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SIXTEENTH YEAR — FRIDAY MORNING MAY 10 1895. — ONE CENT.

Senate Rdg Rm 22ap95

THE HYAMS TWINS ON TRIAL.

Martha Wells Will Testify Against Her Husband.

TO ENTER THE WITNESS BOX TO-DAY

And Tell All She Knows Concerning the Tragedy.

The Panel Practically Exhausted Before a Jury is Secured—The Prisoners Exercise Their Privilege of Challenging to the Full, and Peremptorily Challenge Forty Jurors—All of Those Who Served On the Clara Ford Case Excused By the Crown—Application to Allow Mr. Francis L. Wellman of New York To Cross-Examine Witnesses Refused—Mr. Osler Opens the Case For the Crown—Brother-in-Law Aylesworth the First Witness Called.

THE TRIAL of Harry Place Hyams and Dallas Theodore Hyams, twin brothers, for the murder of William Chinnock Wells in the Colborne-street warehouse rented by the prisoners on January 16, 1893, opened at the York Assize Court yesterday before Mr. Justice Street and a jury. The trial, which will last at least ten days, will prove in many respects the most remarkable ever heard in Canada. A crime more terrible than that with which the prisoners are charged has never, perhaps, startled this continent. The method of the prisoners, if the contention of the Crown is correct, was a simple one. They ingratiated themselves into the good-will of three orphans, a brother and two sisters. One of the prisoners courted one of the sisters, finally becoming her affianced husband. Then the two insured the life of the brother for a large sum, the sister being made the beneficiary. Then they killed the young man, one of them married the sister and the two absorbed the insurance.

HARRY HYAMS.

When the prisoners were living in Toronto, their mother and the wife of Dallas P. Hyams were living with them. The day following they left for Georgia. The wife of Dallas Hyams returned yesterday to watch the outcome of the trial. The mother has not yet returned.

Another peculiar feature of the case is that Martha Wells Hyams, the wife of one of the prisoners is one of the most important witnesses for the prosecution, and will to-day enter the witness box and tell what she knows of the case. Whether she will be allowed to testify as to the subsequent attempt to place $200,000 insurance upon her life depends on His Lordship's decision as to the admissability of the evidence. Mr. Osler will to-day proffer the testimony. Whether it will go to the jury remains to be decided.

Great Interest in the Trial.

The absorbing interest taken in the trial was evidenced by the immense throng which crowded the stifling court room. Every seat was occupied, and the aisles were jammed with people who remained standing throughout the session, which was taken up with the empanelling of the jury, the opening of the case for the prosecution by Mr. Osler, and the examination of Ebenezer Aylesworth, the brother-in-law of the prisoner Harry Hyams, and of the deceased William Wells.

The prisoners did not seem to have suffered by their imprisonment, but the demeanor of each showed that he realized the grave position in which he was placed. Both were very pale, and the nervous temperament of the twins was frequently made manifest during the course of Mr. Osler's address. Dressed as they were almost identically the same, it was difficult for the spectators to distinguish one from the other.

Opening of the Court.

It was 10.15 when His Lordship Mr. Justice Street ascended the bench and the "Oyez!" of the court crier formally opened the court. Then this imposing array of legal talent filed into court:

Representing the crown: B. B. Osler, Q.C., Deputy Attorney-General Cartwright, County Crown Attorneys Dewart and Curry.

For the prisoners: E. F. B. Johnston and T. W. Horn, defending Harry P. Hyams, and W. Lount, Q.C., and W. G. Murdoch for the prisoner Dallas Hyams. Associated with them are Francis L. Wellman and W. W. Gooch of New York.

Mr. Lount arose and asked the indulgence of the court in permitting Mr. Francis L. Wellman, a distinguished member of the New York bar, to be associated in the defence of the accused. Mr. Wellman has had for many years sole control of the affairs of the two brothers of the prisoners, now residing in New Orleans and New York, who were naturally interested most deeply in the result of the trial. So much interested were they, indeed, that they had retained Mr. Wellman, himself an American citizen, to represent the interests of these prisoners, who likewise are American citizens. Mr. Wellman had been advised early in the case and had looked after the interests of the prisoners throughout, and he trusted His Lordship would grant the indulgence of allowing him to appear. This indulgence had been extended in the United States to members of the Canadian bar. It was the almost invariable rule that should a Canadian counsel appear and ask the indulgence of the American bench it would be granted. Speaking personally, the privileges had been extended to him at Chicago and Detroit. The same privilege and courtesy, he understood, had been extended wherever asked. He was only speaking now of civil matters, but how much more was it likely that this privilege would be granted when the life of a Canadian citizen was at stake? He therefore asked that Mr. Wellman, who was at one time the prisoners' own special adviser, should be allowed to appear at some stage, more especially in the cross-examination of witnesses.

