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28TH YEAR

TWELVE PAGES—THURSDAY MORNING, JANUARY 9, 1908—TWELVE PAGES

PROBS—Northerly winds; fine and cold.

"CARS RUN," SAY BOARD AND THE FIGHT IS BEGUN FOR RIGHTS OF PEOPLE

Ontario Railway Board Will Issue Order That Toronto Railway MUST Provide Service for Toronto Junction.

COMPANY WILL REFUSE AND APPEAL TO COURT

"If it is to go to the breaking point, this is as good a case as any. We can fight it out on this," was Chairman Leitch's decision at the hearing of the Toronto Junction case against the Toronto Railway yesterday before the Ontario Railway and Municipal Board. The chairman had declared the intention of the board to issue an interim order for the running of the cars over Dundas-street from Humberside to Keele-street in accordance with the tripartite agreement of 1899, and James Bicknell, K.C., for the railway, had declared that the order would not be respected. He appeared under protest, refusing to recognize the jurisdiction of the board.

Town Solicitor Anderson cited the penalties for disobedience, being $100 for each offence, and in case of continued default, the board could seize the portion of the railway in dispute, or, if necessary, the whole railway, and operate the portion or the whole in terms of the agreement.

"Make your order," was Chairman Leitch's reply to Mr. Anderson.

The whole question of the provincial authority, the jurisdiction of the railway board, and the rights of the people as against the corporations, is thus raised.

Citizens Attend.

The board met at 11 o'clock, a large crowd of Junctionites filling the members' reception room in the parliament buildings, where the board sat. Chairman Leitch entered, clothed in a gown and looking rather shaken from his illness. He was accompanied by A. B. Ingram, vice-chairman. H. M. Kittson was absent. The clerk of the board, Mr. Small, was in attendance. For Toronto Junction, A. J. Anderson, town solicitor, appeared, accompanied by Mayor Baird and other officials. For the Toronto Railway, James Bicknell, K.C., and James Bain appeared under protest.

Chairman Leitch stated that on account of the condition of his health he was not prepared to go into evidence, and the case was adjourned until Tuesday, the 28th inst., at 11 o'clock. The interim order for the running of the cars, it was expected, would be issued to-day, and will be backed by the full authority of the board.

Mr. Anderson began by citing the contract entered into between the Town of Toronto Junction, the Suburban Railway and the Toronto Railway in 1899, confirmed by legislation in 1900, giving the Toronto Railway the right to operate its service on Dundas-street to Keele-street.

"Is there anything in the contract by which the railway has the right to terminate its contract?" asked the chairman.

"Nothing whatever," replied Mr. Anderson.

Roadway All Right.

"Have you a right to tear up the street?" was the next point. Mr. Anderson cited clause 3 of the tripartite agreement and clause 15 of the Suburban Railway agreement, which had been made a part of the tripartite agreement and schedule.

"Do you say the road is restored substantially to the same condition and safe for the cars to run?"

"That is our claim."

"I think I understand your side of it," was the chairman's comment.

"The view I take of it is this: There is a contract continuing between Toronto Junction and the railway for 23 years. You had the right to take up the street, and have replaced it. This gets us down to a question of a fact. If I am satisfied that the road is reasonably safe, this board will make an order for the cars to run, pending our decision as to whether the agreement on your part should be substantially carried out. I don't feel like going into a long trial at present, but the people cannot suffer."

Loud applause broke out at this remark.

"Stop that at once," ordered the chairman. "This is not a town meeting, but a court of justice. You are not in Toronto Junction Town Hall.

"As I was saying," proceeded the chairman, amid an impressive quiet, "we have a right to make such an order, and we feel like adjourning for a week or ten days until we can try it out. Our engineer has been over the road. This trouble was anticipated. It has been said both parties were looking for trouble."

Mr. Bicknell: "You understand, I don't acquiesce."

Must Carry People.

The chairman: "The matter is not being argued at all. It is merely an interim order. THE PEOPLE MUST BE CARRIED."

Mr. Bicknell: "But the statutes provide how they must be carried. I am not prepared to accept an exparte judgment on the part of the commission."

The chairman: "We have to do these apparently arbitrary things in the interests of the people."

