

CLEAR SAILING FOR H. W. & G. RAILWAY.

Satisfactory Arrangement With G. T. R. Surprise at Statements Attributed to McFarlane Mayor Stewart Plans to Prevent Overdraft.

Well, it's clear sailing at last for John Patterson to build the Hamilton, Waterloo & Guelph Railway. The company's application for a right of way on the Grand Trunk property near Harvey Park was up at Ottawa yesterday, and the Dominion Railway Board made the necessary order. City Clerk Kent was there, representing the city in the interests of the application, should there be any opposition, but none was offered. The Grand Trunk announced that terms satisfactory to it had been made. Mr. Patterson was also present. He will sail for the old country on February 18 to arrange for the financing of the scheme. It is the intention to push the project vigorously, and the promoters hope to have the line to Guelph completed by a year from next July.

The officials of the Waterworks Department declared to-day that Engineer McFarlane, of the Beach pumping house, had either been misquoted regarding the installation of electric pumps at the Beach, or that he had a remarkable change of mind from the time he visited the office yesterday. Secretary James says it was no later than yesterday morning that Mr. McFarlane emphasized the dangerous position the city would be in if one of the pumps should break down. In the time of heaviest consumption from nine to eleven million gallons of water are used, while the combined pumping capacity is thirteen millions. With one of the Osborne-Killey pumps out of commission, the water pumped would fall short by nearly two million gallons of what would be required. The officials say Mr. McFarlane has repeatedly pointed out the necessity of having the pumps installed without delay. They recall that when Ald. Farrar was fighting to get water for county people, in reply to a question as to the city's position, Mr. McFarlane declared, "We are on the danger line."

It is not the aldermen, but the city officials who are anxious to have the pumps installed at once. City Engineer Barrow, who has been blamed for a good many skips made by the aldermen in the past, declared to-day that he would assume no further responsibility in this matter. He considers he has done his duty in placing the facts before the aldermen and warning them of the risk they are running. It will be up to them to shoulder the blame, he says, if anything happens. The committee tonight will deal with the tenders for the pumps.

COMPANY WAS RIGHT IN ENFORCING THE NEW RULE.

But the Street Car Case Was Dismissed Because the Car Was Crowded.

At Police Court this morning the case brought by the Street Railway Company against Harry Brown, 11 Fairmount avenue, who was charged with a breach of the rules, in that he would not step inside the car, but stayed on the back platform, caused a great deal of discussion and amusement. Brown pleaded not guilty, and the conductor, William Coffey, was put in the box by G. H. Levy, who appeared for the company. He stated that on Monday last the defendant got on his car near King and James streets and stood on the back platform. He requested him to step inside, but Brown refused, and said he was just as comfortable on the back platform. The conductor said he did not call the police, because Mr. Brown was a respectable man and he thought he might be able to show him the error of his ways before he travelled much further. Brown, however, refused to go into the car at all, and he gave his name and address to the conductor to be sure and bring him up.

William Hill, market clerk, was in the car at the time and corroborated the conductor, but was doubtful as to room inside. Mr. Brown wanted the case enlarged, but was advised to go on by Magistrate Jelfs, so he went into the box. He swore that there was no room in the car at the time he was asked to go inside to stand, and that he had stood in the vestibule while the car loaded up because there were some ladies who needed seats worse than he did. When the ladies got in there was no room for him inside, and he thought that he might just as well stay out of the road on the back platform. The Mag. Jelfs said that the company was right in enforcing this rule, and that it had a right to run the car any way it pleased. If a man chose to disagree with it he did not have to ride, but in a case where there was a doubt as to whether there was or was not room

OUT OF WORK DEED.

Parents Kill Themselves and Child.

New York, Feb. 5.—Max Sackman, aged 26; his wife, Galetin, and their baby, Rose, aged 14 months, who lived at 339 East 104th street, were found dead in bed to-day. The father and mother had fastened a rubber tube to the gas jet over the bed, and the hospital surgeons and the police who made an investigation were satisfied it was a case of double murder and suicide. Sackman had been out of work for more than two months, and neighbors in the house said that he and his wife were discouraged. They had not been seen since Sunday. They were found by the janitor of an adjoining flat house, who decided to make an investigation because neither Sackman nor his wife had been seen since Sunday.