His Lordship's Reply.

Justice Street, in reply, said that he was afraid he had no discretion in the premises. If he were to consent that these gentlemen from the other side should act, he would perhaps be doing nothing which was practically illegal. But, as Mr. Lount must know, judges are governed by customs which are equivalent to law, and it had never been the custom, so far as he was aware, that any person not introduced by the Law Society should be permitted to appear as counsel in a court. He would be very glad to grant the request, but did not feel at liberty to introduce an entirely new departure against all customs. He would be practically introducing a precedent which he had no right to introduce, and there was no telling where the practice would stop. He did not feel justified in establishing such a precedent unless absolute necessity therefor existed and it did not appear to him that it did exist. The gentlemen could advise with the other counsel and give them the benefit of their knowledge. He declined, however, to allow Mr. Wellman to examine witnesses.

Mr. Osler Explains.

Mr. Osler said: If any gentleman from a foreign country was allowed to participate in the proceedings of a Canadian court this would be an instance in which it would be proper that he should be heard, because of the high standing of Mr. Wellman and the seriousness of this case. But the rule that excludes Mr. Wellman also excludes a member of the British bar. As he understood it, in the United States the courts have control of the bar, here they do not. In the States the judge has the right to extend the privilege of appearing to members of the outside bar. But our system, whether it is better or not he was not prepared to say, was different. No one could plead here unless presented through the Law Society. It was true that Canadians had applied for the privilege in United States courts. He did not think members of the Canadian bar should apply for these privileges unless in a position to reciprocate. They were not in a position to reciprocate from the very nature of our laws.

Empanelling the Jury.

Less than 90 minutes were occupied in empanelling the jury, although the defence peremptorily challenged its full complement of 40. There were no challenges for cause. This will help the reader.

Number of jurors on panel	88
Answered to their names	80
Challenged by Harry Hyams	20
Challenged by Dallas Hyams	20
Stood aside by Crown	16
Excused on account of illness	2
Excused because had mind made up	1

There was consequently but one juror present who had not been called when the twelfth juror was sworn in. The first man called was George Third of lot 6, concession 3, York, farmer. Third was one of the twelve men who acquitted Clara Ford, and the Crown allowed him to stand aside. In all 11 of the Ford jurors were called, and the name of the twelfth, Christopher Brillinger, who, by the way, was No. 1 on the panel, was also called, but he did not answer. Ten of the jurors were allowed to stand aside by the Crown, the remaining one, Charles Caldwell, was challenged by the the defence. Mr. Caldwell was the juror on the Ford case who [illegible] out for conviction for an hour [illegible] the other eleven.

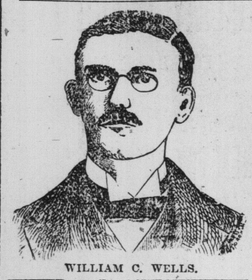
The first dozen names called yielded, a couple of jurors, and nine had been chosen out of the first score and a half, and one of those challenged by the prisoners being Edward Andrews, who had a Salvation Army badge prominently displayed on his breast. James Appleby was excused on account of illness, Alfred Lloyd owing to domestic affairs and Joseph E. Clark because he had made up his mind and did not think he could change it. The fiftieth juror called was sworn in as No. 10. The next dozen yielded another, and the defence having exhausted its challenges, the 79th juror was sworn in as No. 12. Here is the jury:

Name.	Address.	Occupation.
George Munro,	N. Gwillimbury,	Farmer.
William Hart,	Vaughan,	Farmer.
W. G. Hescock,	King,	Farmer.
R. C. Gilliies.	King.	Farmer.
Thomas Bryans,	Etobicoke,	Farmer.
John Jenkins.	Weston.	Farmer.
James Crichton,	Scarboro,	Farmer.
John Gregg,	215 Queen-street, Toronto,	Boots and Shoes.
Mitchell Hadwin,	Vaughan.	Farmer.
Charles Penrose.	Newmarket,	Pump-maker
Abraham Torrance,	Etobicoke,	Farmer.
Malcolm Cameron,	Manning-avenue, Toronto,	Carpenter.