Town Engineer G. S. Abrey was called. Mr. Bicknell objected, on the ground that the whole case should be heard or none. Mr. Abrey was in charge of the track-laying, assisted by Mr.

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Why The Order Issues.

The Ontario Railway and Municipal Board made an interim order for the Toronto Railway to resume its service on Dundas-street to Toronto Junction.

This is in accordance with the agreement between the town, the Toronto Railway and the Suburban Railway, by which the last named assigned its rights on that part of Dundas-street between Keele-street and Humberside, receiving a ten-years' extension of franchise in exchange.

Counsel for Toronto Railway stated that the order would not be respected, and the cars would not run, alleging that the road-bed was not in a safe condition.

The town engineer testified that the new construction of the road was much superior to the old road over which the heavy cars ran, and the board signified assent to this view.

The board will be prepared to back up its order by the authority of the act, which permits the seizure of the railway by the board in enforcement of its order.

INDIA RESTLESS JAPS PREPARING

Signs Which Point to Trouble Noted By Rev. Dr. Mackay.

Rev. Dr. R. P. MacKay, secretary of the Presbyterian Foreign Missions Board, after spending a year and a half in the far east, returned to Toronto with rather disturbing opinions as to conditions there.

"The Japanese have a great influence in all the east," he says. "Even in India the influence of Japan is a mighty factor, but Japan cannot control China. The Chinese hate the Japanese, and the fact that they do not resist Japanese aggressiveness more vigorously is due to the fact that they are afraid, but when the day comes there will be a struggle unless Japan modifies her policy.

"Japan has her spies everywhere, is fortifying herself, especially in Manchuria, but further south as well, and is apparently putting herself in a position that will enable her when the proper time comes to take advantage of whatever opportunities may offer.

"India is full of unrest. It is talked about everywhere, and is the cause of much anxiety, however much Britishers may whistle to keep up courage. It is another phase of the new life that is stirring in all the east, 'India for the Indians,' 'China for the Chinese,' and 'Japan for the Japanese.' No people of three hundred millions wants foreign domination. Great Britain is educating India away from the colonial up to the independent estate, and it ought to be said that Britain is doing it magnanimously and honorably. A British official in India said to me, 'England has her faults, and no doubt made mistakes in India, but there is not in the world to-day a more righteous government that that of Britain in India.'

"I believe that is literally true. No other nation has such a colonial record as that of Britain in India, and if it should mean by only an independent India, educated to self-government, so much the better for the world and so much the more honor to the nation that has brought it to pass."

China has a number of ancient reformers busily engaged and is described as being in an especially interesting condition.

Korea is being savagely exploited by the Japanese, who say that the Koreans, like the North American Indian, must pass away as civilization advances.

CHARGED AGAINST PRISONER

Trial of Noah, the Indian, at London—Jury Locked Up for the Night.

LONDON, Jan. 8.—(Special.)—The jury on the Noah murder trial were locked up for the night at 11 o'clock, not having been able to reach an agreement at that hour.

Chief Justice Meredith charged strongly against Tommy Noah, the young Indian, who was charged with the murder of Absolam Fox on the Muncey Reserve.

Dolson, an Indian, told of the fight. He saw Noah strike Fox and later saw the knife blade in the victom's head. The knife blade was identified as Noah's.

DOCTOR ARRESTED.

WINNIPEG, Jan. 8.—The crown attorney's department received word this afternoon from the chief of detectives in Montreal, that he had arrested Dr. Margolese for them. Dr. Margolese was the consulting physician to Bertha Edwards, and an operation was performed and the girl died. Margolese has been out of the city since the preliminary hearing, and his whereabouts has not been known until to-day.

TIMES' TURNOVER EXCITES ALL BRITAIN

Will Be of Great Assistance to Tariff Reform Movement---How Public Take It.

London, Jan. 8.—Among the subscribers for the capital amounting to $1,000,000 for The London Times which recently became the property of C. Arthur Pearson, are Lord Brassey, Lord Rothschild, Lord Strathcona, Viscount Ivegah and Sir Alexander Henderson, chairman of the Great Central railroad.. Sir Alexander brings the largest contribution.

