

IS A VICTORY FOR THE CITY.

Street Railway Must Repair Roads Outside of Track.

City Has Now 741 Arc and 36 Nearest Lamps.

Fire and Water Committee Will Consider By-law Again.

The long drawn out dispute with the Street Railway Company as to whether it is obliged to keep the road in repair two feet outside the rails on certain streets has been decided by the Ontario Railway and Municipal Board in favor of the city.

The amount involved at present is only about \$2,500, but the decision means much to the company and city during the balance of the franchise, especially in view of the fact that new pavements are to be laid wherever the new tracks are laid.

The board's opinion is as follows: "This is an application by the city of Hamilton against the Hamilton Street Railway Company for an order to compel the company to put in good repair, according to the provisions of by-law No. 624 of the city and covenant of the 26th of March, 1892, which together form the agreement between the city and the company, all that portion of the pavement which is embraced between the outer rails of the company's railway tracks and for two feet outside of such rails on King street from James to Bay streets."

On the 14th of June, 1909, A. F. Macalium, the City Engineer, gave the company notice in writing to put these streets in repair, according to the provisions of by-law No. 624, for two feet outside of the rail, with similar materials to those of which the roadway was constructed, the city being ready to furnish the materials when the company were ready to proceed with the work. The company received this notice, but refused to comply with it, and denied the city's right to have the repairs made by the company.

Counsel upon the argument stated that the sole difficulty was as to the repair of the two feet outside of the rails. It was contended by Mr. Osborne on behalf of the company, that reading section 11 along with section 5 of the by-law, the company were not bound to keep the two feet outside of the rails in repair. The Board dissent this argument.

The Board are of opinion that the repairs outside of the rails are regulated by section 5 of the by-law. Section 11 provides for paving or re-paving and repair of the space between the rails. The Board are of opinion that the company under section 5 of the by-law are bound to repair the pavement for two feet outside of the rails on the streets mentioned in the application.

Counsel for the company contends that the city must remedy the roadway under section 16 of the by-law, and that if the company fails to keep the streets in good repair, according to the provisions of the by-law, the city's only right is to cause such repairs to be made and to collect the cost from the company. In reply to this the city engineer, Macalium, on behalf of the city, contended that the Ontario Railway and Municipal Board Act, 1906, and asks that the company be compelled to specifically perform the agreement with the city. What the city asks is that the company do the work of repair themselves. The Board are of opinion that the company has committed a breach of the agreement with the city and have neglected and refused to repair the two feet outside of their rails on the streets mentioned in the application. The Board think it reasonable and expedient to order and direct the company to make the repairs on the said streets for two feet outside of their rails with material which the city are ready and willing to supply.

The Board makes no order as to costs, except that the company shall pay \$10 for stamps on the formal order.

The city now has 741 arc lights and 36 nearest lamps under the new contract with the Cataract Power Company, and, while there are still some spots that are poorly lighted, Secretary Brennan and the Engineer, Macalium, say that Hamilton compares favorably with any city of its size for illumination. They say that the chief drawback here is the way King and James streets are lighted. In the cities they visited on the way to Little Rock, Ark., where they attended the convention of the American Municipal Union last week, they found the main streets brilliantly illuminated. In Chicago, on Michigan avenue, ornamental cement posts, standing about sixteen feet high, are placed every sixty feet apart. A somewhat similar scheme of lighting the central portions of King and James streets here was rejected by the Board of Works this year. The city officials say that if it was not for the electric signs the main streets would be very dark. The aldermen think that any extra lighting on King or James streets should be done on the local improvement plan.

The Fire and Water Committee will hold a special meeting to-morrow night to consider the new waterworks by-law, which has already been introduced in the council. There is a wide difference of opinion on some of the points, and it is believed that a long discussion in the council will be avoided if the committee threshes it out first.

The Board of Works officials have been informed that Barton Township is still doing work in the newly annexed district. The matter will be looked into as the city understood it was to have control of all work after the annexation order went into effect.

Joseph Dwyer was granted a permit to-day for two frame houses on Beechwood avenue, east of Sherman avenue, to cost \$2,200.

Wanted to Die.

Welland, Ont., Nov. 16.—Arthur Simmons, aged 20, of first street, attempted suicide by swallowing carbolic acid, but prompt action by physicians saved his life. Simmons has been ill for some time with blood poisoning.