AGENTS HERE.

Frost Wire Fence Annual Convention Opened To-day.

The annual convention of the agents of the Frost Wire Fence Company opened at the company's works this morning, and will continue two days. There are about 150 agents present from all parts of Ontario, and some also from Quebec and the west. They were received at the factory this morning and spent the day in inspecting the installation and discussing matters of trade. The same order of business will prevail to-morrow morning and afternoon. Arrangements have been made to give the visitors a good time. To-night they will attend the Savoy Theatre, and to-morrow night the annual banquet will be held in the Hotel Royal.

A PYTHIAN CITY.

Tennessee K. P.'s Purpose Building at Ovoca.

Memphis, Tenn., Feb. 5.—An allotment of 25 shares of stock in the community city of Ovoca, Kas., received by District Deputy C. H. Grigg, of the Knights of the Pythias Grand Lodge, marks the first steps toward realization of what has been a dream for years among Tennessee Pythians. It is planned to build in the central part of the State a model city. It is to be inhabited by Pythians, their wives, sons and daughters, and is to be self-governing. The city is to take the nature of a summer resort, a training school for boys and a chalet. A number of cottages are to be built to be rented to Pythians during the summer months.

HAS NOT RESIGNED.

Another report was going the rounds yesterday that Sergt. Major Prentice, of the police force, had sent in his resignation, but this has been officially denied. The matter was left by the Commissioners, in that if he proves to be physically unfit for his duties he will be asked for his resignation and to decide this Dr. Roberts, the Medical Health Officer, has been instructed to examine him.

FEELING THE PINCH.

Barton Street Minister Prepared to Undertake Relief.

Many families in East Hamilton are feeling the pinch of the winter and general lack of work. Some of the most deserving are the least known to the public. Rev. H. G. Livingston, pastor of Barton Street Methodist Church, says that he and the deacons of his church will undertake to distribute wisely any charity that may be committed to their care. Goods or money may be sent in care of the pastor, 182 Sanford avenue north.

WILLS ENTERED.

Late Miss Chowne Left \$13,000—Missionary Bequests.

Among the wills entered for probate this morning was that of Martin File, of Ancaster township. It leaves \$500 to the trustees of the Trinity Church, Ancaster, and \$500 to the Missionary Society of the Methodist Church of Canada. John McNeilly, of Stoney Creek, made a bequest of \$100 to the Methodist Missionary Society. The following is a list of wills filed for probate: Mrs. Harriet Bryant, city, \$2,100.50. Hugh Murray, city, \$11,970. Samuel Almas, Ancaster, \$1,662. Charles Boyle, Dundas, \$11,618. Thomas Lewis, city, \$1,126.55. Richard Bradley, East Flamboro, \$3,247. Wm. Horn, city, \$25. Mrs. Jennie McKerie, city, \$2,900. Martin File, Ancaster, \$18,836.47. Charles Boyle, Dundas, \$3,209.66. Thomas Lewis, city, \$1,126.55. Richard Bradley, East Flamboro, \$3,247. Wm. Horn, city, \$25. Mrs. Jennie McKerie, city, \$2,900. Martin File, Ancaster, \$18,836.47. Charles Boyle, Dundas, \$3,209.66. John McNeilly, Stoney Creek, \$6,085. John Smith, city, \$3,170. Miss Lucie Alice Chowne, \$13,003.23. Administration has been applied for in the following estates: Thomas D. Fainbush, city, \$1,100. William H. Wiegand, city, \$4,983.98. Thomas Stout, city, \$168. Itho Marco Hadji Dine, city, \$25. Miss Addie J. Smith, Gianford, \$1,420.85. Mrs. Mary A. Anderson, city, \$3,240.08.

TIED AND BEATEN.

Kentucky Night Riders Shoot and Burn Up Town.

Louisville, Ky., Feb. 5.—Three hundred and fifty masked night riders rode into Dycusburg, in Crittenden county, at 1 o'clock yesterday morning, burned the tobacco factory of Bennett Bros., the distillery of Bennett & Roberts, adjoining, shot up the home of William Groves, foreman of the tobacco factory, drove him from the building, then captured and beat him to death. Henry Bennett, a member of the firm of Bennett Brothers, was taken from his home, tied to a tree and severely whipped. He was left bound to the tree. Bennett Brothers operate an independent factory and have been buying tobacco from non-association growers.

