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Dangerous, Says Premier To Amend Constitution For Benefit of P. E. I.

Desire of Island Province to Have Restored the Representation in Parliament Accorded at Confederation is Met With Cold Legal Argument — Members Urge that it Would Do no Harm to Be Generous.

Ottawa, Jan. 28.—(Special.)—Section 51 of the British North America Act, 1867, provides that after the census of 1871 and after each subsequent decennial census, the representation of the four provinces (Ontario, Quebec, New Brunswick and Nova Scotia), shall be readjusted by parliament subject to the following rules: (1) Quebec shall have the fixed number of sixty members; (2) Dividing the population of Quebec by sixty-five, gives the quotient by which the unit of representation is to be arrived at; (3) On any readjustment the number of members for any one province is to be reduced unless the proportion which the number of population of the province bears to the number of the aggregate population of Canada is diminished by one-twentieth part or upwards since the last preceding census.

Hence the animated debate upon the representation to be accorded the Maritime Provinces, which arose on a resolution by Mr. Hughes (Mar. 10, 1907), proposing an amendment to the B.N.A. Act providing that the Maritime Provinces of the Dominion, comprising the Province of New Brunswick, Nova Scotia and Prince Edward Island, shall not at any time have fewer representatives than the number of members to which they were entitled at the time of their admission to the Dominion.

Mr. Hughes put forward the familiar argument, Prince Edward had demanded six members and refused to enter confederation because that number was not conceded. A few years later the island province opened communications with the Dominion. They were weeks of negotiation, and this point was yielded. Subsequently the representation of Prince Edward Island was reduced from six to four members upon a basis which it pushed to its logical conclusion might and will in time reduce that province to one member or perhaps to none at all.

Messrs. Hughes and Martin of Prince Edward Island and Messrs. Stockton and Daniels of St. John, N.B., contended that the B.N.A. Act as interpreted by the courts was working a great injustice.

The Legal Argument.
The legal argument is this: 1. The original B.N.A. Act contemplated Quebec as the unit of representation. But what is Quebec? Since confederation that province has increased in area by 115,950 square miles.

2. The loss in representation of the Maritime Provinces is due to a disproportionate loss of more than five per cent, as compared to Canada, but what is meant by Canada? The B.N.A. Act apparently dealt with the four original provinces. They complained that the courts have taken as a basis the four provinces of to-day which extends from ocean to ocean.

3. Mr. Aikworth made a very colorful speech. He had been the attorney for Prince Edward Island and as far as that province was concerned, he rather favored the contention that it appeared that Nova Scotia and New Brunswick wanted their representation restored. Were we to stand by the decision of the courts and admit that it was better to follow the terms of the constitution and rely upon the decision of the supreme court and of the privy council.

4. Mr. MacDonald (Liberal, Nova Scotia) urged the claims of the Maritime Provinces. British Columbia and Manitoba had come into confederation on an irreducible minimum. British Columbia had six members in the house, nor can Manitoba have less than four.

A Moral Claim.
The New Brunswick members, including Mr. Crockett (Conservative, New Brunswick), did not so strongly urge any legal right for Prince Edward Island as they did upon the moral claim and the historical rights of the provinces by the sea. Passing this resolution would restore to Ontario the members which she had lost after the census of 1901. Mr. Crockett insisted that history showed that the act was not intended by the fathers of confederation to bear the meaning imported into it by the decision of the privy council. It was evident that the resolution was guided by the phraseology of imperial legislation passed subsequent to the passage of the original act of 1867.

Dr. Francis (Conservative, New Brunswick) pointed out the progress and autonomous conditions of the Maritime Provinces before confederation. They had scrutinized the terms closely and endeavored to make a bargain which should protect them. One thing that they had insisted upon was an irreducible representation in the house and senate. It was never intended that any province should have its representation reduced. True, the privy council had decided the legal question adversely, but in view of the manifest intention of the B.N.A. Act there should be legislation to carry out that intention.

Should be Generous.
W. F. Maclean (South York) said that Mr. Aikworth had made a strong legal argument. But should he stand by the strict letter of the law? Should we not on a question like this, deal from a humane standpoint, and

The Toronto World.

FOURTEEN PAGES—TUESDAY MORNING JANUARY 29 1907—FOURTEEN PAGES

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ONE CENT

HUNDREDS DIE IN COAL MINE

Explosion From Fire Damp in a German Colliery is Attended With a Terrible Loss of Life.

ALMOST DUPLICATED IN FRANCE

Over 800 Miners Escape, While 3 Are Killed—Heartrending Scenes Witnessed at the Pit Entrances.

Saarbrücken, Jan. 28.—A fire-damp explosion occurred this morning in the Bilsdorf shaft of the Reden Mine at Saint Johann-on-Saar, opposite here.

