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IMPORTANT DECISION

U.S. Judges Give Important Railway Rate Decision—Denies Power of R'y Commission to Regulate Rates

Minneapolis, Minn., Sept. 21.—Denying the assumption by the railway commission to regulate railroad rates, and declaring the rate law enactments of the session of 1907 confiscatory and unconstitutional, former Judge Charles E. Otis, special master in chancery of the United States district court, today handed down the most important decision of this year of the state.

From the standpoint of the commission the only saving feature of the decision is that it comes only as a recommendation from Judge Otis and does not become effective until acquiesced in by the United States court. Comparable only to the famous northern securities case, the decision today has greater importance in other directions. It recognizes the interstate character of railroad business, gives primary consideration to agencies concerned with the regulation of railroads along such lines, and practically wipes out the power of the Minnesota Railway and Warehouse Commission to make rates.

Because it finds unconstitutional the state laws and the orders that caused a reduction in commodity rates and a two-cent passenger rate it has great importance in constitutional law, and as a precedent will bear upon the rate regulation. It comes at a time when the railways have concentrated their efforts upon a plan for an increase in rates which is being fought by various associations of shippers, and while not directly related to that campaign, may have important indirect influence upon it.

It means, if sustained, that the railroads are ordered to restore the commodity and passenger rates that existed prior to the act of the Minnesota legislature of 1907. It presents the double consideration that the rate order issued in effect by the state railroad commission, through power of the legislature, are void, not only because confiscatory, but because they interfere with interstate commerce.

PEAT BURNS WELL

Good Results Obtained at Government Plant at Alfred, Ont.

Ottawa, Sept. 19.—At the exhibition here last week the Dominion department of mines made a successful demonstration of peat fuel from the government plant at Alfred, Ontario. Several hundred tons of this fuel are being brought to Ottawa and sold at \$3.25 per ton delivered, which makes it equivalent to hard coal at less than \$6.00 per ton. The burning qualities of the peat manufactured at Alfred were a surprise to all who were not before acquainted with them. The Canadian Peat society, which has been lately formed to advance the peat industry in Canada, will hold a meeting in Ottawa about the first week of December to discuss practical questions involved in putting the manufacture of the new fuel on a commercial basis throughout Canada wherever workable bogs are found.

A Marvel of Nature—The Grass-hopper.

There are few things in nature more wonderful than the common insect which seizes these millions of undeveloped insects living in dark tunnels underneath the ground and urges them to cut their way upward, that they may complete their appointed life in the upper air. Stirred by this strange unrest, the mighty host begins to move. What engineering skill directs their course aloft? What instinct guides their movements and enables them with unerring accuracy to burrow to the sunlight? If we suppose that a pupa reaches the surface before it is quite prepared to transform, or when the surface is reached that weather or other conditions retard the change to the winged form we have the influences that require it to build a shelter. Its manner of proceeding is interesting and ingenious. It brings up from its burrow a little ball of mud, which it carries between its mouth and strong forepaws. The latter are admirably designed for digging. The pellets are placed atop of one another, as a mason would lay stones while building a circular tower. They are moistened by saliva, which serves as a sort of cement, and are pushed down upon each other by the head and feet and thus adhere tenaciously. The inside is smoothed by a continued motion of the jaws, as a plasterer spreads mortar upon a wall. It is not varnished, however, as some naturalists have asserted. The top is closed and the builder awaits within the signal to emerge, whereat it breaks through the top or occasionally the side wall. Like a frontier pioneer it leaves its house and moves on, joining the mighty procession of its migrant fellows. The huts stand empty in the silent clenda city. Like an abandoned mining town whose "boom has burst" or like the winter quarters of an army when the spring calls it aloft.

All but the tips of the leaves of an African plant of the cactus family grows below the surface of the ground, the leaf tips being transparent to admit light to the lower portions.

Keep Minard's Liniment in the house.