Last Saturday Was

The biggest day's business at Fralick & Co.'s for the time of year in the history of the store. Overcoats were the big attraction, and to make this Saturday's business as great as we are offering special inducements in many lines; \$60 fur-lined overcoats reduced to \$47.50; overcoats worth \$15 for \$9.98; men's \$15 suits for \$9.98.—Fralick & Co., 13 and 15 James street north.

You Are Invited.

Jell-O will be demonstrated all of this week at our store. Drop in and see the many dainty ways of preparing it. It's time well spent. The slight idea of the many nice dishes that can be prepared from Jell-O and Jell-O Ice Cream Powder. Mrs. Christie will be pleased to tell you all about it.—Bain & Adams, 89, 91 King street east.

LEAP YEAR NUPTIALS FAIL.

Bridegroom a Suicide for Not Trying Home Cooking Sooner. Pittsburgh, Pa., Feb. 5.—Pittsburgh's first leap year marriage ended in a tragedy this afternoon when John Hull, aged 47, a well-to-do brewer from the North Side, put a bullet through his brain just before the time for him to leave work for home. Hull had been employed as head bookkeeper for a big wholesale wine house for a number of years. His wife was a pretty milliner of the North Side. They were married in the day after New Year's. Mrs. Hull laughingly claiming the credit of being the first woman of the North Side to take advantage of the leap year prerogative. Hull was a confirmed dyspeptic, and his fellow-employees said ill-health unsettled his mind. "Don't marry if you're not in good health," he remarked to his fellows early this morning. "If I'd married sooner and got a little more home cooking I'd be a happier man to-day. I married too late."

HEN LAYS A 25-CENT PIECE.

Incloses it in an Egg to Insure Its Safety. Lynn, Mass., Feb. 5.—Jailed for safe-keeping until their owners could be located, a dozen hens imprisoned in the county jail have repaid the jailer for the care and attention bestowed on them by leaving behind an egg in which, inclosed in the yolk, was a quarter of a dollar. The police found a negro walking down the street last night with a dozen hens in a sack. He was arrested and the hens kept in a cell in the jail until the owner was found this morning. Jailor Garfield says the cell was swept just before the hens were incarcerated. When he went there this morning an egg was lying in the corner. He accidentally broke it, and was astonished to find the quarter.

Lieut. General Sir Bryan Milman, the Major of the Tower, who was with the relief of Lucknow, celebrated his 85th birthday on the 30th ult. "Youngling is going to marry the widow Henpeck." "Why, she's twice as old as he is." "Oh, well, he'll age fast enough after the wedding."

THE COUNTESS OF YARMOUTH.

Her Marriage to Earl Has Been Annulled.

She is Harry Thaw's Sister—Their Domestic Affairs Very Unhappy—Earl Too Extravagant—Much Sympathy For the Countess.

Quits the Earl.

London, Feb. 5.—Sir Birrell Barnes, president of the Divorce Court, to-day granted the Countess of Yarmouth, who was Miss Alice Thaw, of Pittsburg, a decree nullifying her marriage to the Earl of Yarmouth.

The case was heard in private. At the time fixed for the commencement of the proceedings every one not actually engaged on the case was excluded from the court room.

The countess, attired in a fashionable black gown, was present, but the Earl of Yarmouth was not in court.

Alice Cornelia Thaw, daughter of the late Wm. Thaw, of Pittsburg, was married to George Francis Alexander Seymour, Earl of Yarmouth, at Calvary Church, Pittsburg, April 21, 1903. The marriage followed a rather brief courtship, and stopped the earl's stage career, which had begun in private society theatricals, at Newport, and had later been more or less successful in a professional way.

Lady Yarmouth has always been the favorite of the family with her brother, Harry K. Thaw, whose second trial for the killing of Stanford White resulted in acquittal on the ground of insanity. She was present all through the first trial of her brother, but did not come to New York for the second hearing.

London, Feb. 5.—The papers in the case are being kept secret, and all information regarding the nature of the charges has been carefully withheld. The statement was made, however, that the character of the medical evidence to be given made a public hearing inadvisable.