This afternoon the bodies of 77 miners had been found, 50 men dangerously injured had been rescued, of whom 25 will die, and more than a hundred miners were missing. The number of dead is estimated at 200.

There were about 600 men working in the shaft when the explosion occurred, but half of them were not in the galleries, which were wrecked.

The rescue corps was working desperately to reach the entrapped men, when the party was driven out by an outbreak of fire. Forty men probably are still in the pit.

The scenes at the pit-mouth, where the families of the miners gathered, were most distressing.

The disaster occurred 2300 feet under ground and is one and one-quarter miles from the shaft. It is the greatest mine catastrophe ever known in the Saar region.

At a late hour to-night it was still uncertain how many workmen still were in the mine, the rescue being divergent. The entrance to the gallery underground is blocked with dead horses.

Heart-rending scenes are witnessed among the thousands of persons, mostly members of the families of the miners, who are gathered about the mouth of the shaft. Most of the bodies brought to the surface are mangled beyond recognition.

The mine inspectors this evening ordered the rescuers to return to their homes, but to hold themselves in readiness for further orders.

Emperor William has ordered that a full report of the disaster be sent to him.

Experts calculate that the rescue work will take one week.

THREE DEAD IN THIS ONE.
Fire Damp in French Mine—300 Escaped.

Lens, France, Jan. 28.—An explosion occurred in a coal mine at Lens, in the Courrières district, due to an explosion of fire-damp in one of the pits.

It is believed that the only victims were the chief engineer and his two assistants.

A panic followed the explosion and most of the population of the town rushed to the mouths of the pits, preventing the work of the rescue unit and the gendarmes restored order.

Of the 312 miners who descended into the pits 312 had been rescued at 2 p.m. and the rest were ascertained to be safe. A declaration to this effect has been posted. The crowd, however, continues to show excitement and when this poster was read there were cries of "They said the same thing at Courrières."

EVERYBODY READS THE WORLD.
Everybody in the family reads The World. It is essentially a home paper, attracting every member of the family.

Father reads The World at breakfast, for it has all the news, put in terse and telling form; and then its views are the views of a strong man beginning a bright day. Mother reads The World because she wants to know what Father reads that she may keep step with his thought and help him. Brother Bill reads The World for its pages devoted to athletics are the best in Canada.

Sister Mary reads The World because The World's Woman is edited by a real woman, and what is really going on in the world of women is made not of. Then the youngsters read The World to see Sam Hunter's cartoon.

Oscar Hudson & Company, Chartered Accountants, 5 King West, M. 4785

TEN BUILDINGS BURNED.
Ithaca, N.Y., Jan. 28.—Fire in Eddy street, in the East Hill section of the city, destroyed about one-third of the business part of the street to-night, causing damage estimated at \$90,000. A number of Cornell students lost all of their effects, and some of them narrowly escaped from burning buildings with their lives. Ten brick buildings were destroyed.

Smoke No 7 Cool Smoking Tobacco.
Boiled.

Harper, Customs Broker: 5 Melinda

A WORD TO LEADER GRAHAM.



OLD MAN ONTARIO: "Remember, George, there are no birds in last year's nest."

THROWING ON OTHERS' RUIN

Official Report of Investigators Into Standard Oil Business Condemns the Methods Employed.

Washington, Jan. 28.—The Interstate commerce commission to-day sent to congress a report of the investigations made by it under the Tillman-Gillespie resolution, approved March 7, last, concerning the relation of common carriers by rail to the production and distribution of oil.

The report covers the distribution of petroleum and its products east of the Mississippi River, and incidentally, the Kansas and Texas fields. The report points out generally the methods by which the Standard Oil Co. has built up and perpetuated its monopoly and the relations of transportation agencies to that monopoly.

It is asserted that "the ruin of its competitors has been a distinct part of the policy of the Standard Oil Co. in the past, systematically, and persistently pursued."

Considerable of the grounds covered has been given to fully in the report on oil and its distribution, made public by the bureau of corporations.

Railways Not Involved.
"No instance," the report says, "is found where any railway company has been interested in oil lands or in petroleum production, and only one instance is shown where officials of a railway company were interested in the production and sale of oil. This relates to certain officials of the Baltimore and Ohio Southwestern Railway, having owned stock of the Argand Refining Co., which was on their record as shareholders."

The Standard Oil Co., and the lubricating contract which the road transferred to the Galena Oil Co., a Standard Oil Co. company.

The Standard Oil Co., largely monopolized the oil business in the city, destroyed about one-third of the business part of the street to-night, causing damage estimated at \$90,000. A number of Cornell students lost all of their effects, and some of them narrowly escaped from burning buildings with their lives. Ten brick buildings were destroyed.

COSTLY ELECTIONEERING.
Dr. Borden Says It Took \$50,000 to Elect Emerson.

