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FOURTEEN PAGES—TUESDAY MORNING JANUARY 14 1913—FOURTEEN PAGES

VOL. XXXIII—No. 11,853

VIADUCT ORDER IS UNLIKELY TO BE WITHDRAWN DESPITE RAILWAY'S STRONG PROTEST

Borden Cabinet Apparently Little Impressed by Hon. Wallace Nesbitt's Characterization of Toronto's Viaduct Scheme as Absurd—Deputation Points Out That Long Delay is Crippling Waterfront.

OTTAWA, Jan. 13.—(Special.)—Tonight, after the hearing had been concluded, it was stated by a prominent official of the Canadian Pacific Railway Company that a tentative offer of a compromise had been made by the railway, by which the viaduct would be constructed without delay, provided certain modifications were agreed to, which would enable the viaduct to be built in such a manner as not to interfere with traffic, and engineers to be appointed. This arrangement by the city and companies, it is hoped, will enable them to reach a satisfactory basis of settlement.

OTTAWA, Jan. 13.—(Special.)—The appeal of the Canadian Pacific Railway Co. and the G.T.R. Co. of Canada from the order of the railway commission, made between three and four years ago, directing these companies to construct the four-track viaduct from Cherry street to Bathurst, thus affording a grade separation on the Esplanade at a number of highway crossings, including Church, Yonge and Bay streets, occupied the attention of the cabinet nearly the entire day. No judgment was rendered, but it seemed evident from the comments of the prime minister, Finance Minister White and other members of the government that the order of the railway commission would not be interfered with.

Hon. Wallace Nesbitt, representing the Canadian Pacific, but speaking also for the G.T.R. and the C.N.R., pleaded that the government remain the case for a further hearing by the railway commission. He denounced the viaduct scheme as absurd, unworkable, and a laughing stock among all railway engineers. He said that if the case went back for further hearing the railway companies would be entirely willing to abide by the decision of one or more disinterested engineers to be appointed by the chairman of the commission, although Mr. Drayton had been the counsel for the City of Toronto in the viaduct case.

Decision in 60 Days.

Mr. Nesbitt declared that his clients would be satisfied to submit the case to him and his colleagues, but they would be entirely unwilling to have the case tried over again by Commissioners Scott and Mills, who sat with the late chairman, Hon. J. P. Mabee, in the former trial. He has been of the opinion that the whole matter could be disposed of by the commission in 60 days, and pledged the railway yet given no indication of his intention.

HEAVY LOSS IN BRANTFORD FIRE

Huge Quantity of Binder Twine in Cordage Factory Burned—Loss Hundred Thousand Dollars.

BRANTFORD, Jan. 13.—(Special.)—The Brantford Cordage Co., the last of the strictly Canadian binder twine manufacturing concerns in the Dominion, had a close call from being entirely wiped out by a disastrous fire here tonight, the origin of which is unknown. The fire broke out in the heavily stocked warehouse, which contained 300 tons of twine, all of which is a total loss. The main part of the factory was saved after strenuous work by both Brantford departments. The fire was discovered shortly after 9 o'clock, an hour after closing time, and the building and its contents made a spectacular blaze. The loss is estimated by General Manager Charles Messecar at \$100,000, for which insurance in part is held. It was announced that the plant would continue in operation and that rebuilding operations would be commenced at once.

PARTY WRECKED BY BONAR LAW?

Austen Chamberlain Fears Shelving of Tariff Reform Will Prove Calamitous Step.

LONDON, Jan. 13.—(Can. Press.)—Austen Chamberlain announced at Birmingham tonight that he could not accept responsibility for the decision of the Unionists to abandon the proposal to impose taxes on food imported into the British Isles. He reported into the cabinet, on the cause, he would championed, and while he would continue loyally to serve his leaders and his party, he feared that the decision the party had taken would prove calamitous. It was expected that Andrew Bonar Law, leader of the opposition in the house of commons, would announce today whether he would accept the memorial addressed to him by the Unionists, advocating the policy of abandoning the food taxes at the next general election, but he has been in further consultation with Lord Lansdown and other leaders, and has not yet given any indication of his intention.