NEW YORK, Jan. 8.—A London cable to The Herald says:

The announcement that The Times is about to change hands has fallen like a mighty bombshell on the British nation. It is no exaggeration to say that it is regarded as a matter of almost national concern. Victories in politics are like victories in war. They are won by enthusiasm; they are lost by timidity.

The Times, which has so long been a national institution, has been obtained by the Imperial Tariff Reform League, with Charles Arthur Pearson, first chairman of the league, as controller. It isn't, after all, good policy to sit upon the fence. The Times has been recently sitting on the fence, and occasionally coquetting with the Tariff Reform Leaguers and at times tipping a friendly wink to the free traders. The followers of Cobden have made efforts to capture the Thunderer, as The Times has ever been known, but they showed timidity.

The tariff reformers, having decided to hold their banner high at the next general election, and believing that the bulk of the electors will come to their standard, have captured the greatest of English newspapers.

They have now nearly all the principal newspapers in London and the provinces on their side, but the Thunderer speaks to infinitely more influential people than any other English newspaper. The tariff reformers have taken "thoro" as their guiding motto, believing that it will be much more likely to be successful than the policy of those who are half hearted and weak kneed, and who are trying to catch a breeze that will never come.

Seek Political Support.

It is known that some months ago the conductors of The Times were in negotiation for political and financial support of some distinguished free trade unionists whose names are as familiar as household words. Their tariff reform section of the Unionist party heard of these negotiations and romped in with offers which have resulted in the situation in which "The Asylum of the World," as Kinglake finely described the Thunderer half a century ago, passed into the hands of the league, with the establishment of Mr. Pearson as controller, altho A. Walter will for a while continue as the titular head of the paper.

In September last The Times commenced to sprinkle cold water on the proposals for tariff reform, but in November the douche was quite copious. The editor said that however great may be the importance of tariff reform, it is not urgent in the same sense as the other questions. Its most thorogoing advocates must recognize, unless they have lost all sense of proportion, that we can get along for a few years without tariff reform. Supposing the general election were to occur shortly and the Unionist party won on the tariff reform question, it could not carry out a reform straightaway. Neither would it even be ready to offer a practical and coherent scheme of legislation embodying its views.

Again last month, in a leading article, the views were expressed which indicated quite clearly that the desire of The Times was to drop protection, or at least relegate it to the background.

Public Disappointed.

Many old bankers, merchants and stock brokers are prepared to indorse W. T. Stead's views that the transaction depressed them just as would a report that the crown jewels had been pawned, or that Windsor Castle had been let for a first-class hotel; but traders who are tariff reformers are delighted with the change because they believe that it means a great fight to carry out Joseph Chamberlain's fiscal proposals. To have The Times as their chief spokesman will be an immense advantage.

They say that the policy England adopted more than fifty years ago under the belief that it would soon be the policy of all other nations has become, in the light of the vast changes which have taken place latterly, inappropriate to the modern conditions of international trade. To cling to an unmodified policy of free imports while every other country becomes increasingly protective is to be left behind in the race of commerce, mean-

Continued on Page 5.

SIFT JEWEL ROBBERY.

Irish Administration at Last Appoints Commission.

DUBLIN, Jan. 8.—The Irish administration has at last appointed a commission which is to sift the mystery of the disappearance last July of a portion of the state regalia, valued at $250,000, from Dublin Castle.

The authorities have been impelled to this step by reports that the jewels are known to have been deposited as security for a loan.

It is understood that King Edward has insisted that the matter be cleared up.

CHALLENGED.

PRIVATE ONTARIO: Halt where ye are, boss. That's somethin' like th' countersign—but it ain't it.

MANY RECOMMENDATIONS BY GRAIN COMMISSION

Favor Grading System Against Goverment Operation of Storage Elevators---Would Prohibit Pooling Arrangements.

OTTAWA, Jan. 8.—(Special.)—The report of the grain commission was tabled by Hon. Frank Oliver to-day. The commission finds:

That the grading system is most suitable to our requirements, but, owing to the ever-increasing production of certain types of grain in the new provinces, some new grades are suggested.

That a system of public or government weighing at country elevators would be impracticable.

That, to prevent substitution and mixture of grain, samples should be kept of all specially binned grain.

