

JOHN CATTO & SON
NEW GOODS
Daily Arriving**Important Instalments****Dress Goods (Black and Colored)**
are now on display.**New Silks**

In the popular Rajah, Tussoras and Shantung makes and modifications.

Oriental Satins

and similar goods—now much in demand—at various prices, in full range of shades, including black, white and ivory.

French Printed

Challies and Delaines in good assortment of colorings and neat patterns.

New Prints

Big spread of reliable color. Clear Printed Cambrics, fresh crisp goods, 12 1/2 and 15c yard.

Silk**Lounge Throws**

Beautiful lot of High Art Italian Stripe Lounge Throw Silk Rugs. A handsome and useful addition to living room or "den." \$1.50 and \$2.00 each.

Initial Towels

New lot of splendid hard-wearing Scotch and Irish Pure Linen Towels, with handsomely wrought initial letter (2 1/2 inch), already worked on each. An ideal wedding present, \$5.00 and \$12.00 dozen.

Art Covers

New array of Handsome Printed Art Table Covers, Bed Spreads, and Cushion Mounts. These are a decided novelty. Don't forget to ask to see them.

Mail Orders

Same as Self-Shopping, but minus the trouble to you.

JOHN CATTO & SON
55 TO 61 KING STREET EAST,
TORONTO.**STEEL CO.'S WIN**

Continued From Page 1.

to pay their own costs in that regard.

The judgment declares that it was not a case wherein it was necessary to import by implication words into a contract in order to effectuate the common intention of the parties to it, and the strenuous contention of the Coal Company that the phrase "reasonably free from stone and shale," which appeared in the contract implied that the coal to be supplied to the Steel Company should be only as free from stone and shale as reasonable and proper purities in the limestone permeating the coal, cannot be sustained. The words meant that the coal must be reasonably free from stone and shale.

As to the function of paragraph one in the contract, which the Coal Company alleged was merely to furnish the measure of supply, the court cannot accept that view. In the first place the detailed enumeration and description of the paragraph cannot have been introduced as a measure of quantity. This is clear from the proviso at the end of the paragraph which sets up a definite measure of quantity of different character and with no limitation as to the extent of the Steel Co. plant or necessities. In the absence of such limitation the enumeration could not afford any measure of quantity, yet it must be taken as such, and the only purpose it can apparently serve is to specify precisely and in detail the various uses to which the coal to be supplied was to be put. There would be no object, however, in doing this if the Coal Company was doing this in the face of the fact that its coal was not of the quality of suitability for their coal for these uses.

An Inconceivable Argument.

There is nothing in the contract to impose on the Coal Co. the duty to "wash the coal unless it is of such quality as to be suitable for the purposes and if that duty had not been thus impliedly imposed upon them, it is difficult to see why special clauses should have been introduced to relieve them from it.

The Dominion Coal Co. has a paid-up stock of \$15,000,000, including \$5,000,000 preferred. The liabilities of about six millions include five million dollars of bonds. The company has paid dividends on all its stock, and the last report had over a million dollar surplus. The directors include F. W. Wanklyn, Lord Strathcona, Hon. George A. Cox, H. P. Dimock, F. B. Angus, J. R. Wilt, W. B. Ross, W. A. Matthews, Jas. Brotherton, J. K. Osborne, Graham Fraser.

Comments on the Decision.

Justice Langley, in commenting on the decision, is quoted as saying: "I never could see that there was ever any serious question of law involved at all. The determination to give damages once for all which the privy council has made is a move in accordance with the act in case of specific performance because I thought that would operate less seriously upon the Dominion Coal Co."