Mr. Osler then proceeded to present the case for the Crown:

Counsel's Opening Address.

Mr. Osler in the course of his address said: You will have to prepare yourself



WILLIAM C. WELLS.

for the solemn duty imposed upon you by casting aside all you have heard and read. Try and eliminate everything concerning the case and have your minds free to receive the evidence. There is a duty thrown upon you of protecting the community; there is also the duty of protecting and guarding the prisoners. The crown has to make out its case beyond reasonable doubt. The prisoners cannot be condemned upon suspicion; they cannot be convicted because you think a foul crime has been committed and a scape-goat must be found.

In all crimes of deliberation of purpose, all homicides which are the result of quick passion, it is seldom there is an eye to see or an ear to hear, and in cases of that kind the crown is necessarily driven to circumstantial evidence. If circumstantial evidence was not allowed, the worst class of crime—

Continued on Second Page.

MR. WELLMAN IS SATISFIED.

Says He Entirely Understands and Appreciates the Position Taken By Mr. Justice Street in the Matter.

When asked by a World reporter what he had to say in relation to Judge Street's refusal to allow him to take an active part in defence of the Hyams boys Mr. Wellman said: "I entirely understand and appreciate the position taken by Mr. Justice Street and Mr. Osler, and do not see, under the circumstances, how they could have acted otherwise. I am entirely satisfied with the local counsel conducting the defence, and regretted very much that the application had to be made at all, but the relatives in New York insisted upon it. I am convinced the prisoners will have every opportunity to prove their innocence."

FREE TRADE FOR NEW SOUTH WALES

The Reid Government Propose Direct Taxation—Wines, Spirits, Beer, Tobacco and Opium Only To Be Dutiable.

Sydney, N.S.W., May 9.—Premier Reid made a statement in the Assembly regarding the estimates for the coming year. The Budget, he said, proposed a great change in the country's policy. The Government were pledged to abolish the customs duties imposed in 1891 to establish a tariff on a free trade basis, and to reform the civil service. The Government was determined to stake its existence on direct taxation. There would be a land tax of a penny a pound, and an income tax of sipence on the pound with exemptions. There would be a permanent tariff only on wines, spirits, beer, tobacco and opium. The old duties would be retained for a year, the sugar duties alone remaining untouched for two years. Political patronage in the civil service would be abolished. The estimated surplus was £56,184.

A BOY'S FATAL SHOT.

Shooting to Scare He Killed His Nine-Year Old Playmate.

Essex, Ont., May 9.—About 9 o'clock this morning Aylmer Chase, an 11-year-old boy, while flourishing a revolver, shot Anthony Gascoe, aged about 9 years. Chase was evidently trying to scare Gascoe, without thinking the revolver was loaded. The ball entered the nose and took an upward course towards the base of the skull. The boy will die.

KILLED WHILE AT PLAY.

Six-Year-Old Max Rubeck Run Over By a Horse in York Street.

While playing with a young companion in York-street at 6 o'clock last evening, 6-year-old Max Rubeck, whose parents live at 161 York-street, met with an accident which terminated fatally three ehours afterwards.

The two children were playing on the street car tracks and did not notice the approach of a wagon driven by R. McBride, fruiterer. Mr. McBride was driving southward, and when near the boys shouted to them to warn them of their danger. Rubeck's companion ran to the west side of the street, Rubeck starting in the opposite direction. When the latter noticed that his companion was not with him, he turned to run westward again.

Mr. McBride saw the new danger and drew his horse up so quickly, the animal lost its footing and fell directly on the unfortunate lad, crushing the side of his head. Rubeck was carried in an unconscious condition to his home.

Start the Boys Right.