The Decision

The full text of the arbitrators' decision in the fisheries dispute between Canada and the United States has arrived. Pages of legal matter are embodied in the official report of the various points at issue, and a careful perusal of the document shows at what great pains the American jurists were to split hairs in the interpretation of words and phrases. But it is all over and Canada has won.

No longer will there be any misunderstanding as to the regulation of fishing rights and the laws to be followed in the taking of fish. Great Britain has undisputed sovereignty in such matters, just as she has been conceded to have in legislating for the preservation of the fisheries. American diplomats have disputed these rights for the past hundred years, but there can be no more howls of dissent from Washington now.

Must Pay Up.

Other nice points, which involved the American fisherman's exemption from reporting at customs houses, contributing to the upkeep of lighthouses from which he was benefitting, and paying harbor duties in Newfoundland, have been decided too. There is nothing arbitrary in the Tribunal's judgment, but it stipulates that the Yankee visitor must pay up his share wherever British boats are doing the same.

From where must be measured the three marine miles of any of the coasts, bays, creeks or harbors, referred to in the said article? It reads question 5, the most important dispute of all.

Great Britain maintained that this line was drawn from the headlands at the mouth of every bay, and that the United States agreement in the old treaties, to keep outside of this imaginary boundary, excluded them from all bays on the coast. The Americans were equally positive that this three mile limit only applied to certain narrow-mouthed bays, which only measured six miles across the mouth, and that such large bodies of water as the Bale de Chaleurs were open without restriction to their fishermen.

When is a Bay Not a Bay?

But the Tribunal here flatly sided with Great Britain. The arbiters considered that the word "bay" in the yellow parchment of the ancient treaty was general—that it meant any bay, no matter of what width across the mouth. Henceforth, three miles seaward of this invisible line must be the nearest approach of any foreign fishermen.

One of the court, however, disagreed. Luis Drago, the brilliant Spanish-American from Argentina, couched his reasons for dissent in a lengthy article. He thought the award unfair, and among other things, based on a doubtful fact, as to whether the waters of a bay more than three miles across at the mouth could be reasonably supposed to come within his Britannic Majesty's dominions. He thought that Great Britain placed a very flexible construction on the term "territorial waters," varying the width to suit her own purposes. He referred to the case of the Moray Firth, on the Scottish coast. But Drago's disagreement was unavailing, and there will be no more rich hauls of fish for Yankee crews from Canada's bays and inlets.

Concessions.

American ships may employ foreign crews in Canadian waters, as the Tribunal interpreted the treaty as allowing them such privileges, but they are denied the right to trade and fish at the same time.

An important recommendation of The Hague Jurists was that all vessels should be marked for means of identification and revenue-collecting.

Hudson's Bay.

There have been no protests against the awards. And, to judge from the attitude of many American journals, it would seem that the decision of the would seem that the decision of the court with respect to bays in the maritime provinces had clearly defined Canada's sole right to domination in the great inland sea of Hudson's Bay.

The Best Seller.

To the new Anglican Hymn Book falls the honor of having the largest sale any single book ever had in Canada in one year. Statistics just to hand show that 419,691 copies were sold during the first year it has been in use. When the new hymnal of the Canadian Presbyterian Church was put out, but 366,000 copies of it were sold the initial year. The showing of the Anglican book is noteworthy in that it is not obligatory on any congregation to adopt it. A cheque has just been received from the Oxford University Press, the publishers, which reveals the fact that the total royalties coming to the General Synod of the Anglican Church in Canada for the first year are \$15,508.26. Of this the Hymnal Committee was paid \$3,353.10 for the purchase of copyrights, the net amount being \$11,555.16. This has been deposited with the Mission Fund to ensure more prompt payment of the stipends of clergy; but it has not been determined what will finally be done with the money.

A Late Crop.

Lethbridge, Alta., Sept. 21.—Oats sown last spring, which owing to drought did not come up, are starting to grow. Farmers who intended digging the fields over for green feed, and expect to get a good supply this way. Winter wheat sown before the recent rains is growing nicely.

