

YORK COUNTY AND SUBURBS

MAN IS BLOWN TO PIECES BY DYNAMITE EXPLOSION

Geo. McFarlane Killed While Thawing Explosive in Scarlett Road Shale Pit.

Toronto Junction, Jan. 31.—At a meeting of the board of trustees of the Methodist church it was decided to make another appeal for \$2000 yet needed, before the \$15,000 promised from the Massey estate can be claimed.

Some person entered the premises of George Dunn, Campbell-avenue, on Wednesday morning. A watch and chain, some other jewelry, a pair of boots, and a wedding cake were missing. An entrance was effected by breaking a cellar window.

At 11:50 o'clock this morning George MacFarlane, who had charge of the powder house in the shale pit, on the Scarlett-road, was instantly killed by an explosion of dynamite. He was engaged in getting some charges ready. He had been in the habit of throwing the dynamite on the stove, and as he was alone in the powder house no one can tell how the explosion took place. The house was blown to atoms, and the deceased had his left leg blown in pieces from the knee down, and his right hand and forearm badly shattered. He also received a severe cut on the centre of his forehead, and his face was badly burned. The deceased had been employed in the shale pit for a number of years, but had been in charge of the explosive works only about a year. He leaves a wife and five children, who live over Green's drug store, on the top of the hill at Lambton, near the Methodist church. He was 45 years of age. Dr. Canning performed a post-mortem examination at 8 o'clock this evening. Coroner Dr. Canning empaneled a jury, who viewed the body and adjourned until 7 o'clock Monday evening next in the town hall courtroom. John Canning, one of the men employed with MacFarlane, had a very narrow escape, as he had started to the powder house to see what was keeping MacFarlane, and in another 30 seconds he would have been in the midst of the explosion. There was very little explosive in store at the time. The jury sworn in are John Peterson, W. W. Clarke, A. Tighe, James Robinson, Thomas Flemming, W. J. Fullerton, J. Shultz, George Mitchell, Miller, J. Houson, G. Bean, J. Gilmore, C. Bony, J. Barber. John Patterson was elected foreman.

The executive committee of the town council met to-night. Heintzman & Co. offered \$1500 for lots No. 21 and 22 on the east side of Union-street, No. 20, and also for the south 54 feet on west side of Union-street. The committee recommended that the offer be accepted. It was recommended that tenders be asked for 55,000 feet of plank and 14,000 feet of 4x4 cedar. A number of accounts were passed, one of them \$107 for serving summons in connection with the veterans' lists. The report of the property committee was read and approved. A motion was made for the mixup in the Rumble purchase of lots 13 and 15, on the Weston-road. The question is to come up again. A motion was made for the assistance of the council in getting the Union Stock Yards, a charter as a railway company from the Ontario Legislature, so that they may assume control of the different sidings in connection with their industries. The committee looked with favor on the proposition.

The Duke of York L. T. B. Lodge, No. 21, held its annual meeting at St. James Hall to-night. A good musical program was rendered to a well-filled house.

The Bell Telephone Co. have two men stationed in the office here to-night to prevent any of the friends of the company from interfering with the switchboard. None of the operators here are affected by the strike.

Wychwood Park.
The young men of the recently-organized brass band at Wychwood are making excellent progress and hope to give their inaugural performance as a band this evening at the residence of the management and Braconells for financial support, so that the debt on instruments may be cleared. Subscriptions can be sent to M. J. Lindsay, secretary, Wychwood, or to A. Pollett, chairman of management committee, 183 Avenue-road.

The estate of the late Mrs. Mary Jane Richardson, wife of Henry E. Richardson of Wychwood Park, in Ontario, \$3044.18. By her will Mr. Richardson receives \$1000, and the residue goes in equal shares to her sisters, Katherine Agnes Jeffrey of St. Thomas, and Isabella Jeffrey of Wychwood. The estate includes \$1065.63 in mortgages and an equity of \$1208 in two lots on the south side of St. Clair-avenue, in York Township.

Deer Park.
The board of managers of the Deer Park Presbyterian Church elected the following officers: W. A. P. Wood, chairman; W. W. Ellis, secretary; B. Sinclair, treasurer. Mr. Sinclair is entering on his twenty-seventh year of office as treasurer.