That the suggestion that the government should build and operate large interior storage elevators should not be acted upon.

That at all shipping points where over 50,000 bushels are shipped, railways should be compelled to appoint agents, when not otherwise provided.

That, to reduce loss from leakage in transit to ocean ports, it should be provided that no grain shall leave Manitoba inspection division without being officially weighed and cleaned.

That the proposal to establish a sample market at Winnipeg be not accepted, as it would create confusion.

That pooling agreements between elevator companies should be prohibited.

That there should be more complete supervision of cleaning operations at Fort William and Port Arthur, and larger cleaning machines should be installed.

That a weighmaster's department should be established in the east for grain being shipped outwards.

That a method should be adopted of identifying inspection certificates with parcels of grain for which they are issued.

That the rate of insurance be reduced to one-eighth of one cent.

That the government should encourage the development of grain trade with the Orient.

Mild Grippe Is Epidemic.

Quite a Number of Cases, But Few Serious as Yet—Weather is Blamed.

There is quite an epidemic of a mild form of la grippe at the present time, according to medical men.

It has not developed a serious phase as yet, however, and as Dr. John Noble put it, "It's not much good to the doctors."

"No, I don't know what should be the cause," he went on. "It may be the changes in the weather, but then again it may not. Epidemics come and go without any apparent cause."

Thus far no more serious symptoms than heavy colds are the rule.

TO AVOID GRIPPE OR PNEUMONIA.

Don't neglect a cold.

Don't stay in overheated or poorly ventilated rooms or conveyances.

Keep the body well protected.

Don't give way to excesses in eating or drinking.

Keep in close touch with your psysician.

GERMANY'S ENORMOUS DEFICIT.

BERLIN, Jan. 8.—In the course of the sitting to-day of the Landtag, Baron Von Rheinaben, Prussian minister of state, and finance, went over the figures of the Prussian budget for 1908. The total is $840,500,000, and shows the enormous deficit of $110,500,000.

C. N. R. CONDUCTORS DISMISSED.

WINNIPEG, Jan. 8.—Seventeen conductors of the Canadian Northern Railway, according to a report on the street this morning, have recently been dismissed from the service of the company for various irregularities.

Refuses to Act.

WINNIPEG, Jan. 8.—(Special.)—Judge Dawson, who was appointed by the Winnipeg City Council to investigate the charges against the Winnipeg police, has refused to act.

CHEAPER POWER FOR ENTIRE PROVINCE

High Voltage Transmission Will Bring All Ontario Within the Power Belt.

Niagara power for the people of Ontario from Windsor on the west, Owen Sound and Wiarton in the north, to Kingston and Ottawa on the east, is the probability of the near, if not immediate future.

This is the purport of a statement made to-day by a gentleman close to the Hydro Electric Commission.

"It is now possible," he said, "to transmit power at a voltage of 120,000, instead of 60,000 and this will mean that it can be sent twice the distance with less loss in transmission. It all sounds like a dream, but the perfection of appliances is making it a fact.

"The commission is now hearing from many places which were simply resting on their oars until action had been taken by the larger centres. Among these are Brampton, Georgetown, Tillsonburg and other places in the proximity of the transmission lines already proposed. These places will be in a position to join by next year.

"The commission proposes to secure legislation by which electric railway companies chartered in future shall be compelled as a condition of their charter to supply towns and villages along their routes with power at a reasonable charge.

"I am not a dreamer when I say that a few years will see the Province of Ontario a network of transmission wires, and the people enjoying the full fruits of one of the greatest natural resources ever given to any country."

DETECTIVE NOBLE DEAD.

Head of the Dominion Agency Expires From Heart Failure.

Alex. E. Noble, founder and principal of Noble's Dominion Detective Agency, died suddenly from heart trouble at the Western Hospital late last night.

Mr. Noble had been suffering for some years, but the malady was not considered dangerous. About a month ago he went to Minnesota for a rest. His health did not improve, but he returned to Toronto New Year's Day, intending to resume his duties last Monday. Last Saturday he took a turn for the worse, and was ordered to the Western Hospital.