TEA TABLE GOSSIP.

—S. Siddall will contribute solos at J. H. Collinson's lecture to-night at St. Peter's Church.

—Mr. F. Shore and family will leave to-morrow on the International Limited for Kansas City, Mo.

—James J. Freel, President of the International Stereotypers and Electrotypers' Union, is in the city.

—Mrs. J. M. Brown, Holton avenue, will receive next Thursday, and afterwards on the first and third Thursdays.

—Mrs. Elmore Richards will not receive next Thursday, as she has been called to Toronto on account of the illness of her mother, Mrs. J. A. McLeelan.

—A rubbish fire at the corner of Mary and Cannon streets blazed up last night, and an alarm of fire was rung in, which caused the entire department to turn out, as the blaze looked as if it was a serious fire.

—Some person or persons evidently intend doing some heavy smoking, for on Sunday night Wilmore's store, 600 Broad street, was broken, and seven wooden tobacco pipes were stolen.

—The 91st non-commissioned officers' class was organized last evening, when a number of the men handed in their names. Nothing was done outside of registering those who intend to take the course, except Major Gilmour has charge of the class.

—W. H. Billings, 616 Barton street east, had a bicycle yesterday to-day he has not. Business took him into the Metropole Hotel last night, but his wheel he left outside. It had gone when he came out.

—William Summers, 124 Birch avenue, fell from the scaffold he was working on at the steel plant yesterday afternoon. He was taken to the City Hospital, where, on examination, the doctors found he was suffering with nothing more serious than a few bruises and a bad shaking up.

—William Reid and his young son, of Dundas, found a bag containing eight sticks of dynamite, fuses and caps hidden on the Hamilton road, near Dundas, yesterday. Assuming the goods had been stolen, Mr. Reid handed them over to Chief Tins.

The floral tributes received at the funeral of Thomas Meakin, which took place yesterday, were: Spiritual healing, Mrs. A. Karvanagh, Mrs. Larkin, Mrs. C. L. Daily, Mrs. Coulter, Misses Harris, Mr. and Mrs. J. Caffery, wreaths, Duncan Garson, J. Larkin, J. F. Cummings and employees.

Two Writs Issued in Personal Injury Cases.

A writ has been issued by Stauton, O'Heir & Morrison acting for Julia W. Ayers, against Doolittle, Wilcox Company, for damages for the death of her husband, Albert Ayers, who was killed in the defendant's quarry in West Flamboro on October 22 by the explosion of dynamite. She is suing for \$3,000.

William Hobb issued a writ this morning through his solicitors, Nesbitt, Gauld & Gausby, against the Ontario Lantern & Lamp Company, for \$5,000 damages for the loss of his right hand, which he claims was due to the negligence of the defendants in not having the stamping machine at which he worked properly guarded. The accident occurred on September 7.

Lee & Farmer, acting for Jacob Baldwin, this morning issued a writ against John Bell Reid, executor of the estate of the late Ann Baldwin, and the two sons of the deceased, to enforce payment of the charge for his support and maintenance under the last will and testament of Mary Ann Baldwin, deceased, out of her real estate, which is situated in Glanford.

TAX SALE.

Eighteen Parcels on the Beach To Be Sold.

This week's issue of the Ontario Gazette contains a notice of a sale of lands for taxes, under a warrant issued under instructions from the County Council of Wentworth. The date of the sale is set for Feb. 15, at 1 o'clock, at the court house. The properties to be sold include two parcels at Union Park, one at Kenwood, one in the township of Saltfleet, and no less than 18 on the Beach. The total amount of taxes due on all the 22 properties is only \$338.35, of which \$143.13 is a half acre on the bay side, south of the canal. The costs total \$111.

NO BOARDERS.

Lincoln County Will Keep No Tramps This Winter.

(Special Wire to the Times.) St. Catharines, Ont., Nov. 16.—Police Magistrate Campbell passed notice on all hoboes that hereafter there will be no free boarders entertained by the county of Lincoln. A Scotchman named Allan Haggart, who claimed to hail from Hamilton, had been arrested for begging here. He admitted that he had spent two winters in Lincoln county jail and had hoped to do the same this winter. After delivering the above ultimatum, the magistrate ordered Haggart to leave the city immediately.