Moncton, N. B., Jan. 28.—(Special.)—Lecturing yesterday before the Men's League, Rev. Dr. Borden, principal of Mount Allison Ladies' College, made the assertion that he believed for last election in this province it took \$100,000 to elect a man to the legislature, and that \$50,000 had been spent in Westmoreland County, where the minister of railways was elected over H. A. Powell, K.C.

The subject of Dr. Borden's lecture was "Dangers of Government by Democracy."

Pub Hotel, cor. Yonge and Alice Sts. remodelled under new management. First-Class Business men's lunch in connection. W. J. Davidson, Prop. 216

Edwards, Morgan & Co., chartered accountants, 26 Wellington-st. East, will move Feb. 15 to 18-20 King W.

THREE FIREMEN BENEATH RUNS

Fatal Conflagration at Buffalo—Building Collapses, Carrying 20 Men With It—Others Rescued.

Buffalo, Jan. 28.—Buried under tons of ice-coated debris of the eight-story Seneca Building, at 101-109 Seneca street, destroyed by fire to-day, three firemen are to-night probably dead, or so badly injured that they will die before aid can reach them.

About twenty firemen, including the three missing men, were on the roof of the Heywood Building, the first structure to the east of the Seneca-street building, fighting against a spread of the flames when two thick brick walls of the Seneca building collapsed. Tons of debris from the crumbling walls crashed down upon the roof of the Heywood building, going thru the roof and carrying floor after floor into the basement. Not one of the twenty men escaped without some injury, but all of them were able to fight their way out and to give aid to their less fortunate comrades.

Gangs of men were at once put to work clearing away the wreckage and rescuing the imprisoned firemen. By noon all but three of their number had been released and hurried to hospitals. All of them were painfully injured, and were covered with a thick coating of ice. None of the injured will die.

As night fell electric light wires were strung into the ruins, and to-night by the light of arc lamps and reflectors the work of rescue was kept up without a moment's pause.

The dead are: William J. Naughton, a lieutenant; John R. Hinkley, fireman; Stephen J. Meghan, fireman.

The loss is approximately half a million dollars, covered by insurance to the extent of about 90 per cent.

The heaviest losers are: The Jewett estate, owners of the Seneca building destroyed; the Heywood Building, \$750,000; Walsh Bros., liquor dealers, \$35,000; Heywood Bros. & Wakefield, furniture, \$75,000; Stroonman Shoe Company, \$10,000; Standard Mirror Company, \$10,000; The Phelps Company, candy manufacturer, \$25,000; C. B. Russell Company, factors, \$20,000; Blackhall Manufacturing Company, printers, \$20,000; Car-waists, \$15,000; C. B. Russell Company, printers, \$5,000; C. A. Helme Company, bookbinders, \$10,000.

The remainder of the loss fell upon small firms in the Seneca and adjoining buildings, bringing the total up to \$500,000.

For Loose Leaf Supplies call M. 6874
WATSON & COMPANY, LIMITED, 424 for representative to call.

TORONTO WATER RATES.
Toronto water-takers by meter measurement are reminded that Thursday, Jan. 31, will be the last day to pay rates and secure the full discount. 24

Empress Hotel, Yonge and Gould Sts., 2, Disette, Cor. 50c and 60c per day.

JAIL OR WEDDING HIS ALTERNATIVE

Belleville Farmer Weds Brother's Widow Rather Than Go Down for Working Her Ruin.

Port Huron, Mich., Jan. 28.—(Special.)—Given the alternative of marrying the young widow of his brother, or of spending ninety days in the Detroit House of Correction, Fred Rushnell, a farmer residing near Belleville, Ont., chose the former course this afternoon.

Sheriff Davidson was informed of the situation by the woman, who wished to know if a man could be forced to marry a girl whom he had ruined. She told the sheriff a pitiful story of a wrecked life, in which she implicated her brother-in-law. Although only 21 years old, the woman is the mother of a three-year-old child. Shortly after the death of her husband, she began going with her brother-in-law. The girl was afraid to return to her parents.

When Rushnell, who had been enticed to this city by the woman, was confronted with the situation, he broke down and wept like a child. When asked whether he would marry the girl or go to prison, he replied: "Yes, I'll marry her."

The couple were taken over to the parsonage of Rev. Abner Bowling, where the ceremony was performed. They returned to Belleville this afternoon.

BIRTHS.
RUTHERFORD—At the residence of Mr. James Boyle, 372 Manning-avenue, on Sunday, Jan. 27, to Mr. and Mrs. F. J. Rutherford of Hamilton, a daughter, both doing well.

DEATHS.
DIMBLEBY—On Sunday evening, Jan. 27th, 1907, Joseph, dearly beloved husband of Mary Dimbleby, in his 86th year. Funeral from his late residence 75 University-avenue, Wednesday, 2 p.m., to Mount Pleasant Cemetery.