It is frequently written in reviewing the lives of distinguished men who have risen from poverty to affluence through their own exertions that the greatest difficulty on the way was in the accumulation of the first few hundred dollars that laid the foundations of their fortunes. The common experience of men has never led them to question these declarations. If it was so difficult half a century ago to obtain this necessary start for a young man who aspired to be something more than a commonplace drudge for others how much harder are the lines drawn in these days when concentrated capital controls almost every department of business? There are hundreds of fathers who, through their own experience, recognize the startling fact in question, yet stand listless before it when it is in their power to assist their sons over this perhaps otherwise insurmountable barrier by an endowment life insurance policy that will mature at majority. They may thus prevent if not the wrecking of splendid natural capacities, at least dwarfing them into mere commonplace human machines, to be held at the selfish estimate and beck of others.

Talk with an agent of the Mutual Life Insurance Company of New York and ask him to show you the new continuous income debenture, incontestable, or write Henry K. Merritt, manager, 31, 32, 33 Bank of Commerce Building, Toronto.

Ask for delicious "Salada" tea

Arlington Hotel.

This elegant, comfortable hotel offers every inducement to those desiring permanent winter accommodations.

PLACE TO THE LADIES.

Whatever the Politicians May Say the Fair Ones Will Have Their Say.

It is problematical whether there is any connection between the warm weather and the hot debates on Sunday Observance, Woman's Suffrage and the Hyams' trial. One thing, however, is certain—all the women vote that their liege lords and loyal lovers shall wear Dineens' hats and summer caps. The fair ladies of sportive turn do this themselves; hence the reason of their preference. And they carry the day. They are enthusiastic on Dineens' zephyrs. These are lightweight felts, shells, silks, Derbys and fedoras. Not only are they light of weight, but, excepting the always popular silks, are light in varied shades. They are also suited for light purses, for, considering the excellence, they never were so cheap as now. Here are specimen prices: $2.50 and $3 felts, $4, $5 and $6 silks. And there are others—soft fedoras, in browns, drabs and greys at $1 and $1.50. These are as good as any other firms' $2 hats. They are all first-class American and English manufacture, and the supply will not last long. They will be all cleared before Queen's Birthday. Then heigho for the cooling straws.

Beaver, "the gentleman's chew," can now be had in thin plugs. d

Turkish baths, day and night. 204 King-st

Going to Muskoka

If the present warm weather continues the Muskoka District will soon be the centre of attraction for those who have cottages there. Michie & Co., who have supplied many residents in that district for years with groceries, etc., have already filled some Muskoka orders. ed

Warm Day, Showery Night.

PROBS. — Fine and warm to-day; some local thunder showers to-night; a change to cooler weather on Saturday.

GREENWAY WANTS MORE TIME

MANITOBA LEGISLATURE ADJOURNED TO JUNE 13.

A. F. Martin of Morris Protested Against the Further Postponement—Mr. Sifton Stated That the Province Would Not Return to the Old School System—No Opposition to Adjournment.

Winnipeg, Man., May 9.—When the Manitoba Legislature resumed for business this afternoon, Premier Greenway made the following statement: Before proceeding to the orders of the day I desire to say that when asking the House to adjourn until the present date it will be within the recollection of members I stated that in view of the gravity of the questions involved in the consideration of the School Remedial Order communicated in His Honor's message of March 25 last, we would require sufficient time to consider the same. I am now about to ask the House to order a further adjournment to June 13, next in order that further consideration may be had.

I am aware, Mr. Speaker, in making the motion that the House do now adjourn, I am asking the indulgence of the House because making the motion it would require, if my honorable friends opposite insisted, that I should give notice, as it is not the intention of the Government to proceed to other business until this matter is disposed of. I desire to move now, if there is no objection, that the House do now adjourn to the date mentioned.

A. F. Martin Protests.

A. F. Martin, member for Morris, protested against further postponement, especially as the Government gave no particular reason, therefore, he claimed, as one of the Roman Catholic minority, that some statement should be made of their intentions. Mr. Martin continued speaking until 6 o'clock, reading copious extracts from and ridiculing Attorney-General Sifton's speeches during the Haldimand campaign.

At the evening session Mr. Martin continued his speech, and was followed by Mr. Prendergast, who regretted the Government had found it necessary to take a further adjournment.

Attorney-General Sifton said the Remedial Order as submitted by the Dominion Government involved a return to the old school system, and this they did not purpose to do. There were also a great many other phases of the question, and further time must be taken for consideration.