A New Radial Line Markham to Toronto

A conference, which it is hoped will pave the way for the construction of a radial line from Markham to Toronto, is to be held at the city hall a week from tomorrow. Mayor Hocken announced last night that an effort was being made to have all the municipalities between Toronto and Markham represented at the meeting with the board of control. "We will go into the question of organizing a radial line that will tap the entire district and come into the city," he said. "I am very anxious to have application for a charter made to the Ontario Legislature at the coming session, so that the building of the line can be begun right away."

DEMOCRATS MAY PETERS MAKING ABOLISH DUTY STRONG EFFORT ON LUMBER FOR PEACE

Drastic Tariff Reforms, Including Free Admission of Meat, Are Foreshadowed in Proceedings of Committee of Congress—Favor Keeping up High Tariff on Luxuries.

WASHINGTON, Jan. 13.—(Canadian Press.)—Free rough and dressed lumber, hewn and squared timber, shingles, laths and fence posts, retention of approximately the present high tariff on the higher grades of silks and reductions in the cheaper silks used by the common people, and a penalizing, drastic tariff bar to shut out "dynamited" silk, were indicated today as parts of the expected Democratic revision program.

The house committee on ways and means devoted the day to hearings on the wool and silk schedules of the tariff law, and when the testimony and examinations were closed, the sentiment favored the inclusion of these provisions, possibly together with free meats, in the tentative tariff plan the committee will frame to submit to the extra session of congress. Silk's Tangled Skein. The burden of the testimony on the woolen schedule was a plea for the preservation of the present tariff rates. "Women always want something that looks fancy," said C. A. Streull of New York, waving aloft a hat lining, while joining with Samuel Kridel, another importer, in protest against the proposed tariff changes.

Continued on Page 7, Column 1.

NEW YORK STATE WILL EMULATE BECK POLICY

Governor Sulzer in Recommending Annulment of Long Sault Power Scheme Backed by Private Capital, Declares Unreservedly for Public Control of Great Asset.

ALBANY, N. Y., Jan. 13.—(Can. Press.)—In a special message to the legislature tonight, Gov. Sulzer recommended that the charter granted to the Long Sault Development Co. by the legislature of 1907, be immediately repealed. Attorney-General Carmody reported to the senate recently that in his opinion the legislature exceeded its authority in granting the charter, the act being unconstitutional, and in this opinion, the governor concurs. He recommends, however, that the power be developed by the state for general distribution, and falls to consider the claim that such development may affect navigation. The company was incorporated with a capital of \$1,000,000, and its directors for the first year were: Michael H. Fisherly, Frank S. Smith, Henry H. Warren, Walter F. Wilson and John C. Crasner. The corporation proposed to develop power from the St. Lawrence River which, it is estimated, would amount to 1,000,000 horsepower if fully developed. The company has paid \$35,000 into the state treasury, which the governor suggests be repaid to the company with interest.

Awaited Legislation. The company has never begun operations because of its failure to get favorable legislation from the federal and Canadian governments. A bill passed the United States Senate, but was defeated in the house of representatives. Gov. Sulzer said today he was one of those who opposed the measure in Washington. He said he would "incur a heavy weight of disapproval."

The meeting of the ambassadors today was the longest yet held. They discussed the note to be presented to the Porte passage by passage, aiming at an active anti-Turkish attitude to be raised by the Turks. The general impression among the plenipotentiaries is that the definite terms may be made, but must come from Constantinople. Whatever concessions and compromises the Ottoman government will never consent to the renunciation of Adrianople, which the Turks make the sine qua non of peace.