J. H. Plummer, president of the steel company, was in Ottawa yesterday.

COMING**WALTZ DREAM****THE WEATHER**

OBSERVATORY, TORONTO, Feb. 11.—(P. M.)—The weather has been generally fair throughout Canada to-day, with temperatures below zero in the prairie provinces, and more moderate elsewhere. Minimum and maximum temperatures: Dawson, 33 below—38 below; Athabasca, 27 below—32 below; Port Simpson, 10—24; Vancouver, 27—39; Kamloops, 8—10; Edmonton, 24 below—16 below; Battleford, 23 below—28 below; Calgary, 20 below—12 below; Moose Jaw, 15 below—14 below; Regina, 16 below—2 below; Port Arthur, 6 below—16; Toronto, 12—18; London, 10—24; Montreal, 16—26; Quebec, 9—24; St. John, 23—34; Halifax, 10—46.

Probabilities.

Lower Lakes and Georgian Bay—Fresh westerly winds; fair and moderately cold; some local snow flurries. Ottawa Valley and Upper St. Lawrence—Fair and cold; local snow flurries. Lower St. Lawrence and Gulf—Fresh westerly winds; fair and cold; snow flurries at night.

Maritime—Fresh winds, mostly westerly; fair and moderately cold. Superior—Northerly winds; fine and much colder. Western provinces—Fair and very cold.

THE BAROMETER.

Time.	Ther.	Bar.	Wind.
8 a.m.	29.45	30.15	20 W.
Noon.	29.45	30.15	20 W.
2 p.m.	29.45	30.15	20 W.
4 p.m.	29.45	30.15	20 W.
6 p.m.	29.45	30.15	20 W.
8 p.m.	29.45	30.15	20 W.

Mean of day, 23; difference from average, 1 above; highest, 27; lowest, 19.

STEAMSHIP ARRIVALS.

From	Ship	Arrival
Atlantic	New York	Southampton
London	London	London
Boston	Boston	Boston
Monmouth	Monmouth	Monmouth
Romanic	Romanic	Romanic

TO-DAY IN TORONTO.

Feb. 12.

Canadian Forestry Association, Convention Hall, 10.

Victorian Order of Nurses, annual meeting, City Hall, 4.

Public Library Board, 5.

Phoebe-street School ex-pupils' banquet, 8.

Park School Old Boys' banquet, 8.

Provincial Fair and visiting preceptors at Geoffrey de St. Aldemar Assembly, Temple Building, 8.

Board of Trade banquet, National Club, 8.

DEATHS.

BAXTER—On Thursday, Feb. 11, 1909, at Toronto, Ellen, dearly beloved daughter of Mr. and Mrs. Baxter of Egremont, Ont., in her 33rd year.

Funeral from A. W. Miles' undertaking parlors, 26 College-street, Saturday, at 2 p.m. Interment in Prospect Cemetery. Friends please accept this notice.

BENSON—At Richmond Hill on Wednesday, Feb. 10, Esther Kiley, wife of David Benson.

Funeral on Friday, at 1 p.m., to St. John's Church, York Mills, arriving about 11 a.m.

COE—Amy, the beloved daughter of Mr. and Mrs. Coe, passed peacefully away on Wednesday afternoon, Feb. 10, 1909, aged 1 year 10 months.

Funeral takes place to Humberville Cemetery Feb. 12 at 2:30.

DOYLE—On Wednesday, Feb. 10, 1909, at her late residence, 3 Windsor-street, Margaret Dalton, dearly beloved wife of William Doyle, G.T.R., in her 46th year.

Funeral from above address on Saturday morning, at 9 o'clock, to St. Mary's Church, thence to Mount Hope Cemetery.

HITCHENS—At the Western Hospital on Wednesday evening, Feb. 10, 1909, William Hitchens, aged 69 years.

Funeral on Saturday, Feb. 13, at 2:30 p.m., from Rosar's undertaking rooms, 240 East King-street, to Mount Pleasant Cemetery.

THE FINAL TRIBUTE

In the hour of sorrow and bereavement, the services of a funeral home will be appreciated.

FUNERALS—\$50, \$75, \$100.

W. H. STONE & CO.

32 Carlton St. North 3755.

with the general manager, and said: "The only point to be decided now is the question of costs, but that, as compared with the main issue at stake, is comparatively unimportant."