The question was then put, "Shall the rules be suspended?" There was no dissenting voice, and the Legislature was declared adjourned to June 13.

Rumor Assigns a Cause.

Many rumors are afloat as to the cause of the local Government's action in again adjourning the House. Chief among these is the statement that Lord Aberdeen has forwarded a letter to Premier Greenway, asking for further postponement of the Government's decision.

EARL JERSEY'S REPORT.

Deputation Wil Urge the Government To Adopt Its Resolutions.

London, May 9.—Lord Rosebery will receive on May 17, a deputation from the Associated Chambers of Commerce, who will urged the adoption of the resolutions made by Lord Jersey in his report on the Ottawa Intercolonial Conference.

The deputation will recommend especially the resolutions of the Ottawa conference regarding postal and telegraph routes.

A WOMAN CONFESSES TO "DIOGENES.

But He Does Not Sympathize With Her.

In to-day's issue of The Week "Diogenes" writes pointedly on topics of current interest, including woman's skirts and sleeves, bank clerks' prize essays, the glorifying of the Imperial Bank and Alderman Scott and Sheppard. Amongst the notable articles are "The Curious Case of Clara Ford" and "A Glimpse at Bible-Loving Wales," which is a startling exposure of the immorality of the people. The Week, which can be obtained at McKenna's Bookstore, 80 Yonge-street, also contains a strong and scholarly article on the Chinese, and a brilliant description of Archdeacon Boddy and St. Peter's Church. A large number of the latest novels are brightly reviewed.

Turkish baths, bed for all night bather

Searching For Gifts.

It is in Bohemian glassware, beautiful flower-holders and such like, that the searcher for wedding presents will find the most exquisite choice and appropriate gifts. In no other department had Messrs. James A. Skinner & Co. such a selection. These are being offered now to the general purchasing public at wholesale prices. Everything in their superb stock will be sold during the liquidation sale. The warehouses and sample rooms are at 54 and 56 Wellington-street west.

Turkish baths, open all night, phone 1286

Yes, It Would Be an Extra Bonanza For the Boys.

The City Hall people, the big people, say that if the electric light bylaw carries, that it will be a "good thing for the boys." The trouble is with civic management that there has been already too many "good things for the boys." Good things for the ladies' feet this week is the remnants of 2 1-2s and 3s boots and shoes, selling at half-price at Howell's Big Shoe Store, 246 Yonge-street.

Fetherstonhaugh & Co., patent solicitor and experts, Bank Commerce Building, Toronto

Ask for delicious "Salada" tea.

The Island Season.

Very efficient service was arranged last year, by which Island residents were supplied with ale and liquors, etc., from Michie & Co., and arrangements have been made for prompt delivery again this season. ed

Tonka is the only high-grade smoking mixture put up in 10c. packages in Canada. Try it.

The Most Healthful Mineral Water.

Every bottle of Sprudel is put up at the celebrated Mt. Clemens Spring, just as the water flows from the earth. It is without doubt the most healthful mineral water sold on this continent to-day.

Dispels all uneasiness at the stomach and makes you feel first-class—Adams' Tutti Frutti. Beware of fraudulent imitations.

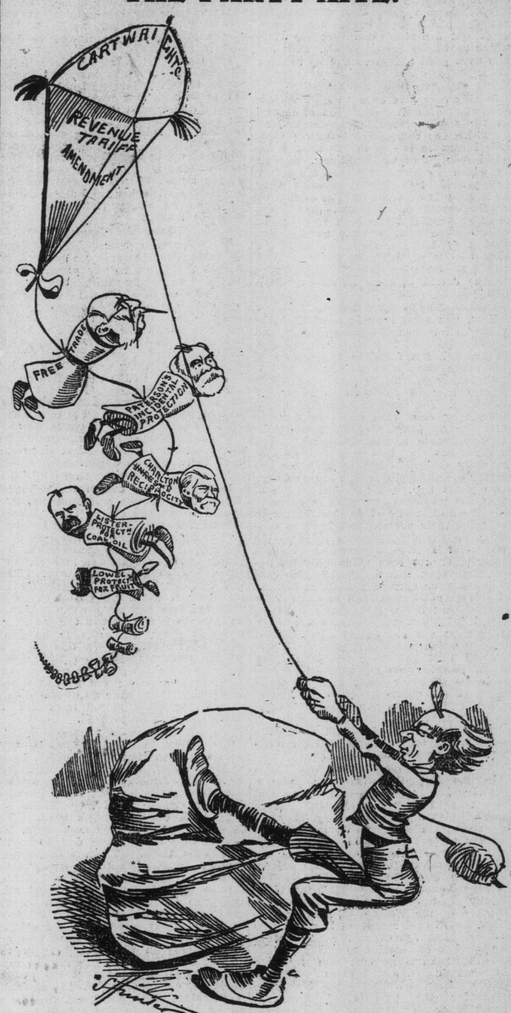
Ask your shoe dealer for Cerol Russet Dressing. Price 15 cents.