"Dickens as an Educator" was the subject of the lecture given in the Church Schoolhouse last night under the auspices of the Anglican Young People's Association by James L. Hughes.

Willowdale.
John Morgan has completed the building of an addition to his residence. James Heatop is convalescent. He was in the hospital for a few weeks, suffering from typhoid fever.

The farmers are busy harvesting their year's supply of ice, which is the best and cleanest for many years. It is 18 inches thick.

The quarterly services in connection with the Methodist church will be held in the Willowdale schoolhouse, instead of at Newtonbrook, as announced.

North Toronto.
A petition was received from ratepayers on Glenwood-avenue at Wednesday night's council meeting, for the laying of a six-inch watermain, referred to the proper officials. Councillor Brown-

WINDSOR, JAN. 31.—

Report reached the city to-day that Sol White, the former well-known Windsor lawyer and ex-M. E. had met with a painful, and possibly serious, injury in Cobalt.

Mr. and Mrs. White were out driving when their horse became unmanageable and ran away, throwing both occupants from the rig.

Mrs. White was also hurt, according to the information received.

NEW ODDFELLOWS' LODGE.
Integrity Lodge, No. 373, L.O.O.F., was instituted last night at Central Hall before a large audience of local Oddfellows. The new lodge starts off with 62 members, and the following officers: Noble grand, A. M. Matthews; vice-grand, W. S. Boyce; recording secretary, J. B. Shore; financial secretary, Ed Vasey; treasurer, D. W. O'Brien.

The officers conducting the installation were: Grand Master W. S. Johnson; J. B. King, grand secretary; W. McCormick, grand treasurer; S. C. Parks, D. G. M.

SMALLPOX OUTBREAK.
Belle River, Jan. 31.—Smallpox has broken out in a large number of cases quarantined in an effort to prevent the spread of the disease thru the county. Dr. Ashbaugh, medical health officer, of Windsor, is looking after the cases.

HEAVY SNOW FALLING IN GERMANY.
Berlin, Jan. 31.—An 18-inch fall of snow to-day interrupted traffic generally in this city. A heavy snowfall and telegraph services over a wide area of Central Europe were affected by the storm.

Radial Plans Approved.
Plans and specifications for the extension of the Scarborough and Metropolitan branches of the Toronto and York Radial Railway, have been approved by the Ontario Railway and Municipal Board. The Metropolitan will reach Jackson's Point this summer.

Thorhill.
The monthly meeting of the Ladies' Aid and Women's Mission societies was held at Mrs. Shuter's on Wednesday afternoon.

The quarterly sacramental services will be held in the Methodist Church next Sunday morning.

J. E. Francis is attending the annual reunion of the Scottish Rite at Hamilton.

Thos. Teasdale has let the contract for a new residence on his farm, near the station.

Joseph M. Cousins leaves Tuesday night for Regina, Sask., as agent for the Continental Life Insurance Company.

East Toronto.
East Toronto, Jan. 31.—The annual meeting of Emmanuel Presbyterian Church, held last night, was in all respects most gratifying. Rev. Mr. Rogers presided, and the report of the secretary showed the increase in the membership to be from 276 to 300. The missionary offerings were largely in excess of other years. The board of management elected was Dr. Britton, George Bell and J. W. Allison.

A great deal of illness is reported in all parts of the town, chiefly from influenza.

Todmorden.
The annual meeting of the Todmorden Ratepayers' Association, for the election of officers and general business, will be held in the schoolhouse, Dun Mills-road this evening at 8.

Back From the West.
Charles John, formerly of Markham Township, now the owner of a fine section near Regina, arrived in the city yesterday from the west. He reports the coal situation as being in many cases greatly exasperated, but that a good deal of suffering has undoubtedly been caused.

One of the prettiest distinctions achieved by the married bells is by again this year for yellow. Soufre, as it is called, and amber are worn, and there is a distinguished look about all ways which makes other shades look

MEN HIGHER UP, NOT HAYS

RAILWAY REFUSES 2-CENT FARE

Plea of Counsel in Appeal Against Conviction—The Law and the Regulations.