It has been well known for two years past that the domestic affairs of the Yarmouths were most unhappy. The Earl's companion and his manner of living, it was said, were such that he could not give his wife the place in society which she had a right to expect. She supplied large sums of money to defray her husband's extravagances, and her friends say that she has conducted herself with dignity throughout the troubles resulting from this unhappy union and the difficulties of her brother, Harry K. Thaw.

The fact that the Countess had definitely sought an annulment of her marriage was made known here Jan. 3rd, when she applied to the divorce court for a decree.

The Hertford family, the head of which is the Earl of Yorkmouth's father, to whom the Earl is heir, as eldest son of the sixth marquis, is one of the oldest and proudest of the British nobility. The Marchioness of Hertford stood by her daughter-in-law throughout her troubles, and exerted herself to reconcile the couple, but in vain. The family of the Earl is much distressed at the notoriety brought upon it as a result of the action taken by the Countess.

THE UNDERWOOD BILLING TYPewriter.

Directing the attention of progressive business men to the latest and most approved methods of simplifying and systematizing their billings and orders and the making of their billings. See window display. UNITED TYPewriter CO., Main street.

Fifteen Years in Wood.

A mellow fine flavored Scotch Whiskey, matured in wood for fifteen years—very smooth and fine flavored extra strength. Scotch whiskey we have ever offered. Price six dollars per gallon. We carry a full line of all the best brands of whiskey, wines, etc.—Bain & Adams, 89, 91 King street east.

Shocked to Death.

Nyack, N. Y., Feb. 5.—"Death from shock" was the verdict of physicians who examined into the sudden death of Mrs. Claudine Ahy, of this place. Mrs. Ahy on Friday was watching a number of boys and girls skating on the Hudson, when the ice broke and three of the boys were drowned.

She watched the work of rescue, and when the bodies of the boys were brought out of the river she fainted. She was removed to her daughter's home, but died without recovering consciousness.

SAFETY DEPOSIT BOXES.

To rent at \$5 a year and upwards, for the storing of deeds, bonds, stocks, wills, silver and other valuables. TRADERS BANK OF CANADA.

THE MAN IN OVERALLS.

There should be a general disarmament of all "gun" carrying citizens.

Some of the M. P.'s perhaps thought that Blackstock talked like a black-guard.

Several persons got their ears frozen yesterday. "Ear."

I did not know that Sam Garrity was a political boss. Does he belong to the Executive?

Don't muffle up unless you have to.

I don't see the man with the lawn mower out these evenings.

With the Hamilton Herald it's a case of not guilty on account of insanity.

When Editor MacDonald, of the Globe, talks about higher citizenship, he never thinks of ringing in Mr. Robert Gamey and Dr. Beattie Nesbitt as shining examples of his cult.

The Parks Board made a big mistake this year in not arranging to have the Gore Park steam heated this month. We don't look for hand concerts, but certainly the people should get some home comforts when down town.

If we are to borrow money to repair our streets and then call it permanent improvements, it won't be long before all the taxes will be required to pay the interest.

People will next be asking if cancer is infectious.

If Jeannette Lewis succeeds in building that Sick Children's Hospital out of theatre ticket percentages she will deserve the freedom of the city.

This is fine soap her up weather.

The scandal factory is busy down at Ottawa.

Is the City Council face to face with another increase of salary crisis?

They say that King Alfonso feels his neck these days.

When the charity grants come up for consideration the Finance Committee might do something for the Con. Club. It has had a hard struggle for existence.

There is lots of room in the jail if they would only double up.

Don't allow anyone to suffer for want these cold days if you can help it.

TO DEBATE TRUSTS.

Liberals Have a Good Subject For To-morrow Night.

"Resolved, that trusts are a menace to a country," will be the subject debated at the Liberal Club rooms to-morrow night. The affirmative will be taken by Messrs. Smith and Griffin, and the negative by Messrs. Zimmerman and Edmunds. All the speakers are pretty well known as debaters, and a most interesting evening is looked for. At the conclusion of the address of the registered speakers the debate will be thrown open for short speeches by any who desire to take part.

Entries for the pool tournament are to be handed to Secretary Woolcott by the end of the week.

LAYMEN'S MEETINGS.

Speakers From London and Toronto This Evening.