Philadelphia public school pupils are being taught to board and alight from street cars in a safe manner.

THE PUBLIC HEALTH

An Important Conference to be Held in Ottawa in October—List of Subjects to be Considered

Ottawa, Sept. 20.—An invitation has been extended to the prime minister of each of the provinces of the Dominion, as also to the minister of agriculture of the Dominion, by Hon. Clifford Sifton, chairman of the commission of conservation, to send a representative of the department or of the provincial board of health to meet in conference with the committee on public health of the commission for the purpose of discussing various matters of public health which are somewhat of a national character.

The subjects which will come up for discussion and which have been intimated to those invited to attend are:

A. A suggestion of means to prevent pollution of international, inter-provincial and other waterways.

B. Discussion of the question of international and inter-provincial quarantine.

C. Relationship of federal and provincial governments to the subject of tuberculosis.

D. Desirability of the harmonizing of the public health law and legislation in regard thereto.

E. The formation of a central council of health (consultative).

F. The establishment of a federal health laboratory and the manufacture of serums.

The calling of this conference by the commission was mainly upon the recommendation of the standing committee of this senate of public health and inspection of foods. The conference will be held on October 12 next at Ottawa, when it is expected all the members of the committee on public health of the commission of conservation will be present.

WORK OF BLACK HAND.

Pioneer Resident of Revelstoke Killed by Italians.

Revelstoke, Sept. 25.—Frank Julien, a pioneer resident of this city, has been foully murdered, the crime being laid at the door of three Italians, supposed members of the Black Hand society.

The tragedy occurred on the banks of the Kootenai river, close to the city on Wednesday, his mangled form being found in the thick underbrush late on Saturday. His assailants had used an axe, fracturing his skull. They then covered the body with underbrush. The head was nearly severed. The axe was found by the body, indicating the hasty flight of the murderers.

Three Italians called upon Mr. Julien on Tuesday on his farm near the railway bridge, stating that they were about to settle on a tract of land in that locality and offering their services free for a few days to help clear the land if he would provide them with axes. Julien evidently accepted their offer, for on Wednesday morning he left with the three Italians for the bush land. That was the last seen of his alive. On his failure to return a searching party was organized. It was three days in finding the body.

One of the reasons why the local police believe the Italians are members of the Black Hand society and that the crime was one of revenge is the fact that last June Mr. Julien was a crown witness in a case in which several Italians were charged with assaulting his son-in-law, Fred Orsatti, as the result of which one Italian named Frank Shido was sentenced to a term of imprisonment. Julien had traced Shido to Calgary, from which city he was brought back by the police.

One Hundred Years and No War.

The people of the Anglo-Saxon world are likely to have reason to remember the year 1914 and incidentally the year 1814, a movement is now on foot to commemorate the signing of the Treaty of Ghent, which ended the war between the United States, Canada and Great Britain which have lived one hundred years without a resort to arms in an attempt to decide questions of international difference.

The proposal is that a bridge across the Niagara river near where most of the fighting in our last war with the States took place, this bridge to be free for all time and to be known as the Peace Bridge. This will serve as the outward and visible expression of cordial feelings and as a more enduring and more spiritual accomplishment, it is hoped that a treaty will be consummated by which the Anglo-Saxon races agree to settle every difference of an international character by means of arbitration.

The carrying out of the work involved in such gigantic undertakings, in the United States, in the hands of a large, energetic and most capable Canadian, while in Canada and Great Britain preparations have just begun. Recently Dr. Neil Macpherson, president of the Canadian Club of New York, visited several Canadian cities including Calgary, and in addresses at Canadian Clubs outlined the scheme and launched the movement in Canada for the commemorative occasion.

In every place where the proposal has been mentioned it has met with most profound and sympathetic reception, so that the consummation appears to be already real.