HIS HIEROGLYPHICS GONE.

That big window that adorned the front of Charlie Sam's laundry, 440 James street north, was broken last night by some person unknown. Across the front of that 6x8 window Charlie had his name printed in big black and gold letters, besides a long list of Chinese hieroglyphics—the pride of his heart. The damage he estimates at \$50. It was broken, he says, between 7 and 10.20 o'clock.

INJURED HIS ARM.

John Henderson, 24 Napier street, was painfully injured at the Canada shovel and tool works on Monday. In lifting some heavy steel plates in some manner he stumbled against a pile of raw cut steel plates and his arm was cut to the bone in two places. He was attended by Dr. Crawford, who put twelve stitches into his arm. No serious results are expected, unless blood poisoning sets in.

NO HOPE FOR MEN IN MINE.

(Continued from Page 1.)

Organization of all charitable efforts into a centralized plan was proposed for a meeting called to-day. Among those on the ground are E. P. Bicknell, of Washington, D. C., director of the National Red Cross. It was stated that unless a substantial sum of money is contributed, great suffering will obtain this winter among the 2,000 orphans and 200 more widows left almost destitute.

Albert L. Hopkins, Chicago, announced he had been authorized by the French Consul at Chicago to help care for the families of the entombed miners who were natives of France. Some of the women and children of these families, he said, would be transported back to France by the French Government.

300 COFFINS ORDERED.

It was said to-night that 300 coffins have been ordered. Meantime, the several scores of nurses who were rushed here look forward to no prospect of work in reviving injured men. It is believed that no one will be brought out of the mine alive.

Rescuers descended four times into the hoisting shaft yesterday, on one occasion, 300 feet to its bottom. Then groping their way with electric lamps, and kept alive by oxygen carried with them, they penetrated 150 feet into the bottom gallery.

None of the miners, dead or alive, was found.

It was conjectured the miners had crawled into recesses, remotest from the fire, but to these the rescuers were unable to go without reascending. Before they could re-descend, the fire had broken out.

As a result of the disaster there are in this town of only a few hundred inhabitants, at least 1,000 orphans and 200 widows. These are the figures of Duncan McDonald, President of District No. 12, United Mine Workers.

DESCEND INTO THE MINE.

At an early hour this morning the main shaft, sealed since Saturday, was opened. Mine Examiner James Taylor, R. L. Williams and others appeared in their oxygen outfits and helmets, ready to descend.

"I'm ready," said Inspector Taylor, as he buckled on his helmet. Williams and James Webb also stood prepared in the shaft cage. Automobile horns were carried for signaling.

"Let her go!" shouted President Newman of the State Mining Board. Fifteen minutes passed. Then a blast of the horn echoed through the shaft.

The explorers reported that they had walked in a vein of the mine for 150 feet from the base of the shaft and that they had found no living man or dead body. The atmosphere in this vein was considerably better than had been expected. With the aid of their electric lanterns the searchers had been able to see plainly.

In other veins leading from the main shaft much smoke was encountered and nothing could be seen. A consultation followed and it was determined to start the ventilating fan at the opposite side of the mine. This was to clear the galleries of the smoke.

FIRE BREAKS OUT AGAIN.

In half an hour the fan was suddenly ordered stopped. Smoke began to pour from the main shaft. The experts, lowered to investigate, reported flames had broken out afresh where the original fire occurred. Attempts to extinguish them failed. The shaft was sealed with steel sheets and a heavy layer of sand.

The men and women with loved ones in the mine turned away in despair. Apparatus to fight the fire was ordered from La Salle, Ill. A fire engine arrived to-night on a special train.

Inspector Taylor, who was one of the discoverers of the renewed fire, asserted that the flames had not spread beyond the stable of the mine.

John Crowley, the engineer in charge of the elevator when the thirteen rescuers lost their lives at the mine on Saturday, was taken to Princeton, Ill., to-day in an automobile by Sheriff Skoglund. Rumors of an assault upon Crowley last night and reports that the miners were planning to kill him, because they believed that he was responsible for the death of the rescuing party, caused Sheriff Skoglund to remove him from possible danger.

Sheriff Skoglund was summoned by the mine officers to-day and asked if he had heard of any action regarding the reports. He expressed surprise at the news.