Mr. John A. Patterson, of Toronto, an enthusiastic worker in the missionary cause, and probably Mr. C. B. Keenleyside, of London, will take part in the interdenominational mass meeting in Association Hall to-night, in addition to Messrs. J. Campbell White and W. T. Ellis, whose masterly addresses last night were so greatly enjoyed. There will also be a local speaker or two. Messrs. White and Ellis will also speak at the Young People's meeting in St. Paul's Church to-night, and at the men's mass meeting in Wesley Church to-morrow night.

HOME INDUSTRY.

Great Annual Event at Stanley Mills & Co's Store.

The third annual Home Industry week starts to-morrow, and, viewing the thoroughness and comprehensiveness of the preparations, it promises to be an event that will rouse the highest enthusiasm and patriotism in every Hamiltonian. This Home Industry week will prove as never before the important role that Hamilton plays in producing merchandise for world-wide distribution and will do much to emphasize our commanding position in the world of commerce and labor.

It will be an event for parents, for children, for teachers, for workmen, for business men, an eye opener to every Hamilton citizen, and it is free to all. Stanley Mills & Co's store will be host to thousands of visitors during the next ten days. Its wide, hospitable doors will be thrown open to you, and your friends, to come as often as you wish, to share in the broader knowledge, which must result from expositions of the scope and thoroughness of this.

Made in Glasgow, Scotland.

We want every smoker in Hamilton to try Smith's Glasgow smoking mixture. A delightful blend of fine tobacco. It is sold for 20 cents a tin at peace's cigar store, the headquarters, 107 King street east.

THE RADIAL BILL WAS TALKED OUT.

DOWN ON WILLIAM.

Catholic Rector Says Things About the Kaiser.

Strasburg, Feb. 5.—Some remarks made by the Catholic rector of the village of Ars on the occasion of the birthday of Emperor William on Jan. 27, have caused a most lively sensation in clerical and military circles in Alsace. The rector, in the course of an address, spoke as follows: "Good Catholics have no reason to celebrate the Emperor's birthday. Catholics are here only in order to pay taxes and serve in the army. When responsible offices are vacant we are pushed aside. Our duty on this occasion is to pray God to endow the Emperor with more insight."

The commander of the Sixteenth Army Corps has issued orders forbidding his soldiers to attend the Catholic church in Ars.

FOR THE HOSPITAL.

Many Tickets Sold at Terminal Check Room.

Owing to illness in her family, Miss Jeanette Lewis was unable to be at the Terminal check room last night to sell tickets. However, those who were in charge sold a large number, which is an indication that the public has accepted the intimation made by Miss Lewis through the newspapers that only tickets sold by her will benefit the Sick Children's Hospital fund.

Friday night is sportsmen's night, and representatives of the Cricket, Riding and Rowing Clubs will be in attendance. Next Monday night will be McPherson's night, and Miss Lewis has disposed of another hundred tickets for that occasion, making 600 taken by that firm.

In addition to the lists already published, tickets can be purchased at Nordheimer's music store and Mills' drug store, at the corner of King and Wellington streets.

This afternoon 66 children from the Boys' Home were the guests of H. W. Robinson at the matinee performance at Bennett's.

SET FOR TO-MORROW.

Saltfleet Local Option Case Will be Heard.

The Saltfleet local option injunction motion will be made in Toronto to-morrow before a single Judge. Mr. George Lynch-Staunton, K. C., will be present for Mr. Siebert, the petitioner, Mr. Geo. S. Kerr, K. C., for the temperance people, and Mr. S. D. Biggar, K. C., will represent the township. It is expected that the case will go to the Court of Appeal and from there to the Supreme Court, where the points in dispute will be decided.

MUST FILE NEW PLAN.

Ottawa, Feb. 5.—(Special.)—The application of the Hamilton, Waterloo & Guelph Railway Co. was granted by the Railway Commission yesterday, subject to a new plan being prepared.

OPENING OF LEGISLATURE; SPEECH FROM THE THRONE.

Much Fuss and Feathers at Parliament Buildings ---Speech Long and Dry.