Railway travel at two cents a mile is a question that has been much in evidence before the public and parliament since W. N. Robertson secured a conviction against General Manager Hays of the G. T. R., last November in the Toronto police court for refusing him transportation at the above rate and for running daily train having three class carriages (through the whole length of the line). Mr. Robertson obtained a conviction to remain in abeyance, and yesterday it came before five judges at Osgoode Hall.

Wallace Nesbitt, K. C., who appeared for the defendant, contended that the act of the jurisdiction of the police court, in the first place, it was erroneous to prosecute or convict Mr. Hays, inasmuch as the conviction was in the case of the former it would have been equally as reasonable to have prosecuted any of the company's officials, he despaired of any success with greater reason, the conductors and station agent, who were the individuals who were actually charged with the prosecution. He contended that the case, from a criminal point of view, was a case of a conspiracy, full of holes. The complaint had been brought under section 128 of the code, and the information based on the interpretation of section 15 of Victoria, which was a matter of fact to his mind, was repealed by 46 Victoria, chapter 24, section 12, which provided the expediency of railways varying their tolls consistent with equity, and so far as not being done so far as persons or creates monopoly, and to be affected by the passing of bylaws and limitations with the provisions and limitations notified by a necessary order from the government-in-council. The power given to a railway corporation would not exceed one penny a mile, or otherwise power would be given to the corporation to vary, especially when, in section 2 of the same act, instructions are laid down as to the methods to be employed in effecting any alteration of tariff. Therefore, this section 15 of Victoria, was repealed by the act of 1882, 46 Victoria, chapter 24, section 12, which vested in the directors of the company the power to vary tolls, and which was afterwards carried into the revised statutes of Canada.

The Act of 1905.

The present statutes dealing with questions of this nature come under the Special Railway Act of 1905, which repeats the acts of 1882 and 1883, and contains no reference to any of them, thus tacitly expressing that all laws referring to railway corporations are contained in the special act of 1905. In this respect the act contains two classes provided for—first and second—and it may be interpreted that the act is intended to apply to any charge more or less per mile than when the act was enacted.

In reply to the bench, that the government had taken up the question of having rates reduced on the railways, which certainly indicated that the government did so, Mr. Nesbitt asked, did he know that the government had a view of bringing down to the average existing fares charged by the railways, which was the effect of the act of 1905 was to take everything within itself and embody all statutory information relating to Canadian railways within a single meaning. All previous acts were thereby repealed and rendered ineffective. Also, he stated that the act of 1905 was not the proper person to prosecute, but that the directors, who were the counsel of the company, emanating from the G. T. R. How could Mr. Hays compel the company to get third class rates when he had provided them? He had not the money, he was so inclined, and would require the authority from his board of directors.

Never Repealed.
J. W. Curry, K. C., appeared for the plaintiff and submitted that section 3, 16 Victoria, repealing the G. T. R. to run one train daily containing three-class carriages at the rate of a penny per mile for each mile travelled, but that the entire length of the line, had never been repealed and still stands as good law as when first enacted. Although the act of 1905 repeals the original statute as to what constituted a third class carriage, he was aware that it was a matter of common knowledge, the act having been framed and largely copied from the English act, where the parliamentary or third class train was the original act, and the railway board, in the shape of the regulation of tariffs, and to prevent unfair rates or discriminations being made in relation to distances, individuals and equal conditions.

Original Statute Holds.
But when it comes to omnibus, it is quite different. Here the original statute comes into effect, which the special act had no necessity to provide for, as it had been repealed by the force of the company's charter. That had been enacted in the beginning of public rights, which could be met with a penalty, he was of a different view, for in the case before him, the original complainant, W. N. Robertson, had in his evidence stated

STOCKTAKING SALE STARTS TO-DAY

To have as little on hand as possible, three weeks from to-day we shall offer every temptation to fur buyers that low prices can give. As we have on hand many broken lines and odd pieces, we shall make some sensational price reductions to clear them out.