Grand Vizier Potent Force. Much is hoped for here from Kiamil Pasha, the grand vizier. His great ability and extraordinary influence. He is perhaps the most powerful man in the Ottoman empire. He has succeeded in restoring the good relations between Turkey and the triple entente and thus far has been able to prevent the powers from making any further demands. While progress towards peace is at a standstill here, the Balkan delegations are working actively among their relatives and friends on the other thrones of Europe, to influence the powers in favor of the claims of their countries. As the moment for a decision approaches their efforts become more strenuous. Diplomats consider that it would be a great breach of etiquette for any of the delegates to go before another meeting of the conference was held, if only for the purpose of formally ending the negotiations. It might be construed as a slight to England, which is entertaining the conference, and to the British foreign secretary, as an honorary president.

Furs Are Cheaper in Canada. The same styles in fur garments prevail in Toronto as in New York, London and Paris, and the quality of the furs is also equally genuine, yet the prices in Toronto are lower than in the other cities. That prices in Toronto must advance is inevitable. Furs and skins are becoming scarcer each year. The prices at Dineen's have always been lower than at the well-known furriers in the big American and continental cities, while the furs, of which the garments are made, have been obtained from the same sources. A visit to Dineen's shows that the quality of the furs is as good as in any of the other cities. All fur garments manufactured on the premises at 140 Yonge street, corner Tremplance.

HOME RULE BILL TO UPPER HOUSE

Duke of Devonshire Will Move Rejection of Measure on Second Reading.

LONDON, Jan. 13.—(Can. Press.)—The house of commons concluded tonight the report stage of the home rule bill. Two days, Wednesday and Thursday will be given over to the debate on the third reading and the bill will be sent to the house of lords late Thursday night for a formal reading on the succeeding Monday. When the second reading is proposed, the Duke of Devonshire will move its rejection, as his uncle, the late Duke, did in the case of Mr. Gladstone's bill, twenty years ago.

SLIPPED ON ICE AND WAS KILLED

Italian Workman Was Carrying Heavy Stone, Which Crushed his Skull When He Fell.

While crossing a small pond in a field just east of Niagara street, on Queen street, about 5 o'clock yesterday afternoon, Donato Marconi slipped on the ice and was almost instantly killed when a stone slab which he was carrying on his shoulder, fell against his head, crushing the skull. Dr. L. B. Williams was summoned by the police, but life was extinct when he arrived. The stone was employed in the construction of some buildings on the lot. He had gone to get some soil from a pile. Shouldering a slab about two feet long, six inches wide and two inches thick, he started to return to the building. The sole of his boots had become covered with snow and were consequently very slippery. Marconi's feet shot from under him. He fell, the stone catching the side of his head as it dropped. Marconi was about 25 years old, and lived at 52 West Grand street. No inquest will be held.

Wilson Elected President

WASHINGTON, Jan. 13.—(Can. Press.)—Election in 48 states met today and formally elected Woodrow Wilson to the presidency, and Thomas R. Marshall to the vice-presidency of the United States. Returns prepared by the electors chosen at the polls last November are now on their way by mail to Washington to the president pro tem of the senate. Another set of these returns will be brought in person by an elector chosen from each state, to be canvassed Feb. 12 in joint session of the senate and the house, when Gov. Wilson will formally be proclaimed president. In two states, Utah and Vermont, four votes each were cast for President Taft for president and Nicholas Murray Butler, for vice-president.

THREE INJURED AT RIVERDALE SLIDES

Bob Sleigh Was Smashed Against a Hydro Pole When Steering Gear Failed to Work—Two Girls and Youth Seriously Hurt, and Others Slightly.