FRANCIS—At London, England, on Jan. 28th, George Grant Francis, in his 65th year.

McBRIDE—At Whitby, on Sunday, Jan. 27, 1907, Daniel McBrady, aged 90 years and 7 months.

Funeral from his late residence at Whitby, at 9:30 a.m., on Wednesday, 30th inst. Interment at Pickering.

McBRIDE—On Jan. 27th, 1907, at his late residence, 236 Carlton-street, Mr. Samuel McBride, in his 60th year.

Funeral from the above address at 2 o'clock p.m., Wednesday, to Mount Pleasant Cemetery.

ENGLI—At No. 57 Huron-street, on Sunday, 27th, 1907, Horly Harold Snell, aged 3 months 10 days.

Wednesday, 29th, at 2:30 p.m. Friends and acquaintances please accept this intimation.

Dean rents toboggans. Tel. Park 436

THAW'S DEFENCE TO BE INSANITY

But of a Temporary Character—No Appeal to Jury on a Plea of "Unwritten Law."

WHITE NOT TO BE ATTACKED

Purely Legal Tactics Contemplated—Protest Against State Using Mrs. Evelyn Thaw as a Witness.

New York, Jan. 28.—The jury which is to try Harry K. Thaw for the killing of Stanford White is rapidly nearing completion. When court adjourned this evening there were nine men in the jury box, one having been added during the morning session and a second just before the hour of adjournment, 5 o'clock. It is thought that the taking of testimony may be begun Wednesday afternoon.

Fifty talemen were examined to-day. So rapidly were the remaining members of the special panel disposed of at the morning session, that at the noon recess orders were issued from the court that an additional 100 men be summoned to report before Justice Fitzgerald to-morrow morning. This will make a total of 200 men thus far summoned. Of the original panel there remains to-night but thirty-five. It was not considered that this number would be sufficient for the selection of the three jurors necessary to make up the trial complement of the twelve.

Of the fifty men examined to-day, forty-three were excused upon doctors' certificates; upon the ground that they had formed opinions too strong to be shaken by the forthcoming testimony; because they knew Stanford White, or some important witness in the case, were for various other reasons. Five talemen were challenged peremptorily, the state leading in the exercise of this privilege with three challenges. The defence exercised the right in two instances.

Thaw's counsel issued the following anonymous statement last night: "Harry K. Thaw will be freed on the strict application of the laws on the insanity books of the State of New York. There will be no intervention of any unwritten or higher law, as has been surmised. We do not need to go beyond the statute books to find the law that he should be acquitted."

Temporary Insanity.
"It will be shown to the jury that at the time Stanford White was shot and killed in Madison-square Roof Garden, Thaw was laboring under a spell of temporary insanity, did not appreciate the difference between right and wrong, and is therefore irresponsible."

Continued on Page 5.

BRITISH BOYS FOR CANADA.
London, Jan. 28.—(C.A.P.)—The Mail states the scheme for finding Canadian posts for specially selected British school boys awaits initiation by the Montreal association, which will shortly be done.

CONTINUED COLD.
Meteorological Office, Toronto, Jan. 28.—(8 p.m.)—Extreme cold continues through the western provinces, with no indication of much change. From Ontario to the Maritime Provinces the weather is fine, with fairly low temperature.

Minimum and maximum temperatures: Quebec, 40 below—28 below; Victoria, 32—38; Vancouver, 25—33; Calgary, 28 below—10 below; Edmonton, 32 below—12 below; Patterdale, 30 below—20 below; Winnipeg, 40 below—16 below; Port Arthur, 22 below—10 below; Parry Sound, 4—14; Toronto, 12—22; Ottawa, 2—10; Montreal, zero—16; Quebec, 4—10; St. John, 2—20; Halifax, 4—18.

THE BAROMETRICAL.
Lower Lakes and Georgian Bay—Continued cold with light snow-falls.

Ottawa and Upper St. Lawrence—Fair and continued cold.

Western provinces—Continued very cold, with light snow in Southern Alberta and Saskatchewan.

STEAMSHIP ARRIVALS.

Jan. 28	At	From
8 a.m.	London	London
10 a.m.	London	London
12 p.m.	London	London
2 p.m.	London	London
4 p.m.	London	London
8 p.m.	London	London
10 p.m.	London	London

TO-DAY IN TORONTO.

County council, 10.
Vauxhall inquiry, city hall, 10:30.
Presbyterian Union banquet, 6:30.
Conservative Women, Excelsior-avenue hall, 7:30.
Massey Hall—Ontario Orange Lodge concert, 8.
Conservatory of Music Hall—Knechtel Quartet, 8.
Local Council of Women, annual meeting, 108 College-street, 2:30 and 8; public cordially welcome.

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