LADIES,

Have You Small Feet?—A Snap if You Have.

We have about a wagon load of remnants in ladies' butt. boots, Oxfords and slippers, in sizes 2 1-2 and 3s, which we sell at half the wholesale prices. All the above goods not sold this week will be sent to Suckling & Co.'s, where other dealers can buy them. Howell, the Cut-Rate, 246 Yonge-street.

THE PARTY KITE.



WILFRID: Dicky Cartwright puts a new cover and a new name onto it every once in a while, but there's always the same old tail to it.

EX-ALD. JOHN BAXTER DEAD

THE ASSISTANT MAGISTRATE PASSED AWAY LAST NIGHT.

Succumbed to a Paralytic Seizure—Sketch of His Career—For Many Years the Father of the Council—For a Year He Was Incapacitated For Police Court Duties

Ex-Ald. John Baxter, Assistant Police Magistrate of Toronto, died at 6.30 last evening at his late residence, 180 Spadina-avenue, in the 70th year of his age.

The deceased, who had filled a larger space in the civic history of Toronto than any other citizen who has ever had a seat at the City Hall, was stricken with paralysis in March, 1894, and though he has been able to appear in public, he has been infirm ever since. A fortnight ago he had another stroke of paralysis and never rallied. His friend and neighbor, Dr. Ogden, was his medical attendant, and gave no hope of Mr. Baxter's recovery, soon after the seizure.

In public and private life the deceased was highly esteemed. He had hosts of friends, and during his civic career was the recipient of many testimonials. He was a genial typical Yorkshireman, of strong will and indomitable perseverance. His death will be regretted by a very large section of the citizens.

Career of Deceased.

John Baxter was born in the city of York, England, in 1825. His parents settled in Toronto in 1830. His father, James Baxter, who was a builder and contractor, died in 1871. The ex-alderman was educated at the private academy in Bay-street conducted by the father of Chancellor Boyd. Leaving school young Baxter served two years at the drug business, and then turned to brick-laying, working with his father. Subsequently he opened a wine and tea store, retiring with a competence in 1882.

John Baxter was first elected as councillor for St. Patrick's Ward in 1858, and as alderman in 1864, in which year he acted as president of the council during the absence of Mayor Medcalf in England. He sat as alderman 27 years and was senior member when, in 1890, he resigned to accept the position of Assistant Police Magistrate. The last year he was in the council he polled the largest vote ever registered for an alderman in Canada.

The deceased had been chairman at different times of all the committees of council. In 1889 he was chairman of the civic deputation appointed to visit the American cities to examine the system of underground wires. His report was favorable and the system has since been carried more or less into practical effect.

In 1861 he introduced and carried a bylaw by which Alexander Eastman was granted a thirty-years' charter to build and operate the first Toronto street railway.

For 14 years Mr. Baxter was a Public School trustee and for several years chairman of the board. He was a well-known Methodist and had for many years taken an active interest in Queen-street Methodist Church.

Mr. Baxter had a family of four sons and four daughters. His eldest son, James, has been traveler for Staunton & Co., wallpaper manufacturers; William, another son, has been for 23 years an engineer in the waterworks department, and another son, Charles, holds a position in the Toronto Custom House. Mr. Richard Baxter, late Accountant of Contingencies in the Finance Department at Ottawa, is a brother of the deceased.

The funeral will take place to-morrow afternoon at 3 o'clock from the deceased's late residence to Mount Pleasant Cemetery.

The World will resume their Island delivery on Monday, May 13.

