

HON. MR. GRAHAM ON RADIAL BILL.

Question of Jurisdiction to be Considered.

Protect Municipalities From Provinces.

Lennox's Amendment is Voted Down.

Ottawa, Feb. 11.—(Special).—This was the seventh day for the Hamilton Radial Railway bill before the Railway Committee.

Mr. Macdonnell, Toronto, at the opening of the proceedings to-day said that he was glad to see the Minister of Railways present, and he hoped to hear from him something which would remove the deadlock over the bill.

The result of the conference with the provincial authorities might be communicated by the Minister. He hoped that something would be reached between the Dominion and the Provincial Governments to solve the difficulty of jurisdiction.

Mr. Lennox said that his amendment to the preamble should be forced, no matter what the announcement was.

W. F. Maclean said the committee was entitled to the opinion of the law officers of the Crown on the preamble.

Mr. Graham said that whatever jurisdiction the bill came under the committee could rely upon it that the municipalities would be protected. The only question between the Provincial and Dominion authorities was as to how would it be best to do this. He could only make an explanation, as no definite arrangement had been reached, but in the first place he wanted to deny that any discourtesy was shown by him to the Province, as was stated in some Conservative newspapers. He showed that the committee had adjourned on a moment's notice at the request of the Province.

Again the committee meeting was postponed to permit of a conference being held between the Dominion and the Province. At that conference the question of right was not the one which was considered. The Dominion could not encroach upon the Provinces, and the Provinces would not encroach upon the Dominion, so that if it were a question of right the matter could be left to the courts, where it would be tried under the British North America Act. The question was as to what was the better thing to do on behalf of the people of the municipalities. The first interest should be the interest of the people. They represented the people just as much as the Dominion did. They were responsible to the people.

W. F. Maclean—They had their rights and powers under the B. N. A. Act.

Mr. Graham—Do not talk of power, because if we approach it in that way it cannot be settled by us. No solution can be reached. Certain propositions were made at the conference with the provinces. It would not be right for him to give the opinion of the provinces on the subject. For his own part he held that the Dominion power could not be taken as the dividing line. The functions that the road performed would have to be considered.

Neither the Dominion nor the Province had yet laid their hands upon a line of demarcation. When an arrangement was reached, if any one could be reached, it would be applied to all the provinces. He knew both sides of the question, having studied the provincial as well as the Dominion position and the interests of the municipalities as well. No man in the room was more desirous of protecting the provinces than he was. He would also put a clause in protecting the rights of the municipalities against the province. The provinces had more opportunities of encroaching upon the rights of the municipalities.

(Continued on page 3.)

WILL REQUIRE \$195,500 FOR SCHOOL PURPOSES.

Board of Education Finance Committee Cuts Down Its Original Estimates.

The Board of Education will try and struggle along with \$186,500 this year, although the Trustees admit that it will be pretty close sailing, with the prospects of an overdraft at the end of the year. The Finance Committee of the Board thrashed the matter out yesterday afternoon, when Mayor Stewart appeared and urged the necessity of keeping the figures down, if the tax rate was not to be increased and the city was to pay off last year's overdraft. He suggested \$195,500 as the appropriation. The Trustees whittled the estimates down from \$201,000 to within \$1,000 of the Mayor's figure, and agreed that this was as far as they could go. It is an increase of about \$19,000 over the appropriation last year. Secretary Foster says there are several small accounts which can scarcely be handled with the amount provided. He promises, however, that an heroic effort will be made to keep within the appropriation. The estimates in detail follow:

Table with columns for Public School Receipts and Expenditure, Colleague Institute, and Government grants.

\$65,000 FIRE.

Rochester, Pa., Feb. 11.—Fire departments from this city, Monaca, Bridgewater, New Brighton and Beaver Falls joined in fighting a fire here last night which caused over \$65,000 damage and threatened the entire business section for a time, burning three buildings and damaging others. The fire started in the three-story brick structure owned by Fred Marquard in Brighton avenue, from an unknown cause, in the department store of M. Finn, which occupied the first and second floors.

FENCES AND RENT.

Two Amendments Proposed by Mr. Hoyle, M. P. P.