"I have not asked for militia, and do not expect to," he said. "On the contrary, the crowd has been so orderly that I reduced the force of deputy sheriffs last night. I was much impressed with the actions of the grief-stricken people yesterday after the sealing of the mine. In every case where miners attempted to pass the line the deputies easily persuaded them to keep back. Last night I had only nine deputies at the mine."

Cherry's gloom to-day is increased by a deluge of rain, which began early this morning and still continues.

The main shaft in the mine will not be opened to-day seems assured. To-day is the semi-monthly payday at the mines. Nineteen thousand dollars to meet the pay roll is on deposit at the Cherry Bank. Clerks will keep check on all who appear, and in this manner it is believed the number of men entombed in the mine can be definitely established.

Many of the 1,000 men in this town of about 2,000 people are single. The total vote averages 425, so that the number of foreigners in the population seems to equal that of the citizens.

The St. Paul Company to-day sent out several cars of coal from which the people will be supplied at the company's expense.

Funerals of the twelve rescuers who perished on Saturday night will be held to-day, and the surviving miners and families of the dead will file through the streets behind the hearse.

Initials or Monograms On Note Paper

To emboss initials or monograms on note paper requires a die which, if purchased in the ordinary way, would cost from \$3.00 to \$5.00.

We make a special offer, however, which relieves the customer of the cost of the die. We take the risk of the die being used on several orders, and charge only for the embossing.

The first order, however, must be for not less than \$1.50 for the work, in addition to the cost of the paper. Further particulars on request.

ROBERT DUNCAN & COMPANY

Phones 909-910. James and Market Square.

THE WEATHER.

FORECASTS—Strong winds and rains, easterly to southerly with rain. Wednesday strong winds and gales, westerly, turning colder again.

WEATHER NOTES.

A depression which was indicated near New Mexico yesterday morning has since both traveled and developed rapidly and now covers the Missouri valley as an important storm producing very stormy conditions on the lakes. The weather remains fine and decidedly cold in the western provinces. Storm signals are displayed at lake stations.

Washington, Nov. 16.—Eastern States and Northern New York—Rain to-night; Wednesday rain, colder in west portion; east to south winds, slowly increasing.

Western New York—Rain to-night, warmer in the east portion. Wednesday rain or snow; colder.

Lower Lakes—High southeast to south winds, shifting to southwest and becoming higher, rain to-night; Wednesday, rain or snow and colder.

The following is the temperature registered at Parke & Parke's drug store: 9 a. m., 40; 11 a. m., 42; 1 p. m., 42; lowest in 24 hours, 30; highest in 24 hours, 52.

CAME HOME.

But the Visit Was Not Occasion For Rejoicing.

Charlie Crisp came from Toronto yesterday, to visit his father, but ere his arrival at the old home he was past self-government. However, he entered the old home, and it is alleged proceeded to drag his father's housekeeper into the most futile arguments, despite the remonstrances of the lady. Later he called at the police office and wanted to swear out a warrant for her arrest. When asked the why he said she had given him a forcible tap behind the lobe of his left ear with a bottle.

There was evidence that Charles had received a tap in the form of a deep gash and much blood. He was told to call in the morning, but he did not do so. Prior to the exciting state of affairs, the officer yesterday Constable Gillespie was called in to prevent trouble at his father's home.

A GOOD TIME.

At the Anniversary of Bartonville Methodist Church.

Bartonville Methodist Church had its anniversary on Sunday and last evening large gatherings enjoying all the services. At the Sunday morning service Rev. P. W. Philpott preached an excellent sermon and the pastor, Rev. Mr. Ibbott, at night. Last evening an anniversary tea was given, followed by an entertainment. The pastor presided and short addresses were given by Rev. W. J. Williams, of Emerald Street; Rev. W. J. Smith, of Charlton; Rev. E. B. Laneville, of First, and Rev. J. A. MacLachlan, of Stoney Creek. The programme included numbers by Mrs. Cline, Miss Anderson, Mrs. Lewis, Mrs. Faulkner and Mrs. E. Taylor.

CALL TO REV. JAS. LITTLE.

An Ottawa despatch says: That an invitation was extended to Rev. J. Little, B. A., pastor of one of the Presbyterian churches at Brampton, Ontario, to succeed Rev. Dr. W. D. Armstrong, pastor of St. Paul's Presbyterian Church here, is considered to be most likely.

