

**A RAILWAY SIDING**  
With warehouse space of one, two or three thousand square feet; 20-foot ceiling, and 1000 square feet of office space, King Street West, near Bay Street.  
H. H. WILLIAMS & CO.,  
Realty Brokers, 24 Victoria St.

**BLOOR ST. WEST**  
North side, looking down Major Street location for doctor or dentist; 41 feet frontage; will divide.  
R. H. WILLIAMS & CO.,  
Realty Brokers, 24 Victoria St.

**PROBS.** Strong s. and w. winds, cloudy and milder to-day; occasional sleet or rain.

TWELVE PAGES—WEDNESDAY MORNING FEBRUARY 10, 1909—TWELVE PAGES

## DID COURTS EVER FURNISH COST OF C.P.R.?

### Years Ago, Steps Were Taken to Find Out—Will Parliament Pass on the Recent Increase of Stock?

OTTAWA, Feb. 9.—(Special).—Tonight W. F. Maclean read to the house, so that it would go on record, the order in council authorizing the C. P. R. to increase its capital stock by \$50,000,000; also some extracts from the speeches of Sir Charles Fitzpatrick in 1902 on a former bill sanctioning an increase of the capital stock of the same company.

Sir Charles Fitzpatrick, who was then minister of justice, held the view that the increase should have the sanction of parliament and that the money should be devoted to a special purpose.

Was it the intention of the government to introduce a bill to sanction the present increase of \$50,000,000? asked Mr. Maclean, and had there been a reference to courts to ascertain the actual cost of the C. P. R., as promised by Mr. Sifton, minister of the interior, in 1902, and for which another special order in council was passed, and to which the company was made a party, so as to have the reference acceptable to the country and the company?

Ascertaining the Cost.  
"I also wish to ask the minister," he said, "whether the promise made by the then minister of interior that an immediate reference be made to the courts to ascertain the actual cost of the construction of the C. P. R. was ever done, and my main object tonight is simply to get this order in council and the schedule that accompanies it put upon the record to have an opportunity of saying whether we are to have a bill this session dealing with this increase of capital, and whether that reference, which was promised by the then minister of interior has ever been made, namely, that we are to have known that we are to have a reference to the courts to find out what the actual cost of the investment of the C. P. R. was."

"That is very important," the C. P. R. Co. to-day, I believe, claim that they are simply under that charter, and that the rates can be introduced without any reference to parliament when their earnings exceed 10 per cent. on the actual amount invested in the company. I ask the minister to introduce a special act this session in reference to that matter, like that of seven years ago."

Mr. Graham Not Sure.  
Hon. G. P. Graham replied that he was unable to say if there had been a reference to the courts to ascertain the actual cost of the C. P. R. in the other proposition, it hadn't struck him that it was necessary in the present instance to bring in a bill. He thought the order-in-council sufficiently guarded all the conditions mentioned.

"But the minister of justice (Sir Charles Fitzpatrick) held that not only should we do it by order-in-council, but that it should be in an act of parliament," persisted Mr. Maclean.

"I'm not arguing that point," replied Mr. Graham. "I think the conditions in the order-in-council cover everything that is covered by the conditions in the legislation referred to."

The company couldn't issue stock at less than par. A great many people thought his friend (Mr. Maclean) perhaps didn't think that one way to protect the public would be to allow no company to issue its stock above par. That would protect the public more than anything else against over-capitalization, principally against wildcat schemes.

Jurisdiction of Parliament.  
Mr. Maclean raised another point. Formerly the control of the capital stock of the C. P. R. was in parliament, but it was transferred to the jurisdiction of the governor-in-council. Why should there be a distinction between the C. P. R. and the other railways? Every other railway had to come to parliament for a special act. When the C. P. R. was incorporated the control of its capital stock was altogether in the hands of parliament. He asked the minister to look the question up and to ascertain how it was that this change was made and what there was to justify it.

Dr. Sproule agreed that the capital stock increase ought to be a matter for legislation by parliament.

Dr. Reid asked the minister to say if the government had power to increase by order-in-council or was it necessary to come to parliament with a bill to increase the capital and unable to say whether it was necessary.