Parliament Buildings, Toronto, Feb. 11.—(Special).—Two important amendments to the laws will be introduced by Mr. W. H. Hoyle, M. P. P. for North Ontario. According to notice given this morning under the Line Fence Act, as it stands at present, the fence viewer can only be called in to make an examination and give an opinion in cases where owners of adjoining property are in dispute, and Mr. Hoyle's amendment, if it carries, will enable a single party to call in the viewer in order to assess and recommend necessary repairs. The second amendment is to the Land and Tenants' Act, and has for its object the inclusion as a part of the general law that when a building is destroyed by fire the tenant shall receive notice in rent. As the law stands at present, under which many leases are drawn, unless a special clause is inserted, the tenant is called upon to pay rent when deprived of the use of the building, while the owner receives compensation for his loss in insurance.

WARLIKE REPORTS

From United States Creating Unrest in Japan.

Tokio, Feb. 11.—A fresh crop of sensational war reports, chiefly emanating in New York, are being cabled in special to Tokio, creating unrest in the minds of the Japanese public, the people being unable to explain the continuing chauvinism in the United States in view of the consistent efforts of the Japanese officials to demonstrate the sincerity of the desire to avoid friction.

NATIONAL HOLIDAY.

Celebrating Anniversary of Constitution Day.

Tokio, Feb. 11.—The twentieth anniversary of Constitution Day was observed here to-day as a national holiday. The Emperor entertained at luncheon 115 chiefs of foreign missions in the palace. Marquis Ito entertained 1,500 distinguished guests in the new residence of Professor Mori, to which has recently been attached the hall in which the Emperor signed the constitution, which was drawn up by Ito. The hall was presented by the Emperor to Ito and moved to Mori.

A FLIM-FLAMMER

Worked the Change Racket on J. H. Whittington.

J. H. Whittington, 330 James street north, had a customer yesterday at his store whom he would like to meet again. The customer, a gentlemanly looking fellow, walked into the place and asked for 5 cents worth of candy. The candy was put up, and the stranger tendered a \$2 bill in payment. The stranger picked up the \$2 bill and 95 cents in change which had been put on the counter, explaining that he had the right change, and there was no necessity to change the bill. He walked out and the grocer is wondering where his dollar is.

BRYAN IN TORONTO.

Talks U. S. Politics and Speaks at Canadian Club.

Toronto, Ont., Feb. 11.—William Jennings Bryan arrived in Toronto this morning by the 9:15 G. T. R. train from Montreal. He was met at the Union Station by Mr. John Turnbull, the President of the Canadian Club, and Mr. J. A. Macdonald, of the Globe, and conducted to the National Club, of which institution Mr. Bryan is a guest during his stay here. After breakfast Mr. Bryan was interviewed. "It is too early to speak yet of the chances of nomination of the different candidates, and too early to figure upon the platform, Congress being still in session. Its action may mean a good deal," said he, in reply to questions, "but at this time it seems probable that three great economic questions will divide attention. There are the trust question, the tariff question and the question of railroad regulation. "There is a larger issue, however," he continued, "which is embodied in all these, viz., whether the Government shall be conducted by the people in their own interest and for the protection of their own rights, or in the interests of predatory wealth, which desires to use its machinery as a private asset in business."

Mr. Bryan addressed the Canadian Club at their luncheon at 1 p. m.

A LABEL CASE.

Local Lithographic Firm Suing Collingwood Concern.

Judge Snider held court this morning for the purpose of disposing of remanets. There were seven cases, and of these that of Siebert vs. Baint was dismissed, and Metcalf vs. the Crown Ganister Co. was left over. The only case taken up this morning or in the interests of predatory wealth, which desires to use its machinery as a private asset in business."

BENNETT TICKETS.

Only the Special Sort Benefit the Hospital Scheme.

Miss Jeannette Lewis feels encouraged to see the large crowds that are flocking nightly to Bennett's. She takes it as an indication that public sympathy is with her. Unfortunately, however, she thinks the public still have a wrong idea of the financial arrangements. She reminds the public that a ticket bought at the Bennett Theatre does not benefit the hospital fund. It is only on tickets sold by the special tickets which she has had printed—that she gets a percentage. She asks the people to buy their tickets from any of the list of stores already published or at the terminal check room, where she is every night. She will have an electric sign erected there in a day or two, directing purchasers to the office.