SEEING THE SIGHTS.

Two small children, named Shaw, who live on the Wood Market, yesterday, started on a little sight-seeing trip away from home. The first few blocks of their travel were pleasant, but their thoughts of home overcame their wandering tendencies, and they longed to be back again. Not knowing which way to go they continued their journey until they arrived at McBeth's grocery on York street. Mr. McBeth notified the police and the two youngsters were taken home.

AN EXCITING RIDE.

A man who was riding on horseback on King street west yesterday afternoon had a narrow escape from being injured. The horse was rather wild, and was waiting all over the road. A street car going west on King street was passing, when the horse made a bolt as if to get past it to run up Park street. It jumped on the fender and broke it. The rider finally managed to get the animal quieted down.

NOBODY BLAMED.

(Special Wire to the Times.) Bradford, Nov. 16.—The inquest in the death of Mark Boulder, who was killed by a falling smoke stack at the Malleable Iron Works here last Tuesday, resulted last night in a verdict that the deceased met an accidental death. It was shown that the contractor took all ordinary precautions to safeguard the lives of the employees in the shop below. The breaking of a guy wire caused the accident.

Notices of Births, Marriages and Deaths which are inserted in the Daily Times also appear in the Semi-Weekly Times. 50c first insertion; 25c for each subsequent insertion.

MARRIAGES.

MILLAR-CORRIGAN. At St. Mary's Cathedral on November 15th, Ruth Marie, only daughter of the late Geo. D. Corrigan, to Hugh T. Millar, of Akron, Ohio.

DEATHS.

JARRETT. A his mother, 30 Ingham street, on Sunday, November 14th, 1909, Albert Edward Jarrett, in his 39th year.

Funeral on Wednesday at 2.30 p. m. to Hamilton Cemetery. Friends and members of St. O. E. will please accept this intimation.

ROWLAND. In Toronto, on the 16th inst., Kenneth James, aged son of Mr. and Mrs. Alma Rowland, second year, 6 months. Funeral from parents' residence, No. 157 Lansdowne avenue, on Wednesday at 2.30 p. m. Friends and acquaintances will kindly accept this intimation.

MAY LOSE IT.

Proprietor of Berlin Hotel Summoned to Toronto to Explain.

Toronto, Nov. 16.—Mr. Ed. Hollinger, in whose name the liquor license of the Walper House, Berlin, is issued, has it understood, been summoned, under orders of the Ontario Government, to appear before Hon. W. J. Hanna, the provincial secretary, to-morrow to show cause why his license should not be cancelled forthwith.

The trouble, according to reports in Berlin, arose over the neglect by the owner of the hotel to comply with the orders issued by Mr. W. K. Snyder, who was appointed by the Government some months ago as provincial commissioner to secure standardization.

BERLIN LICENSE.

Walper House Must Make Repairs on Lose License.

(Special Wire to the Times.) Toronto, Ont., Nov. 16.—Unless the owner of the Walper House, Berlin, complies with the orders of W. K. Snyder, Provincial Inspector, and spends several thousand dollars on repairs, the license of the hotel will be revoked. This was the ruling of the Hon. W. J. Hanna this morning, before whom the owner and lessees of the house appeared to show cause why the license should not be cancelled.

"We have undertaken a straightforward business, like administration of the license law in this Province," said Mr. Hanna. "No other considerations than these can have weight. I will be frank with you. I have made up my mind, in view of the circumstances as presented, to cancel the license of the Walper House to-day. The department will refund the license, who is not to blame for the existing state of affairs, the unearned portion of the license fee paid the owners of the house. If they decide to proceed with the improvements required, if the conditions are complied with by the first of May, I have no doubt that the license will be continued."

HELD UP.

Robber Fires at Two Women and Steals Fare Box.

(Special Wire to the Times.) Kingston, Ont., Nov. 16.—A masked robber, armed with a revolver, early last evening terrorized three women inmates of the Bath road toll house by pointing his revolver at them and demanding money. The women were too terrified to answer, and the desperado fired his revolver at their feet, seizing the fare box, which contained over a dollar in change, and making a hurried departure. When the women recovered from their fright they sounded an alarm, but the robber, who had secured a good start, and could not be located. He is described as a young man stylishly dressed.