Three persons were seriously injured and several others badly shaken up when a heavily-loaded bob sleigh jumped from its track at the Riverdale slides about 8.40 last night and crashed into a hydro-electric pole. Victoria Williams, aged 15, living at 32 McCaul street, was taken to the General Hospital, suffering from a compound fracture of the right leg just above the knee, and other injuries; Hilda Pagett, aged 20, was taken to her home at 74 Markham street in a cab, and is believed to have been internally injured; Roy Hancock, aged 17, had also to be taken to the General Hospital with one of his legs lacerated and sprained. The others who were hurt were able to go home without any assistance, but refused to give their names. Hancock took a party out from the neighborhood in which he lived to the slides. They had a nice set of sleighs and there was no difficulty in getting spectators to fill the extra space on the bobs. Hancock was steering the sleighs by ropes and was in front of the bobs. This fact saved him from having his head crushed against the pole when the sleigh struck it.

The sleighs had gone partly down the hill. The boy either lost his head on the steering gear or was fatally struck by the pole. This fact for it, struck one or two people standing nearby and smashed to pieces against the cement wall. All three were reported as doing well late last night.

FEAR URANIUM WILL BE LOST

All Efforts to Liberate Stranded Steamer Fail, and Destruction Seems Imminent.

HALIFAX, N.S., Jan. 13.—(Can. Press.)—All efforts to pull the Uranium off the shore at Chebuco head today have failed. Captain Eustace has been engaged all the afternoon filling the afterhold with water. His idea being that this will tend to raise the bow of the steamship off the rocks where she is apparently hooked across her beams. The weather has the appearance of a change for tomorrow and if the wind comes around to the southeast, the sea will probably make short work of the Uranium, if she is still hinged to the rock. About 300 of the steamship's passengers were forwarded by rail tonight. The tug at midnight failed to pull the Uranium off.

FREIGHT RATES ISSUE SHELVED

OTTAWA, Jan. 13.—(Special.)—The adjournment for two months more of the hearing before the Dominion Railway Commission of the western freight rates case has occasioned comment and is interpreted as meaning that the transportation problem is to be shelved this session of parliament. The case has been pending before the railway commissioner for nearly a year. The recent adjournment was procured by the counsel for the government, who will undertake to establish a schedule of rates for the west which will be more reasonable than those now in force. To short the government is endeavoring to have readjusted the western freight rates.

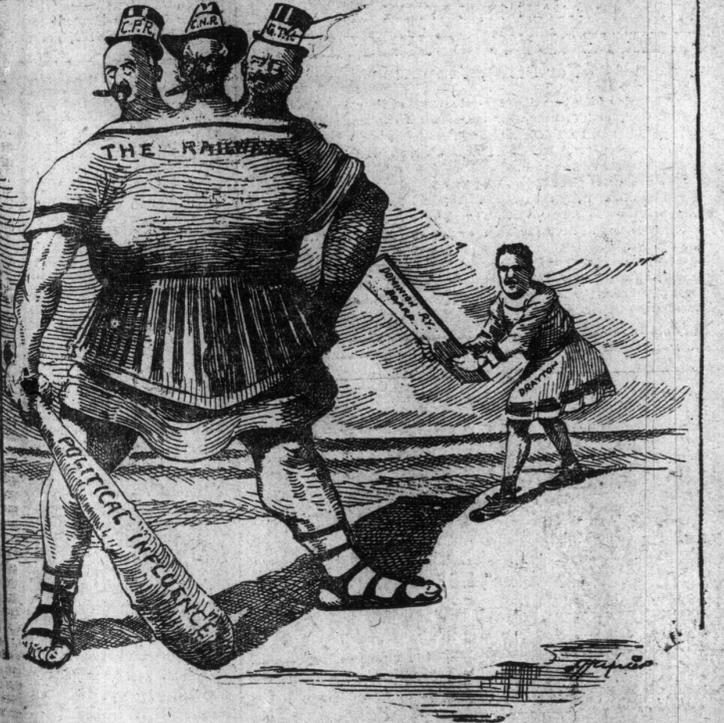
ANOTHER JUDGE FOR SECOND STAR CASE

Charge of Exhibiting an Indecent Picture Traversed Till May—Rev. R. B. St. Clair Issued a Statement, and Ministerial Association Demands Cancellation of Star Theatre License.