ATTACKED THE ROYAL FAMILY

DR. TANNER CREATES EXCITEMENT IN THE COMMONS.

The Retirement of the Duke of Cambridge, Which Has Been Denied, Was Questioned By the Doctor—Three Times He Put the Question, But Was Howled Down.

London, May 10.—Dr. Tanner, anti-Parnellite for the middle division of Cork, caused much excitement in the House of Commons last night by sharp attack upon the Royal Family. At midnight, on a motion to adjourn, he rose and asked with a considerable show of feeling: "Is the report true that the Duke of Cambridge, the Commander-in-Chief of the army, is retiring to make way for a better man?"

There were loud cries for order, but Dr. Tanner ignored them.

"Is the time come at last," he continued, "when a member of the Royal Family, who has been drawing the people's money too long, is going to retire?"

The second question increased the confusion. Shouts of "Name him" came from all sides, and the Speaker rose with his eyes fixed upon the Irish member. Dr. Tanner remained standing.

"Are these remarks in order?" asked George Bartley, Conservative.

"They are not," replied Speaker Gully. "They are entirely out of order."

Most members supposed that Dr. Tanner would succumb to this rebuke. The Conservative cheers which greeted the speaker's declaration, however, seemed to enrage him. With a quick gesture of disdain he bawled at Mr. Ellis, the sole occupant of the treasury bench: "What I wish to know is whether his Royal Highness is going to retire?"

There was no answer. The Speaker put the motion to adjourn, which was formally approved, Dr. Tanner meanwhile gesticulating violently and trying to address the House.

The pains taken by Campbell-Bannerman on April 28 to deny that his Royal Highness was about to retire apparently had a bad effect upon the Nationalists and Radicals. The subject has been discussed with much feeling by the Radical press in the last week. The critics of His Royal Highness contend that he opposes every reform in the army and is incompetent, useless and expensive.

The agitation has begun spreading among the more moderate journals. Punch which is invariably non-partisan, has a cartoon in the current issue, representing General Wolseley, saying to the Duke of Cambridge, "I have to retire from my command in September," to which the Duke replies, "Dear me, I haven't."

Ponsonby's Successor.

London, May 9.—Sir Fleetwood Edwards has been appointed keeper of Her Majesty's Privy Purse and Col. Begge has been made the Queen's Private Secretary in the room of Sir Henry Ponsonby, who has resigned his office on account of ill-health.

Natural beauty retained and enhanced by using Adams' Tutti Frutti. It aids digestion. Refuse imitations.

DEATHS.

BAXTER—On Thursday, May 9, at his late residence, 180 Spadina-avenuei in the 70th year of his age, John Baxter, Assistant Police Magistrate.

Funeral on Saturday, May 11, at 3 p.m.

HARRIS—At 9 D'Arcy-street, on May 9, John Harris, native of Devonshire, Eng., in his 57th year.

BALL—Suddenly, near Albany, N.Y., on Tuesday evening, May 7, Reginald Lindsay, youngest son of the late F. A. Ball of Toronto, aged 34 years.

Funeral from his late residence, 5 Queen's Park, Friday, at 3 p.m.

McCARTHY ON SCHULTZ

Together With Hon. T. M. Daly on Joe Martin,

MANITOBA DAY IN THE HOUSE.

Publication of Bourinot's Opinion the Bone of Contention.

Mr. McCarthy Holds That the Lieutenant Governor Exceeded His Limit, and That Premier Bowell Was in the Conspiracy to Coerce the Greenway Government—Messrs. Mills and Martin Uphold Mr. McCarthy—Mr. Foster and Mr. Daly Champion Dr. Schultz, Mr Daly Also Paying His Respects to the Member From Winnipeg.

Ottawa, May 9.—Manitoba, her Governor, her Government and her schools have occupied the attention of the House to-day, and frequenters of the galleries have listened to the first real debate of the session. There was little time for preparation, hence there was a snap about the discussion which was an agreeable change from the set speeches which have seemingly become the rule of late years.

On the one side Mr. McCarthy and the Opposition took the ground that Lieut.-Governor Schultz had gone beyond the limit of his constitutional powers in endeavoring to influence the Manitoba Government by securing an opinion from Dr. Bourinot on the Remedial Order, while on the other hand Mr. Foster and other speakers on the Ministerial side justified the Lieut.-Governor's action as being perfectly within his rights and in the interests of the province. Dr. Bourinot was exonerated for giving the now famous opinion, the statement being forthcoming that it was handed to Governor Schultz as a private opinion from the learned Clerk of the House.