- 5 Men's Black Siberian Dog Fur Coats, sizes 42, 44 and 46, high storm collar, best quality, regular \$25.00, **24.50**
- 6 Cashmere's Siberian Bear Suits, consisting of cape, cap and gauntlets, regular \$35.00, **22.50**
- 9 Men's Alaska Seal Sport Shaped Caps, all sizes, **16.50**
- 3 Heavy Natural Alaska Sable Fur Skin Scarfs, 8 tails and 60 inch long, very special value, regular \$15.00, **10.00**
- 24 China Mink Four-skin Scarfs, trimmed with eight and ten tails, chain fastener, regular \$10.00, **5.75**
- 6 Electric Seal and Astrachan Capes, 9 inches deep at back, 19 1/2 in. long in front, regular \$7.50, **5.00**

Good Bargains are Worth Buying

J.W.T. FAIRWEATHER & CO.
FURRIERS,
84-86 Yonge Street.

that he had not desired to travel at the time the original statute was enacted. He refused to grant transportation at the rate of two cents per mile, and under those circumstances it would be difficult to show he had sustained injury that would represent and require monetary compensation, but, at the same time, it was clear he was in a practical way seeking to enforce a public right.

In this particular he would like to invoke section 5, and really considered section 24 was intended to be overridden by the original statute when non-performance of duties was imposed.

The legislature surely never intended that the disregard of public rights and the omission of duty to the public should be reckoned with in such a paltry manner—if he might so express it by a question of damages.

A Foreign Corporation.
Altho their lordships might take the view that perhaps the company should have been treated as a foreign corporation, Hays, he failed to see how that would be expedient or possible, as the G. T. R. was really a foreign corporation. Mr. Hays resided in Montreal, and he lived out of Canada, and he was not amenable to Canadian law. Mr. Hays remained in Montreal, and he was the vice-president and general manager of the company and carried out the policy of the directors. His instructions and general orders were applied to the whole system, and so far as the latter was concerned, it was operated by the general manager. He may not have controverted any of the company's orders when he took charge, nor raised the tariff from that laid down by the original statute to the present rates, as he knew it had gone into oblivion long before Mr. Hays took charge, but he knew the statute and the original charter and the terms by which the G. T. R. was called into existence for the benefit of the people of Canada; therefore, he contended, he knowingly placed prosecution by operating a railway in a manner contrary to law and agreement, and in his person represented the acts of the company as long as he controlled the management of their affairs, and he was not to be considered as a person who had been added under the proper statute, that the jurisdiction of the court was correct, and that the conviction was not to be set aside as a matter of course, as it was a criminal code allowed of a money penalty, instead of imprisonment, which was not exceeding five years, but to call into operation a part of the original agreement, which the company had not lived up to, and for which the people of Canada had paid and to which they were entitled. He would also point out that the existence of the act of 1905, which repealed the original statute, which the opposite counsel had endeavored to show was repealed, is recognized by the G. T. R. and that the act of 1905 is still in force, and that the act of 1905 will probably be further argued as to the party or parties of the Grand Trunk who should be prosecuted.

A WORD OF THANKS.
Editor World: May we be allowed, thru the medium of your columns, to thank Mr. Hughes, his staff, and the teachers of Toronto for their kindness and courtesy to us as British teachers? We have felt that the visit of so many countries at different times and in various places, would cause inconvenience at least, but their kindness has made our visit most enjoyable and profitable.

In conclusion, allow us to say that a visit from any of the Canadian teachers will be most heartily welcomed.

William Black, Hollywood, County Down, Ireland.
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A G. E. R. APPOINTMENT.
London, Jan. 31.—David Crombie of Chatham was appointed master of transportation here to succeed Mr. Senner, who has been transferred to Ottawa.

Mr. Crombie's duties will extend over the entire middle division. The new master of transportation was for a number of years an operator in the G. E. R. office here. He was at one time superintendent of car service on the Pere Marquette, both at Saginaw and Detroit.

DR. SOPER
PRACTISES IN
ASTHMA, BRONCHITIS, SPALLS, STRIPES, COLIC, AND ALL KINDS OF BLOOD AND URINE DISEASES.
One visit advisable, but impossible to send history and two visits necessary for cure.
Address: 101 Adelaide and Toronto streets.
Hours—10 to 12 a.m., 2 to 7 p.m., Sundays 10 to 12 p.m.
Toronto, Ont.