The last word in the position to undertake a progressive and energetic policy of development. Whether or not the coal company will move 20 points, but we have an amicable spirit, and seek to carry out henceforth the terms of our bargain without any need of further complaint or trouble from us. I cannot but think that the coal company will have to carry out its bargain is certain.

On the whole, the judgment of the privy council should work out to the mutual interest of both companies with resulting benefit to the whole industrial development of the Dominion."

The Effect in Montreal.

MONTREAL, Feb. 11.—(Special.)—The sweeping victory in favor of the steel company was not altogether unexpected and as early as 9 o'clock this morning members of the press gathered on the floor of the exchange. No sooner had the sound of the gong died away than Rodolphe Forget offered 23 for Steel common, while \$0 was bid for the preferred.

On the exchange Dominion Steel preferred which sold yesterday at 74 1/2 jumped to 85, or over 20 points, but sold off to 80. The common stock sold as high as 25, an advance of 5 points, and the bonds advanced 5 points to 85. Dominion Coal broke sharply 11 3/4 points from yesterday's close to 51, recovering to 52.

ACTOR SUICIDES.

NEW YORK, Feb. 11.—Undeterred by the failure of his first attempt to end his life thru the breaking of a leather strap with which he had hanged himself, Charles Warner, 46 years old, a well-known English actor, to-night committed suicide by hanging in his room at the Hotel Seymour.

CANADA'S SHARE.

LONDON, Feb. 11.—(C. A. P.)—Canada's share of the total of £250,000, the thank-offering raised in connection with the Pan-Anglican Conference.

Forty thousand pounds sterling was earmarked for Canada.

Larger, Customs Broker, McKinnon Buildings, Toronto.

License Reduction Banquet.

A banquet at which addresses were delivered by Mayor Oliver, Controller Hales and Ald. Gra-Hocken, ex-

Mayor and which was held last night in the position of collector of customs in the Dovercourt Presbyterian Church by license reduction workers in the Fifth and Sixth Wards.

Hugh Blain denied a rumor last night that he was a candidate for the position of collector of customs in Toronto. "I have my business to look after," said Mr. Blain, "and the position in no wise interests me."

VICE-ROYALTY HEAR MENDELSSOHN CHOIR**Brilliant Audience Hear Another Magnificent Program—Last Night of the Orchestra.**

Graced by vice-royalty the regular series of the Mendelssohn Choir concerts concluded last night in a blaze of glory, the extra program of special excellence will be rendered on Saturday evening by the choir, assisted by Miss Augusta Cottlow, the pianist. Fashionable audiences are familiar sights in Massey Hall, but last night's outdid its predecessors in brilliance. An earthquake would have extinguished a majority of the notabilities of the city had it shaken the hall to pieces. Sir Grey came in escorted by Byron E. Walker at 8:35 and attended by Captain Newton, A.D.C., C. Leveson-Gower, controller, and Major Macdonald, A.D.C., and sat in a special box prepared in the northeast corner of the balcony. Mr. and Mrs. Scott Griffin and William Mackenzie's two pretty daughters sat on his excellency's right, and near by on the left were Senator, Mrs. and Miss Melvin Jones, Mr. Walker returned to the centre of the balcony to sit with Mrs. Walker, and Lady Clark and Miss Elsie Clark were near. Justice Anglin represented the week. Dr. Reeve the professor, Peter Ryan suggested politics, and Eugene O'Keefe other considerations. Everybody else was there, too, and enjoying the music, to judge by the applause and encores. Dr. Vogt was in a happy frame and gave royally from his real seat to sit with Mrs. Walker, and Lady Clark and Miss Elsie Clark were near. Justice Anglin represented the week. Dr. Reeve the professor, Peter Ryan suggested politics, and Eugene O'Keefe other considerations. Everybody else was there, too, and enjoying the music, to judge by the applause and encores. 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