## KAISER WILLIAM From a Recent Photograph



## UNABLE TO GET WORK ENDS LIFE WITH BULLET

### Arthur Folkes Kills Himself in Roadway in Outskirts of City—Unemployed for Nearly Year.

Worrying because he had been out of work for nearly a year Arthur Folkes, 139 Peter-street, strayed to the northwest section of the city in search of employment and, being still unsuccessful, at 8 o'clock last night put a bullet in his head. The revolver was found in the snow beside his body, which lay on Lansdowne-avenue, just above the Davenport-road, and close to the Canada Foundry Company's premises.

The prostrate figure was noticed by Arthur Pullan, Booth-avenue, who was on his way to the city. He thought the man was drunk and went on his way. He met Albert H. Reeker, 62 Highland-avenue, George Alcock, 1312 Parkcourt-avenue, and James Wallock, 25 St. Clair-avenue, who were on their way north, and told them of the supposed drunk and when they reached the spot they found his face covered with blood, which was freezing.

Wallock got County Constable Ford to call Dr. F. S. Riehes, 433 Davenport-road, while Reeker and Alcock hurried to the body to the foundry gatehouse.

Then he was hurried in Bais and Dods's private ambulance to St. Michael's Hospital, accompanied by Dr. Riehes, but died on the way and was taken to the morgue.

County Crown Attorney, Drayton was notified and an inquest will be held.

Folkes was 32 years of age. He was born in England. He leaves a wife and two children in destitute circumstances, he having been out of work since February last.

## BERLIN WARMLY GREET THE KING

### Great Crowds in Streets Cheer Lustily—Kaiser Voices the Friendly Sentiments of People Toward Britain.

BERLIN, Feb. 9.—King Edward and Queen Alexandra received a hearty welcome from the emperor and the German people to-day.

The principal interest in the first day of the British monarch centred in the speeches of the emperor and the King, when proposing health: during the course of the gala banquet at the imperial palace this evening. The cordial nature, each emphasizing the peaceful sentiments and the close relationship of the two nations.

The emperor, speaking in German, said: "Your majesty may be assured with me that my capital and the whole German Empire see in your presence a token of friendly feelings and sentiments which induce your majesties to pay this visit. The German people greet the ruler of the mighty British world accordingly with the respect due him and perceive in his visit a new pledge of future peaceful and friendly development in the relations between our two countries."

"I know how much our wishes for the preservation and the strengthening of peace are accordant, and can offer no better welcome than an expression of the firm conviction that your majesty's visit may contribute to the realization of these, our wishes. In giving voice to the hope that the vast empire over which your majesty rules may continue to prosper and flourish, I pledge this glass to the health of your majesty and the Queen."

Tightening the Tie.  
King Edward replied in German, saying in part: "With regard to the aim and desired result of my visit, your majesty has given eloquent expression to my own feelings, and I can therefore only repeat, in words of English, for the purpose not only of recalling before the world the close ties of relationship which unite us, but also aims at strengthening the friendly relations between our countries, and thus at the preservation of a general peace, towards which all my efforts are directed."

The dinner was a brilliant spectacle. King Edward sat between the emperor and empress, with Queen Alexandra at the emperor's right and the empress on the left. The table was strewn with red, white and blue flowers and the dinner service was of gold. The emperor, while Reeker and Alcock hurried to the body to the foundry gatehouse, the imperial chancellor, was seated opposite their majesties, surrounded by the British suite and the German ministers. The table was strewn with red, white and blue flowers and the dinner service was of gold. The emperor, while Reeker and Alcock hurried to the body to the foundry gatehouse, the imperial chancellor, was seated opposite their majesties, surrounded by the British suite and the German ministers. The table was strewn with red, white and blue flowers and the dinner service was of gold.

## TOO MUCH "WATER"



FARMER MACLEAN: That may hasten the Stockholders' Profits' butter, but the Public Service butter-milk's goin' to be purty darn thin.