BIBLE TRAINING CLASS.

Last night in the Y. M. C. A. junior parlors the Hamilton Boys' Club Union organized a Bible training class. The object in organizing this class is to train young men and older boys to teach. There is a dearth of young men teachers in every Sunday school, and the union is seeking to help every Sunday school in the city. Mr. John Bainbridge was elected president, and Harry Fisher secretary. The union was fortunate in securing the services of Mr. Frank McIlroy as leader and teacher of the class. This is a rare opportunity for every young man and the only requisite is that every one who wishes to attend should hold a membership card in the union. The class will meet next Monday night at 8.30 sharp.

Tom Longboat In Business.

Thomas Longboat has opened a general store at the intersection of Sixth and Smooth Town roads. The Indian line and the running game are together, but says he intends to devote the greater part of his time to his business. Tom will handle all kinds of furs, in addition to his other business.

Seeing is Believing.

We've noticed a particularly large number of people patronizing our fruit department. Fact is, we have a magnificent display of oranges, lemons, limes, bananas, figs, dates, grape fruit, Malaga grapes, pineapples, spy apples, Canadian grapes, pears, etc. Grimsly tomatoes, fresh nut mushrooms—Peelies, Hobson & Co., Ltd.

HINMAN-ATKINSON

4 John St. North

FUNERAL REFORM

Plain and becoming funerals for adults conducted as low as \$40. Furnishings and outfits the very best. Courteous service and personal attention. Ira Green, Prop. Office Tel. 29 Residence Tel. 27.

ASK FOR FIVE ROSES FLOUR

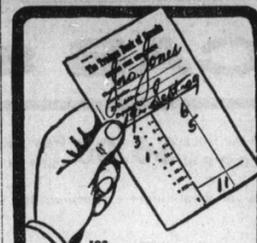
THOMAS S. MORRIS 46 Wellington North Phone 3E.

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A Savings Deposit

is always welcomed at the Traders Bank, whether it is one dollar or five hundred.

There is no formality about making a deposit—you simply fill in the Deposit Slip, as shown above.

Savings Accounts are handled in the "Savings Bank Department" and our tellers are always glad to assist our customers in transacting their business.

THE TRADERS BANK OF CANADA

HAMILTON, ONT. 21-23 King St. West, Cor. Barton & Westworth Sts. Open Saturday Evenings. Banking Room For Women.

WHAT WE CAN DO FOR YOU

Keep any surplus money you may have in perfect safety. Allow THREE AND ONE HALF per cent. on daily balance. ARE you getting this benefit? IF NOT, WHY NOT?

LANDED BANKING & LOAN CO.

Corner Main and James Hamilton.

The Hamilton Provident & Loan Society

Half-Yearly Dividend and Bonus

Notice is hereby given that a Dividend at the rate of SIX PER CENT per annum has been declared for the half-year ending December 31st, 1909, on the Paid-up Capital Stock of the Society.

By order of the Board, C. FERRIE, Treasurer. Hamilton, 15th Nov., 1909.

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By order of the Board, C. FERRIE, Treasurer. Hamilton, 15th Nov., 1909.

Dogs that are intelligent and sweet-tempered usually have a bright eye and nice glossy coat.

These dogs are fed on SPRATT'S DOG BISCUITS and this is what they cost you: One lb., 10c; 5 lbs., 40c; also in 25c cartons.

PUPPY BISCUITS 1 lb., 10c; 5 lbs., 50c; also in 25c cartons.

17, 18, 19 and 20 Market Street 22 and 24 MacNab Street (north)

Big Reductions in Winter Millinery

We will sell our enormous stock of hats, trimmed and untrimmed, at greatly reduced prices. We are adding daily to our already large stock of trimmed hats, and one can find many beautiful hats at this leading millinery house in many varieties. We carry large and select lines of wigs, ornate and lace, trimming, etc. Ostrich plumes, black, white and colors, in prices and qualities that cannot be excelled. Give us an opportunity to suit you.

17, 18, 19 and 20 Market Street 22 and 24 MacNab Street (north)

WE PROGRESS

Which is shown clearly by the high quality of our weather strips. They are in a class by themselves and no storm sewer needed with the American. 75 Westworth St. N. AMERICAN WEATHER STRIP CO. Phone 1007.

CHRISTOPHER'S CAFE