PUNCH AND ROOSEVELT

Has Considerable Fun at The Expense of The American Emperor—A Caricature of The American Situation

England's comic weekly is having an innings with Theodore Roosevelt. Under heading of special marconigram to the Times it ridicules the president's pretensions in the following manner:

New York, Oct. 3.

This morning Mr. Roosevelt, by a daring coup de main, overturned the Republican institutions under which these States have existed for one hundred and thirty-four years, possessed himself of the supreme executive powers, and was promptly proclaimed Emperor of America. This has been unaccompanied by any effusion of blood, had been well kept, and the strong measures taken by his Imperial Majesty and his friends paralyzed any spirit of resistance that might otherwise have manifested itself. At 5 a. m. the White House was surrounded by a strong detachment of Rough Riders, and Mr. Taft and his family were arrested in their beds. They were subsequently conveyed to an unknown destination. At the same time the Vice-President and members of the Cabinet were seized and members of the Church of England, and since Mr. Higginbotham continues to devote himself exclusively to the fight against Socialism in Bahama, Mr. Roosevelt was obviously the only man who was both sufficiently just and sufficiently tenacious for the great office of Emperor of America. It is just this quality of tenacity (on the importance of which we have so frequently insisted) that marks the latest Emperor off from those who may well be proud to consider themselves his fellow-men. We shall continue to watch his Majesty's career with that benevolent and admiring interest which is due to one whose purpose, we believe, will be to bind the sister Empires of Great Britain and America in bonds that cannot be torn asunder.

Threatened Brothers.

Watrous, Sask., Sept. 21.—John C. Walker, of Markdale, Ontario, was taken in charge by Chief Scott of the Watrous police last evening and later turned over to the constable of the R.N.W.M.P. for threatening to shoot his two brothers, Andrew and Joseph Walker, of this town. Early in the day, owing to religious mania, the brothers had decided to place him in safe keeping, but shortly after appearing before the magistrate he made a hasty departure. Last evening, shortly before 10 o'clock, he appeared at the restaurant of Andrew Walker, on Main street, and threatened to shoot both brothers. They decided to call in the police.

Later.

The New York American, in a special edition published at mid-day, calls upon the people to rise against the usurper. Mr. Hearst has been arrested, and will be tried on a charge of treason. Mr. W. J. Bryan, in an interview, declares that he has suspected the Emperor from the beginning. The triumph of the Democracy, he thinks, is now assured. The Evening Post denounces the Emperor as an unscrupulous prevaricator, and declares that no self-respecting American can consent to bow the knee to Baal. The office of the paper has been destroyed by an unfurling mob. Mr. Rockefeller has taken refuge in a church and refuses to come out. The Emperor is now engaged in composing a message of 100,000 words strongly affirming both the Monroe Doctrine and his own right to the Imperial crown. As soon as the message has been delivered Congress is to adjourn for an indefinite period. Seen at 3 o'clock, the Emperor said that if he

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AFTER WIFE DESERTERS.

Toronto Associated Charities Want Amendments Made to Law.

Toronto, Sept. 24.—"It's a crime lower than that of a beast. Any animal is faithful to its mate, and will defend its offspring."

These vigorous words were used by Rev. Father Minehan in speaking of the crime of wife desertion in a deputation from the Associated Charities which waited on Hon. J. J. Foy. They desired certain amendments in the law governing cases of wide desertion. Their recommendations were embodied in five clauses as follows:

1. As wife desertion is an indictable offence, for which a man can be prosecuted, the chief difficulty in carrying out the law being that no funds are provided for the purpose of bringing the man back to the city, it was suggested that the Ontario government be requested to furnish funds to bring the man back from any part of Canada.

2. That such prisoners convicted of this crime, and sentenced to a term of imprisonment, be supplied with remunerative labor, so that part of the same might go towards the support of their wives and families. (To provide remunerative work for all prisoners would be a good method.)