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The minority, headed by Wm. O'Brien, in advocating a policy of frank hostility towards the Liberals, had a very bad reception. Their speeches were shouted down and all Mr. Redmond's efforts failed to secure a respectful hearing, even for Mr. O'Brien himself. The latter's speech was continually interrupted until, overcome by physical exhaustion, he was obliged to quit the stage.

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## BLYTHE IS GUILTY OF KILLING HIS WIFE

### Jury Out Nearly an Hour—Sentence Deferred—Judge Charges Strongly Against Insanity Plea.

"Guilty" was the verdict rendered by the jury against Walter Blythe, charged with murdering his wife on Sunday Jan. 3, last, and tried before Justice Riddell in the jury assize court yesterday.

Not a muscle of the prisoner's face moved as he received the verdict and when asked by the judge if he had anything to say he stood up and shook his head.

"I will not pass sentence upon you at this moment, but I will sentence you at 10 o'clock on Thursday morning," said Justice Riddell, and the prisoner walked quietly from the court room accompanied by two constables. The jury were out fifty-six minutes.

Thus, within six weeks, a home in the quiet village of Agincourt has been broken up, the mother being buried in the silent churchyard, the father and the two children taking refuge in the Atlantic to live among strangers, as the result of Walter Blythe losing his temper and beating his wife to death with a poker.

The trial lasted but the one day. T. C. Robinette, who on Monday withdrew from the defence of the prisoner because a postponement of trial was denied, reappeared and after another vain argument for delay, consented to defend the prisoner. G. T. Blackstock was crown counsel.

The evidence of witnesses from Agincourt was a repetition of the facts brought out at the longest. Medical testimony tending to show insanity in the prisoner's mentality was given by Drs. McFahon and Slaney, on the day of their affidavits presented the previous day. Supt. Dr. Clarke of Toronto Asylum and Dr. W. Bruce Smith, inspector of prisons and assize, gave rebuttal evidence, disputing that Blythe showed any tendency toward epilepsy.

Justice Riddell's Charge.  
The judge's charge to the jury was deliberate and forceful, in which he delivered a shrewd exposition of the law in regard to the three verdicts the jury were at liberty to render on the evidence submitted. Manslaughter, murder, or justifiable homicide, was the ground of insanity.

"Much of what I will say to you," said his lordship in opening his address, "has been said by judges for generations, and even by myself on one or two occasions when it has been the unpleasant duty for me to preside at a trial."

"You are on trial as well as the prisoner," said his lordship, referring to their duty to render a verdict in accord with their conscience, and the result of the duties performed by you may be far-reaching affecting yourselves, your children, and your children's children."

"When one man kills another," continued his lordship, "the law presumes it to be murder unless the contrary is proven. Murder may be reduced, however, to manslaughter, but manslaughter is considered by law to be murder unless the contrary is proven by the circumstances of allegation, excuse or justification."

He then went on to show that the prisoner was being given a fair trial, when certain statements regarding the prisoner's insanity were allowed as facts.

"It is unlawful, however, for a man to beat his wife with a poker and the fact that he did not intend to commit murder does not excuse him from the results of his crime," said the judge, and as to the provocation which might reduce the charge to manslaughter his lordship said: "If a person kills another in the heat of passion, it may be manslaughter, but it is not manslaughter if the act is of this poor woman in striking him with the hammer was sufficient to provoke him, and if in repeating blow after blow there was time for his passion to cool, his act was murder."

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## MUSTN'T SPIT IN NEW YORK

### Sudden Activity in Enforcing Bivins Results in 150 Arrests.

NEW YORK, Feb. 9.—A campaign against the expectorating nuisance was instituted in this city to-day by the health department. Every subway and elevated station in the city was patrolled to-day by sanitary officers, and 150 arrests were made of men caught in the act of spitting on the platforms.

Magistrates in the various courts had their hands full in dealing with the prisoners, nearly all of whom were fined, usually a dollar each and severely reprimanded as well.

The authorities said the crusade would continue indefinitely.

"There is a similar bylaw in Toronto, but no real attempt has ever been made to enforce it."