DIVIDEND NOTICES.
The Sovereign Bank of Canada
—QUARTERLY DIVIDEND.—
Notice is hereby given that a dividend of one and one-half per cent. (1 1/2 per cent.) on the quarterly dividend of the 31st January, being at the rate of 6 per cent. per annum on the capital stock of this Bank, has been declared, and the same will be payable at the head office and at the branches on and after Saturday, the 16th day of February, next. The transfer books will be closed from 1st to 15th February, both days inclusive. By order of the Board, M. Stewart, General Manager, Toronto, 26th December, 1906.

BUILDERS' SUPPLIES
We will be pleased to quote you prices on all kinds of
HARDWARE
Suitable for House or Barn. Let us quote you specifications.
RICE LEWIS & SON,
LIMITED.
Cor. King and Victoria Sts., Toronto

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Men's Day in the Men's Store

Many a man struggles thus far through the winter and hopes he's not LOOKING as shabby as he knows he IS. He hates to buy a new overcoat or a winter outfit of any kind so late in the season and yet postponing the matter is very false economy. He grows shabbier every day and no man can afford that.

We are selling underpriced and therefore cheap, in the true sense, to-morrow.

Overcoats Trousers Boots Suits Furs Underwear

Come in and remedy your appearance and comfort.

OVERCOATS
A Clear Up of Men's High-Class Overcoats Which Sold Regularly at \$16, \$18, \$20 and \$22.50, Saturday at \$12

Among the lot are a number of Black English Meltons, made up with lap seams and raw edges; also some plain beaver and chevrons and some fancy Scotch coating, all are beautifully tailored, and perfect fitting models, sizes 34 to 42, on sale Saturday at **12.00**

MEN'S SUITS
Men's Suits, English and Scotch tweeds, and fancy worsteds, grey and brown and green and brown, broken checks and stripe effects, made up in single and double-breasted ascotic style, sizes 34 to 44; there are also among the lot some stout men's suits, sizes 44 to 52, ranging from \$10.00 to \$15.00, on sale Saturday morning at **6.95**

ODD TROUSERS
150 Men's Odd Trousers, consisting of tweeds and worsteds, in a variety of fancy stripes and checks, being short lines and odds from broken suits; the cheapest trouser in the lot is worth \$3.50, and many as high as \$4.50, sizes ranging from 32 to 56 inch in waist, to clear Saturday at **2.49**

UNDERWEAR
Men's "Pen Angle" Natural Wool Underwear, guaranteed unshrinkable, medium weight, double-breasted, sizes 34 to 42, Saturday, per garment **1.00**
Sizes 44 to 50, per garment **1.25**

Men's English Cashmere Jerseys, fancy striped bodies, full fashioned, sizes 32 to 44, regular value \$2.25, Saturday **.98**

Men's English and Japanese Silk Handkerchiefs, hemstitched, plain and initials, plain white and fancy borders, regular value up to \$1.00, Saturday **.39**

MEN'S FURS
6 Men's Extra Choice Fur Lined Coats, collars of select grade Canadian otter, in shawl and lapel styles, all sizes, quality, black Russian muskrat skins, shells extra fine **79.00**

26 Men's Extra Choice Persian Lamb Collars, made adjustable style, rich glossy curls, best satin linings, regular \$15.00, Saturday **10.00**

38 Men's Persian Lamb Fur Caps, in wedge, driver and kiva shapes, regular \$7.50, \$8.50, and \$9.00, Saturday **5.00**


MEN'S \$3.50 BOOTS \$2.95
150 Men's High Grade Laced Boots, in patent box calf and vic lid leathers, all genuine Goodyear welted soles, medium and heavy weight, broad, medium and pointed toes, up-to-date in style, a job line taken from regular stock, all new goods, value \$3.50, all sizes in lot 6 to 10, selling Saturday **2.95**

VICTOR BOOT FOR MEN, STYLE S. C.
Cushion sole style S. C., solid box calf leather throughout, cushion sole, double oak band, tan lined sole and ankle, resembling toe, Goodyear welt, popular sizes and widths, \$6.00 value for \$3.50. Ask for "Victor" style S. C.

THE SIMPSON COMPANY LIMITED

H. H. FUDGER, Pres.; J. WOOD, Manager Friday, Feb. 1

The Sympathy of This Store Goes Out to Its Great Neighbor in the Heavy Loss It Has Sustained in the Death Yesterday Morning of Mr. Timothy Eaton.



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