Toronto, Ont., Feb. 5.—(Special.)—The fourth and final session of the eleventh Legislature was opened this afternoon with all the pomp of civil and military officialdom, augmented by a brilliant speakers' display. The weather had moderated greatly from the stinging cold of Tuesday, the thermometer showing a rise of about thirty degrees from last night's temperature, and this contributed greatly to the comfort of the crowds which gathered outside the Parliament buildings, and the soldiers who formed the guard of honor, the Lieut.-Governor's escort and the saluting battery. Inside the chamber the scene was a strong one. The gowns of the ladies, the uniforms of His Honor's staff and the rich garb of the Toronto consuls contrasting with the black robes of the judges and the conventional frock coats of the Ministers and members.

THE SPEECH.

Toronto, Feb. 15.—Mr. Speaker and Gentlemen of the Legislative Assembly. It affords me satisfaction to once more meet you as the representatives of the people in Parliament assembled. Our thanks are due to Almighty God that while in some sections of the Province the harvest was not as abundant as in the previous year, yet the general interest and activity of our people, displayed during the past year with reference to business and commercial undertakings, indicate continued prosperity. It is also a matter of satisfaction that our Province has suffered comparatively little from the financial stringency which

May Take Two Days More Before It's Passed.

MacLean's Motion to Defer the Bill Lost.

Barker Opposed to Bill But Will Vote for It.

Ottawa, Ont., Feb. 5.—(Special.)—The Hamilton Radial Railway Bill was up again at the Railway Committee to-day. Mr. Butler, Deputy Minister of Railways, stated in regard to what he said yesterday that negotiations were going on in connection with the inquiry as to jurisdiction between the Dominion and the Province, but no conclusion had been reached. He wanted to make this clear.

Mr. Guthrie, Chairman of the Committee, said that he had been informed by the Minister of Railways that he was perfectly satisfied that the bill should pass subject to what ever general law might be passed.

Mr. Bristol (Toronto) talked for some time on the question of jurisdiction.

Mr. Barker (Hamilton) did not agree with the system which had been followed by members of the House declaring certain roads for the general advantage of Canada. In regard to the Radial Bill he thought it would be an anomaly to say that the bridges at Niagara and Detroit should be Dominion works and the remaining 230 miles a Provincial work. Some people say that they did not intend to build the 230 miles, but his constituency thought otherwise and he was prepared to vote for the bill.

MacDonell (Toronto) said that if the bill passed the right of the municipalities would be disregarded.

McLean (South York) thought the preamble of the bill was an attack on Provincial rights.

Mr. Cocksbutt complained that the company settled with Hamilton and Toronto, but they did not do so with Brantford.

Mr. Clark informed Mr. Cocksbutt that the company was not asking any privileges from the city of Brantford.

Ottawa, Feb. 5.—Mr. Lancaster would compel them to build to the boundary lines or drop their charter.

W. B. Doherty, City Solicitor of St. Thomas, wanted St. Thomas to get the same privileges as was being granted to Hamilton.

Mr. McLean (South York) moved an amendment to the preamble of the bill, asking that the bill be deferred for a reasonable time, in order to allow a conclusion to be reached in the negotiations now pending between the Province and Federal powers.

In reply to questions from Messrs. Blain and Lancaster as to the construction of the road, Colonel Gibson said that the company means business.

Mr. McLean's amendment was defeated, 19 voting for and 44 against. The bill was talked out and may take a couple of days more before it is passed.

Very fair progress has been made in the development of the territory extending northward to Hudson Bay and forming the hinterland of Ontario, but a decision is expected soon. The work of the revision of the statutes has made such progress that several of the important acts will be laid before you for your approval.

The construction of the Temiskaming and Northern Ontario Railway has been nearly completed, the rails having been laid as far as a point two hundred and eighty miles south of the probable junction with the Grand Trunk Pacific Railway, while the earnings have continued to be satisfactory and largely in excess of the outlay incurred in operating the road.

Very fair progress has been made in the development of the territory at Cobalt and vicinity, and the investigation and working of the Gillies limit have been very satisfactory.

The Minister of Agriculture paid a visit to Great Britain during the past summer for the purpose of investigating the conditions surrounding the emigration problem. While there, he was able to take steps for the careful supervision of intending emigrants to Ontario. By agreement, the distribution of immigration forms was taken over by the Dominion Government, thus making it possible for the Provincial Government to devote more attention to the careful selection of desirable settlers.

A demonstration farm has been established at Drywood River, north of the Height of Land, in a good agricultural country. By experiments in crop raising conducted there, much practical information

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