3. That culpable failure on the part of a husband to maintain his wife and family, whether they suffer or not, should be a punishable offence, and that the wife should not be the one to prosecute.

4. When a wife or family has to appeal for aid to a charity organization or institution, that such organization or institution be the parties to bring this to the notice of the authorities, so that some legal action might be taken.

5. This committee, having heard of the splendid work done by the Moral Reform Department of the Police Force of Toronto for the past 25 years, do most heartily approve of their methods of dealing with cases of wife desertion, non-support of families and other family troubles reported to them, and would suggest that all cities in the Dominion would do well to establish such departments in connection with their police forces.

A New Alfalfa.

Mr. Zavitz, in the last report of the Ontario Agricultural College, recommends that alfalfa or lucerne should be very carefully tested on many farms throughout Ontario, because of its large yield, as being a nutritious food for stock, for its perennial character, and its beneficial influence on the soil.

A bulletin on the subject was issued by this society in 1908. The New York Outlook for June, in an important article, records the success of Mr. Niels Ebbesen Hansen, plant-explorer for the United States government, who after twelve years' search has discovered a variety which will grow as far north as any one may care to farm it, even to the latitude of Alaska. Hitherto the kind of alfalfa grown in the United States did not stand northern winters. The new alfalfa brought from Siberia, crossed with the luxuriant kinds in the southwest, is expected to yield an ideal forage and act as a soil-restorer, and will stand a northern climate. By its growth and development hundreds of acres of the wealth of the farming interested in the United States and Canada.

CIVIL SERVICE EXAMS.

To be Held Throughout Canada and Not Just at Ottawa.

Winnipeg, Sept. 26.—Prof. Adam Shortt, chairman of the Civil Service Commission, arrived in the city this morning from Ottawa. His present visit is in connection with the fall examinations of the civil service department which open here the second Tuesday in November.

"One purpose of the visit," he said this morning, "is to arrange for the holding of these examinations at various points in the west. Formerly it was the practice to hold them in Ottawa, but now we intend that these shall be held at convenient points throughout Canada, for both the inside and outside men of the department."

"There is one feature in particular which may be of interest in the examinations this year. That is the examinations for the naval cadets for the training school at Halifax. This examination will be along the lines of those for the military school at Kingston, and open to boys under sixteen years of age. The qualifications are about equal to those of boys in the second term of the collegiates."

"There will be at least two examination points in Manitoba, at Winnipeg and Brandon. In Saskatchewan they will be held in Saskatoon and Regina, and in Alberta at Edmonton and Calgary. In British Columbia they will be held at Victoria, Vancouver, and possibly at Nelson."

"Or my return back I may arrange for examinations at Portage la Prairie. Wherever possible they will be in the universities, but where these are not available they will be in the high schools. We have facilities for thirty cadets this year, but it is not expected that there will be this many applicants."

An Easy Sentence.

Winnipeg, Sept. 21.—Two years and twenty lashes was the sentence meted out by Judge Meyers this morning to Arthur LeFevre, who was charged with criminally assaulting a child six years old. R. F. Graham, deputy assistant attorney-general for the crown recommended the maximum penalty, that of life, because of the revolting character of the crime and serious injury that had been done the child, but the judge made it two years with lashes. The prisoner broke down at the sentence and had to be carried from court.

WOULD RENT

Another Proposition From Bill and Dan For H. B. Railway
Ottawa, Sept. 23.—William Mackenzie and D. D. Mann of the C. N. R., had a conference with Hon. C. F. Gray today. The principal business was a discussion in connection with the new lines of the company to be built in the West. The matter of operating the Hudson Bay line was brought up and the railroad men expressed the wish to have the running of it. They suggested a fair rental based on the cost of construction of the road. As it will be some time before the line is finished, the minister declined to commit himself in the matter.

The United States produced 6,078,988 gallons of denatured alcohol in the fiscal year ending with June, an increase of 2,522,569 gallons over the previous fiscal year.