FIRE RANGERS.

Tenderfeet Who Required Guides to Go With Them.

Toronto, Feb. 11.—(Special).—Applications from young men wishing to be appointed fire rangers have already commenced to pour in, and almost every member of the Legislature has from ten to twelve applications. Last year the rangers were mostly college students, and in many cases guides had to be sent with them lest they get lost in the wood. No appointments will be made till May.

BROKE HER LEG.

Dorothy Hammond, a seven-year-old girl, whose home is on Wentworth street north, below the Stock Yards, was run over by a coal sleigh yesterday afternoon while trying to get on the runner for a ride, and one of her legs was broken in two places. She was removed to the City Hospital, where the injury was attended to. She is as well as could be expected to-day.

New Arrivals.

California apricots, California prunes, stuffed prunes, French prunes, strip cod fish, mackerel, Holland herring, sauerkraut, Carolina rice, marmalade oranges, mushrooms, Boston head lettuce, cucumbers, new potatoes, pineapples, Neufchatel and square cream cheese, Quebec cream cheese. Strawberries expected.—Bain & Adams, 89, 91 King street east.

COASTING IS DANGEROUS.

Twenty-Seven Pittsburghers Receive Injuries, Two So Seriously That They May Die.

Warning to Boys and Girls to be Careful.

Pittsburg, Feb. 11.—Twenty-seven persons were injured, two probably fatally, in coasting accidents in greater Pittsburg during the past 24 hours—21 of them in one accident on the north side, and five in another accident in the same section. Twenty-seven boys and several girls started for Brighton road down the Marshall street hill on a four-board sled about 150 feet long last night. The weight of the crowd and the grade of the hill carried the sled at an uncontrollable speed. For over 300 feet it dashed, and when George Becker, the guide, tried to drop the chain it refused to work.

There is a curve at the foot of the hill. Here the sled took a sudden turn, crashing into a telegraph pole.

Ten of those who occupied the front part of the sled were hurled clear to the street car tracks 50 feet away. Two were injured so seriously that they may die. Others sustained broken limbs, cuts and other minor hurts.

There is not much satisfaction in cleaning the snow off your own sidewalk and then having to wade through the snow on your neighbor's sidewalk.

How about the proposed art gallery, gentlemen? That's another fund the citizens are expected to finance. Nothing doing?

Our beach correspondent writes that the people over there are so busy with their quilting bees, spelling matches and singing school that they never think of the cold. Besides, they nearly all wear gum boots.

If it pays Ottawa to keep the sidewalks clear of ice and snow, it should pay Hamilton.

I suppose we will have a big military day at the formal opening of the drill hall.

Should John Patterson and the other railway promoters hurry up with the roads there would be few idle men around.

Ald. Howard now knows how it feels to be thrown down by his own organ. Sent in:

The Third Person (Singular). His Worship—What we want you to tell us is the exact words used by the prisoner when he spoke to you.

Witness—He said, your worship, that he stole the pig.

His Worship—No, no; he would not have used the third person.

Witness—But, your worship, there was no third person.

His Worship—Then he must have said, "I stole the pig."

Witness—Begorra, an' maybe you did, your worship; but he did not split on you!

Of course, this is not intended to be personal.

FREE SOUP.

Salvation Army Will Serve It Daily, Beginning Thursday.

Commencing on Thursday of this week the Salvation Army will serve a free mid-day meal of soup and bread or baked beans and bread and a cup of tea every day from 11 to 1 o'clock to all men who are out of work and in need, at the Citadel, Rebecca street. The officers would be pleased to receive subscriptions to enable them to carry on the work. Not one cent will go to the army funds or to any of the people who assist in preparing and serving, every dollar being devoted to the purchase of supplies and the direct work of charity.

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Some of the good things are announced in their ad. to-day in this paper. Hundreds more of these bargain "plums" will go on the counters and be sold without a word of advertising.

But day after day, whatever gets into the papers, the people know that at the Right House they will find the goods they want, of the highest qualities and for prices a way less than ever before.

The underwear and hosiery sale, the dress goods sale, the bed and bedding sale, the rug sale, the carpet sale all claim your attention for to-morrow with the greatest bargains you ever saw. Read the details, and then in your own interests a visit to the Thomas C. Watkins' store will be imperative.