## TO ELECTROCUTE WOMAN

### Unless Governor Hughes Interferes—Court Has Affirmed Judgment.

ALBANY, N.Y., Feb. 9.—Not since the days when President Roosevelt was governor, has New York State been called upon to electrocute a woman, but unless Governor Hughes interferes Mrs. Mary Farmer, who is in the death house at Auburn Prison, convicted of the murder of Mrs. Sarah Brennan in the Town of Hounsfield, Jefferson County, on April 23, 1908, must die in the electric chair.

The court of appeals to-day affirmed the judgment of conviction of murder in the first degree.

Mrs. Martha Place who was put to death in Sing Sing on March 2, 1899, was the first and only woman who was electrocuted in this state. Many appeals were made to Governor Roosevelt to commute the sentence to life imprisonment, but the governor held that as the woman had been legally convicted he could not interfere on sentimental grounds.

Mrs. Farmer and her husband, Jas. D. Farmer, were convicted of the Brennan murder separate trials and both sentenced to death. The husband's appeal has not yet been argued.

The Farmer family were neighbors. One day in April Mrs. Brennan was seen to enter the Farmer home and after that time never seen alive. Four days later her mutilated body was found in a big black trunk in the Brennan house, into which the Farmers had separate trials and both sentenced to death. The husband's appeal has not yet been argued.

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## WHAT HAPPENED LIKE MANSON?

### Tis Charged That Templeman's Intended Opponent Got Double Cross From Party.

VANCOUVER, B.C., Feb. 9.—(Special).—W. McKay, secretary of British Columbia Conservative Association, has received a telegram from Prince Rupert from Manson, who was to have been the Conservative candidate at Comox-Alton, but did not run: "Owing to lack of financial backing and other support, have retired. Templeman elected."

McKay then authorized the statement that "the association at its headquarters in Vancouver does not understand the reference in the telegram to lack of financial backing, the districts of Comox and Alberni having raised sufficient funds to carry on the campaign."

The following is a despatch from Prince Rupert:

"Michael Manson decided early yesterday to withdraw owing to advice received from Cumberland that support he expected would not be given. He feels somewhat sore, as do most Conservatives here. At a largely attended public meeting last night, Manson explained why he withdrew, and had a good hearing. Liberals felt elated. Templeman spoke for an hour in public, meeting and made a good impression. Afterwards a banquet was held at the Premier Hotel, where he received a great welcome and congratulations. He is a good herring, Liberals feel elated.

The Vancouver World openly charges that a "frame-up" left no choice to Manson but not to run in Comox-Alton, and adds: "The McBride government has sold the constituency of Comox-Alton to Hon. Wm. Templeman, and details of the transactions have come to light somewhat sooner than is usually the case in such transactions."

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## THAT TREATY IN U.S. SENATE

### Short Discussion, and Consideration is Again Postponed.

WASHINGTON, Feb. 9.—The Canadian boundary waters treaty had an interesting but smooth sailing when it was taken up in executive session of the senate to-day.

Senator William Alden Smith of Michigan, who has opposed the treaty ever since it was reported, on the ground that it does not sufficiently protect the interests of his state in the waters of the St. Mary's River, locked horns with Senator Lodge of Massachusetts, who had introduced the treaty. The Michigan senator did not understand the provisions of the treaty.

After a long debate members of the foreign relations committee suggested that the treaty be permitted to again consider the Canadian treaty, and to hear statements in regard to the objections raised against it. Consideration was postponed until next Monday, and in the meantime a hearing will probably be granted by the committee.

## REVOLUTION IN PERSIA

### Several Officials Are Murdered and Population is in Panic.

TEHRAN, Feb. 9.—A serious uprising has broken out at Resht, capital of the Province of Gilan.

The government troops of Gilan, and several other administration officers have been murdered by revolutionists, who burned the governor's palace and the post office and the telegraph office.

A panic prevails in the city and all the bazaars have been closed. The government troops have taken refuge in the Russian Consulate.

The outbreak presumably is connected with the Nationalist movement.

## POSTOFFICE AT SEA.

### WASHINGTON, Feb. 9.—Two American and a like number of French packets will be employed in handling the mail on the "La Bretagne" on Thursday next, when the experimental sea post office is established.

RECORD

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