The discussion was characterized by a well-merited castigation which Mr. Daly administered to Joseph Martin for a bitter personal attack which he made on the Lieutenant-Governor.

The news from Winnipeg to-night has been greatly discussed in parliamentary circles. It is held to imply a desire to on Mr. Laurier's part to avoid a definite pronouncement on the school question. The impression is general that Parliament will be in session only for a few weeks, and if this is to be the last session of Parliament it will be far more agreeable to the Liberals to face the country without having gone on record, than if they were compelled to declare themselves in the House. It is said that the legislative policy outlined by Mr. Greenway to-day was decided upon between Mr. Laurier and Robert Watson of Manitoba, when the latter was here two weeks ago. Mr. Greenway is expected in Ottawa shortly.

Sir Richard Cartwright evidently recognizes that he put his foot in it the other day when he made a sneering remark about Mr. Archibald Blue. To-day the Rueful Knight made the amende honorable by stating that he did not understand, from the confusion existing at the time, that Mr. Haggart was referring to Mr. Blue, as certainly his (Sir Richard's) observation was not intended to apply to that gentleman, Mr. Blue not having been the Ontario Statistician for some years.

At the opening of the House in the afternoon Mr. Charlton moved to have his Sabbath Observance bill restored to the order paper, which was carried.

McCarthy and the Bourinot Letter.

Mr. McCarthy rose to call attention to the letter written by Dr. Bourinot to Lieut.-Governor Schultz on the Manitoba school question. The Legislature of Manitoba was now considering the Remedial Order transmitted to it. Pending legislative action the governor of that province visited Ottawa for what purpose he (Mr. McCarthy) did not know, but there were sinister rumors that Governor Schultz was prepared to dismiss his ministers if he could get a second term. It was only fair, however, to his honor to say that he promptly denied the rumor.

Mr. Ives: Where were those rumors current?

Mr. McCarthy: Why, it was in all the papers. If the minister does not read the papers I pity him. He is about the only man in the House who does not. (Laughter.)

Mr. Ives: They must have been published in the P.P.A. press. (Renewed laughter.)

Mr. McCarthy continuing, said that the matter was one with regard to which Governor Shultz has nothing whatever to do. The Lieutenant-Governor of a province was bound to be loyal and true to his council. He was bound to give them his cordial support, his advice, his warnings, if need be, but he was required, according to our system, to be in cordial relationship with them, and so long as in point of fact they were his advisers he was bound, according to our system, to treat them in the most loyal way. But while this matter was pending the Lieutenant-Governor had thought fit to obtain the advice of the Clerk of the House. Although he had not had any communication with Dr. Bourinot he (Mr. McCarthy) understood that Dr. Bourinot said he understood his communication was a private one, and was not given to be used for political purposes. He believed that that statement.

"Little Short of a Conspiracy."

It would not be improper for the Lieutenant-Governor to have armed himself and to have obtained the opinion of any expert in constitutional lore that he thought fit to apply to. He was not quarrelling with that. It was intermeddling on his part in matters in which he had no concern, but he certainly had a perfect right as a citizen, as an individual, nay, perhaps as a Lieut-Governor, to obtain the opinion of any expert he thought fit with reference to the Remedial Order. Well, Governor Schultz returned to Winnipeg and on the day he handed out the document there for publication it was given to the press here. He (McCarthy) desired to be perfectly frank and to state, so that if it was not true it might be contradicted, that these documents were in type, and given to the press by no less an individual than the Prime Minister of this country. If these be the facts, it was a case little short of a conspiracy against the rights of the Legislature of Manitoba.

Continuing, Mr. McCarthy quoted from Bagehot, the constitutional writer, to show that Lieut.-Governor Schultz had neither legislative jurisdictoin nor legislative authority to interfere in this matter. Clearly the opinion which Dr. Schultz had obtained was intended to do party duty. He strongly condemned him for going behind his advsiers in a matter of this kind. He attributed action of such a character to the fact that Lieut.-Governors were allowed to occupy their office after their term had expired.

Continued on Fourth Page.