GRIPPE IS PREVALENT.

But Parke's Laxative Quinine Cold Cure Tablets have been found to be very beneficial for the cure of grippe. At the first sign take two tablets every two hours until the symptoms are broken. Laxative Quinine Cold Tablets will break up a cold in short order. 20c a box. Parke & Parke, druggists.

MANAGER AT MONTREAL.

Mr. W. T. Ramsay, for many years connected with the Canada Life Assurance Company, in this city and in Toronto, as a superior list of agencies, has been appointed manager of the company at Montreal. This is a very important office and the appointment is an excellent one.

SAFETY DEPOSIT BOXES.

To rent at \$2 a year and upwards, for the storing of seeds, bonds, stocks, wills, silver and other valuables.

TRADERS BANK OF CANADA.

THE MAN IN OVERALLS

A snow-by-law that lands decent people in the Police Court needs amending or abolishing.

Does Adam Beck want to regulate the price of Cataract power, so that it cannot undersell the other kind?

1908 will be talked of in the sweet by and by as the year of the great snow storms.

Is the smallpox quarantine a really and truly one?

Up in London the Real Estate Association is talking of raising house rents. How is it down here?

There is always the danger of the City Hall employees going out in a body on a strike if the Mayor insists on no increases. Not only that, they may put him on the black list.

The Herald man likes nothing better than to shovel snow off the sidewalk. That's his recreation. But then you should see his double-barrelled, steam-winding, automatic, rotary action, hydro-electric, pearl-handled snow shovel.

The local opinion muddle is costing the hotel men and the Saltfleet people a mint of money.

Have you called at the Times yet with your prescription for Miss Lewis' hospital?

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TRADERS BANK OF CANADA.

SUNDAY PAPER CASE WENT AGAINST BIRK.

Saved Horses, Lost His Boy.

Case Will be Appealed, Counsel Says.

Men Who Broke Up a Dance Fined.

The celebrated case of Louis Birk, charged with selling newspapers on Sunday, January 12, was on the slate this morning, and after a hard fought battle, Magistrate Jelfs ruled Louis for \$40. An application for a stayed case was not allowed and P. Halford Ardagh, counsel for the defendant, gave notice of appeal. Mr. Ardagh, partner of E. A. DuVernet, of Toronto, pleaded not guilty on behalf of Birk. Crown Attorney Washington prosecuted. Constables Brauer and Duncan, two new men, who were doing plain clothes duty on the date of the offence, swore that they had caught Birk selling Chicago Tribunes. They said they caught him at different times. Mr. Ardagh said it was not his intention to probe deeply into the case and that he would not call the defendant. He submitted that a case had not been made out. His contention was that never before had there been a conviction registered under the old act or the new one in a case such as this and that to prove a case the Crown would have to prove that Birk was an importer of papers and that he imported them to sell on Sundays. He spoke at some length on this point, but Crown Attorney Washington held that the only thing he had to prove was the sale of one paper. He proved that and the case was before His Worship. The Magistrate in reply stated that he upheld the Crown Attorney. Mr. Ardagh then asked for a stayed case in the event of a conviction, as the case had never before been a conviction of this sort. The Magistrate refused the request for a stayed case on peculiar grounds. He stated that it was a funny thing if they had to run to the General Sessions every time he registered a conviction and that besides that, in reserving a case the court detracted from its dignity. He said that Birk was a persistent violator of the Lord's Day Act and that he had to run to the General Sessions every time he registered a conviction and imposed the maximum fine, \$40. Mr. Ardagh gave notice that appeal would be made immediately.

W. Norden, and John Clifford, Blake street, were each fined \$2 for being drunk.

Arthur, Fred and William Salisbury, and George Fisher, all of this city, were fined \$20 each and costs this morning for creating a disturbance on the street in Winona, where they had made a rough house out of a dance that was in progress on Saturday night in the public hall. Frank Swazey and Frank Tobin were also charged with this offence, but County Constable Springstead withdrew the charge against them. Of the other four, Arthur Salisbury pleaded guilty and the other three pleaded not guilty. They were defended by M. J. O'Reilly, K. C. The evidence showed that they had invited themselves to the dance, and, after being there a short time, started in to make a mess of things. Chairs were thrown and people were pushed down stairs when they tried to retrace their steps. The Magistrate is down on this kind of roveliness and he imposed the heavy fines above mentioned on the quartette, with a strict warning to take care when they appear.

