologue" is considered one of the most beautiful residences in this part of the state, where the Sherman family is prominent.

WHEAT FOUR INCHES HIGH. C. P. R. Crop Report Gives Promise of Exceptionally Good Harvest.

Winnipeg, May 13.—The crop report issued by the Canadian Pacific railway yesterday shows wheat seedling to be completed in most parts of Western Canada. In some districts wheat is four inches high, a splendid showing at this time of the year, and promises an exceptional harvest.

SEEKING KING'S PERMISSION. Duke of Abruzzi Visits Naples—Confers With Monarch on Approaching Marriage.

Rome, May 13.—The Duke of Abruzzi arrived here this morning from Naples. He went at once to the Quirinal and had a long conference with King Victor Emmanuel regarding his marriage to Miss Katherine Elkins, daughter of Senator Elkins of West Virginia. It is announced that an agreement was reached on this subject with the duke's brothers during a recent conference with them on board the battleship Regina Elena.

The duke had luncheon with the King and Queen. Later he visited the Queen's mother and Princess Letizia. He will leave home to-night, for Spezia.

Optimism in Railway Circles—Worst of Depression Stage is Passed.

Montreal, May 13.—The traffic earnings of the C. P. R. for the week ending May 7th, totalled \$1,660,000, as compared with \$1,482,000 for the same week a year ago, a decrease of \$178,000.

While the earnings of both the C. P. R. and the G. T. R. are again recorded as showing a decline for the first week of May, there is a distinct feeling of optimism in railway circles that the worst of the period of depression has passed. It is pointed out by several railway financial men that while the figures being shown week by week during this year were much below last year's returns, these could hardly be accepted as a fair criterion, since the early part of last year was the most phenomenal period of railway progress ever known in Canada. It is not expected that at any time this year the earnings will approach those of 1907, but the figures showed that the railways of the Dominion are holding their own and not showing any retrograde steps so far as this season is concerned.

Third Vice-President Odgen, of the C. P. R., in charge of financial matters, takes a decidedly optimistic view of conditions. He pointed out in an interview that although Canada's railways were far behind last year's figures, they are still doing a pretty good business, and there is every prospect of a fairly good summer, present conditions being only a temporary incident.

This, of course, would not look big as compared with the remarkable return of last year, but it was not a matter to cause worry on any side.

This favorable view, Mr. Odgen remarked, was strengthened by reports coming in every day of splendid seeding conditions in the west. Mr. Odgen remarked that by early fall the C. P. R. would not be complaining of any surplus cars.

KILLED IN ATTEMPTING SACRILEGIOUS ACT Belgian Villagers Carry Out Summary Vengeance on Church Robber.

Courtrai, Belgium, May 13.—Practically the whole population of the village of Courtrai, a suburb of Brussels, Courtrai, armed with clubs and stones set on and killed a man who was caught in the act of burglarizing the famous Chapel of the Virgin yesterday. The villagers had been highly incensed at previous church robberies, notably that of the Church of Notre Dame in this city last December when Van Dycke's masterpiece "The Elevation of the Cross" was stolen. Seven of those implicated in the killing of the burglar were arrested. The doctor who made an examination of the body found 27 knife wounds.

CARNEGIE'S GIFT TO WINNIPEG. Winnipeg, May 13.—At a meeting of the library board yesterday afternoon the announcement was made that an additional sum of \$30,000 has been donated by Andrew Carnegie to the Winnipeg public library for extensions for increased accommodation.

NOMINEE OF KENORA LIBERALS. Kenora, Ont., May 13.—At the Liberal convention held here last night, H. F. Hannis, of Dryden, was chosen standard bearer for the new electoral district of Kenora for the Ontario legislature.

NATURAL RESOURCES OF UNITED STATES. Question of Conservation Occupies President and Governors.

Washington, May 13.—The White House was the scene to-day of the assemblage of many of the most distinguished figures in the west and urged the question of conservation of the country's natural resources. The conference will continue through Friday.

MURDER OF AUSTRIAN. Toronto, May 13.—The police yesterday arrested Stephen Savalla, a Pole, suspected of being the man who murdered Alex. Lutwick, of Waskowitz, Austria, who was found dead in the bush on Easpen's farm, near Clarkson, Ont., on Monday, May 4th. He was arraigned in the police court and remanded. He will be taken to Brampton to-day. The officers are trying to trace his movements at the time the young Austrian disappeared.

SUIT OVER MINING DEALS. Toronto, May 13.—Messrs. Neill, Johnston, Atkins and Rey, a mining partnership of New Lickseed, are suing George A. Woodward and George W. Fletcher, of Detroit, and Frank L. Calder, of Toronto, to obtain \$14,000 said to be a balance due under certain agreements between the parties regarding mining deals.

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THE ISLAND TO BE RECOGNIZED

R. MARPOLE WILL GIVE LECTURES IN ENGLAND Hon. James Dunsmuir's Election to Directorate of C. P. R. Augurs Well.

The C. P. R. Company is not going to allow the advantages which Vancouver Island possesses in the way of agriculture and trade, as well as a tourist resort, to lie undeveloped. On the contrary the company is manifesting a deep interest in the development of the Island. Sir Thomas Shaughnessy in the interview given in Montreal, in which he praised the scheme for beautifying Victoria, showed the deep interest he took in the development of the Island. Sir Thomas, it is a clear indication that this point is to receive every attention at the hands of the company.

The elevation of Hon. Jas. Dunsmuir to the position of a director of the C. P. R. is also indicative of good for the western portion of the Old Land. The interests of Hon. Dunsmuir are nearly all on Vancouver Island. He is the only director of the company resident west of the Great Lakes, so that his elevation to the position of director makes his influence in the west and urged the question of planning looking to the fuller development of the west.

Sir Thomas Shaughnessy has shown himself a strong friend of Victoria and Vancouver Island, and bright days are promised this western section of the C. P. R. system.

R. Marpole, general executive assistant of the C. P. R., will leave in about a week's time for the Old Land. He was in the city yesterday attending to pressing business in connection with the E. & N. affairs before leaving. The trip will occupy about three months' time.

The visit to Europe of Mr. Marpole will not be one of pleasure alone. On the contrary the results of his trip, in so far as the awakening of interest in British Columbia, should be of inestimable value.

Mr. Marpole is exceptionally well informed upon what Vancouver Island has to offer for tourists and for investment. He has, since he came to the C. P. R., acquired the E. & N., been thrown into