Deceased was born in Toronto in 1857. He went west in the late sixties when he joined the Pinkerton detective force. After several years with that agency he went over to do special work for the Great Northern Railway, remaining for eight years. He subsequently returned to the Pinkerton agency, opening up their Montreal branch in 1894. At the solicitation of many business men thruout the province Mr. Noble opened an office in Toronto nine years ago. He took an interest in military affairs, and was a captain in the 12th York Rangers. In fraternal work he was well-known, being a member of the Shriners and the Royal Arcanum of this city, and of Summitt Masonic Lodge of St. Paul, Minn.

He married Miss Emma Corner of St. Catharines, who survives him with one son, in Buffalo, and three daughters, Mrs. E. Cook of St. Paul, and Mrs. H. Newhall of Minneapolis, and Miss Harriet, at home.

FRENCH TREATY CAUSED TIFF IN HOUSE

Fielding Refused to Consent to the Appointment of a Committee of 7 Members.

OTTAWA, Jan. 8.—(Special.)—Declaring that such a procedure would be contrary to precedent, Finance Minister Fielding refused to consent to the appointment of a select committee to take into consideration the commercial treaty with France.

F. D. Monk, whose motion sought to deprive the government of whatever glory there may be in having negotiated a treaty independent of the mother country, by declaring that the procedure was no different from that followed in the past by Canadian ministers, moved that a select committee of seven be named to take into consideration the proposed French commercial treaty with a view of ascertaining to what extent it will result in an increase of trade between the two countries.

Mr. Monk said all were pleased in the Province of Quebec when it was announced that a commercial treaty had been negotiated with France, but he objected to the absurd manifestation that was carried out on the return of the ministers from France, putting the country to great expense before we know what had been done.

Mr. Monk quoted the remarks of French statesmen that the arrangement was not at all the triumph that the Canadian ministers had claimed, and he observed that the negotiation of the treaty was carried out on exactly the same lines as before.

"Was ever a treaty negotiated exclusively by Canadian ministers?" Mr. Brodeur asked.

Mr. Monk replied that he saw no difference from the manner the treaty of 1893 was negotiated by Sir Charles Tupper.

The finance minister declined to discuss the merits of the treaty; every word that had been said in condemnation was not only not warranted, but out of place at the present time.

Hon. G. E. Foster said if the motion was against precedent some of the old precedent should be thoroly examined. They should approach the consideration of the treaty with all the information they could get. The treaty was Greek to the common man, and required some elucidation.

The motion was lost.

BABE WAS BORN ON MOUNT ROYAL

Passengers Rejoiced at Good Omen---Better Luck After Josef Royal Came.

LONDON, Jan. 8.—(C.A.P. Cable.)—It is incorrect that the Manitoba takes the Mount Royal's passengers to Canada. The question is undecided. More beds are now being shipped to the Mount Royal for their comfort.

It transpires that on Christmas Eve, after being five days below, Josefa Milezyaski bore a male child. Both did well, and the emigrants regarded the event as a happy omen. There were great rejoicings tho a hurricane was raging. The child was christened Josef Royal.

Strangely enough, the omen seemed justified, for the same evening a seaman named Stewart was washed overboard from the bridge deck and swept back to the main deck by the next sea, while Christmas morning the machinery was repaired. The captain and crew, especially the engineering staff, bear traces of an exceptionally trying time.

RUSSIAN BANDIT IN NEW YORK

Arrested, Charged With Many Serious Crimes.

NEW YORK, Jan. 8.—After a ceaseless search of nearly two years, Jan Janoff Pouren, alleged to be a notorious Russian brigand, who is wanted in the Province of Livonia, Russia, for murder, arson and robberies without number, was caught here to-day.

Pouren is a mild-looking man and submitted without protest. He was employed as an engineer in one of the East River tunnels. He admitted his identity by indicating that the photograph of Pouren, in possession of the detectives, was a picture of himself.

The Russian is charged with numerous crimes in Riga, Livonia, where, with several fellow-countrymen, he terrorized the province and defied arrest. It was the custom of brigands to make demands upon citizens for large sums of money, and after the expiration of several days, if the money was not forthcoming, they would rob houses and set them afire. When the inmates resisted, they were murered, it, is said.

Pouren and his associates are charged with being particularly active in 1906, having, it is charged, committed a number of murders and robberies.