—Mrs. Collier, 140 King William street, has moved to 31 Arthur avenue south.

WRITS ISSUED.

Caledonia Milling Company Suing the Grand Trunk.

Lewis & Arrol, barristers, have issued a writ against the Grand Trunk Railway, on behalf of the Caledonia Milling Company. Some months ago the company's mills, opposite the G. T. R. station at Caledonia, were burned. The fire is said to have been caused by sparks from an engine on the company's railway. The loss was very heavy. The company alleges negligence.

Acting for Kent Whipple, Lazier & Lazier have issued a writ against Asa L. Burke for an account of the profits of the National Chambers. The plaintiff and defendant went into partnership for the letting of the chambers, and now that the partnership has dissolved, Mr. Whipple wants to know how the accounts stand. Both parties were to receive half of the profits.

THEAKER CASE.

Two Arbitrators to Have a Conference This Afternoon.

Mr. Wm. Bell, K.C., and Mr. J. G. Donoghue, Toronto, representing the Hamilton Street Railway Co., and the Street Railwaymen's Union, respectively, are to have a conference this afternoon in regard to the appointment of the third arbitrator in the Theaker arbitration. It is considered likely that either a Hamilton or Toronto lawyer will be appointed. Prof. Short, of Queen's University, Kingston, was suggested, but it is not thought that he will act. He has given up a good deal of time to labor disputes in the past six months and it is not thought he will act if agreed upon.

IMMIGRANTS FOR B. C.

Toronto, Feb. 11.—(Special).—Seven hundred immigrants brought from the old country will be sent to British Columbia this month by the Salvation Army. Up to this morning over nine hundred applications for help had been received by the army from farmers, but owing to the fact that newly arrived immigrants refuse to go to work on farms the applications have not been filled.

BURNED IN HOUSE WHERE SHE LIVED ALL ALONE.

Mrs. Jaggard, Aged 75, Died This Morning as Result of Her Injuries.

Living all alone in her home on the mountain east of the East End Incline, Mrs. Jaggard, 75 years of age, well known in Hamilton and the surrounding country, came to a terrible death as the result of fire last night. The fire which broke out in her bedroom at 7 o'clock, through the upsetting of a Wanzler lamp beside her bed, and she was so terribly burned that it was impossible to save her life. She was brought to this city last night and taken to the City Hospital in the police ambulance, where she lingered in an unconscious condition until 7 o'clock this morning, when death released her.

The police received a call that a house was burning on the mountain top last night at 7 o'clock, and that a woman had been burned to death, and they immediately sent the ambulance in charge of Constables English and Emmerson. When the police arrived there, the house had been burning for some time, and was little more than a ruin. Mr. Johnston, a next door neighbor, and a Mrs. Shipton, who was passing at the time, had gone into the house at imminent risk of their lives, and brought the old woman out through a window, but she was past all aid, and had no chance from the first. The two brave rescuers deserve none the less credit, however. The story of the calamity seems to be clear, and Dr. Dickson and Crown Attorney Washington decided that no inquiry is necessary. Mrs. Jaggard has friends and relatives in this city, who had frequently offered her their homes, but she preferred to live a solitary life on the mountain among her chickens and vegetables. She was crippled with rheumatism, so that she could hardly walk, and sometimes never stirred from her bed. She had a Wanzler lamp in the house, and she was probably lying in bed reading or sewing by the light of it when in some manner it fell over or she knocked it over, and it set fire to the bed clothes. In her partially crippled state, coupled with the fright, it is no wonder she was unable to get away from the greedy flames. Her hands were burnt terribly, and some of the fingers were completely burned off. Her face and body was also badly scorched and her hair was singed off. She had inhaled flames and there was hardly a spot on her body that had not been burned. After applying an emergency dressing to the raw flesh, Dr. Dickson, who had gone out with the ambulance, ordered her removal to the City Hospital with all possible haste and care. She passed away in the presence of her family this morning.

The deceased had been robbed three or four times, her chickens being taken several times and once her house was entered by two young men, who knocked her senseless and ransacked it in search of money she was supposed to keep there.