The sequel to Mr. Justice Middleton's criticism of the jury which acquitted Mr. Fred Stair on Saturday night on the charge of allowing an obscene performance to be given in his theatre came yesterday when T. H. Lennox, K.C., M.L.A., asked that the other cases on which Mr. Stair was about to be tried, should be transferred to the May assizes. In connection with his application, Mr. Stair filed the following affidavit: "I, Fred Stair, of the City of Toronto, in the County of York, make oath and say that on the 11th of January, 1912, I was tried before His Lordship, Mr. Justice Middleton, with a jury, on the charge of conducting an immoral show. "That the jury who sat on the case returned a verdict of 'not guilty,' and I was discharged. "That before his lordship discharged the jury he informed them that he disagreed with them, which has resulted in a great deal of comment amongst jurymen, the public and the public press. "That exhibits A, B and C hereto are editorials and articles which appeared in Toronto papers, in which it was stated with reference to the verdict of the last jury by the press and public, I am firmly of the opinion that I could not get a fair and unprejudiced trial as the present sitting of this court. (Signed) Fred Stair."

Justice Middleton considered that the main object of Mr. Stair's counsel was to obtain a postponement so that there would be a possibility of having some other judge on the bench at the trial. "If you want another judge to try the case, I think you might have come out straight by stating so in the affidavit," was his comment. He decided to Mr. Lennox's request, however, Mr. Stair's bail was renewed and the case will come up in May. The Rev. R. B. St. Clair's statement issued by the Rev. R. B. St. Clair, thru his counsel, W. E. Raney: "I understand that I am charged by the legal gentlemen who were looking after the recent case against Mr. Stair, of the Star Theatre, with inducing him to go away from Toronto to avoid appearance as a witness in this case. As this charge has been published in your paper, perhaps you will permit me to state briefly some facts from the beginning of the campaign against stage indecencies in Toronto up to the present time, and to inquire whether these facts indicate that I have in any way shirked my duty. "The bulletin as the 'Darlings of Paris' performance at the Star Theatre was delivered by my orders to the police commissioners 20th May, 1912. The reports were in 'glorious Association envelopes, and addressed by my own hand. On the 31st of May, 1912, before the commissioners, I admitted being the one who reported the performance to the Vigilance Association, and that I had written the bulletin. "On May 22nd I learned that a warrant for my arrest had been issued, and I went immediately to the Hall and asked for the man holding the warrant. My bondsman was with me, and after I had been thumb-printed, photographed, etc., my desk, rifle, etc., I was placed in a patrol wagon and taken over to the Court street station, where I was locked up for trial. Finally, at 7.15 p.m. I was released on \$2,000 bail. "Upon my appearance at police court on 7th, the amount was reduced to personal bail of \$200, and I was remanded to the sessions. His Majesty's representatives, in the persons of the senior magistrates and city crown attorney, publicly intimated that if I desired I could leave the city, and that they would not be disappointed if I did not return. "Despite the fact that a penalty of two years' hard labor in Kingston Penitentiary started me in the face, I failed to advantage myself of their kindness, and presented myself for trial in September before Judge Denton, who found that the report contained in the bulletin was fair and accurate. "The case of Rex v. Stair was set down for December before Judge Morgan, but although a subpoena was not personally served on me, I attended before the grand jury and gave evidence. "The case was traversed from the sessions to the assizes, and an indictment was sent me early last week by my counsel to the effect that the crown had decided not to call me as a witness in the case. I then went about my own affairs again, never for a moment conceiving that the defendants would desire to call me as a witness, and notwithstanding the protestations of their lawyers, I do not now believe that they were actuated by any other motive in their slanderous statements concerning me than to endeavor to divert attention from the real issue in the case. "The press and public are not acquainted with the facts of the case. "Continued on Page 3, Column 4.

CAN HE REACH THE GIANT?



Continued on Page 7, Column 3.