

SUNDAY OBSERVANCE MATTER BEFORE THE SUPREME COURT

Deputy Minister of Justice Says a Measure Will Be Prepared and Presented.

THE COURT MAY ASSUME ALL RESPONSIBILITY

[Special to The Advertiser.]

Ottawa, Feb. 21.—The Sunday observance reference was called in the supreme court today. E. L. Newcombe, K. C., Deputy Minister of Justice, represented the Attorney-General of the Dominion, and J. A. Paterson, K. C., represented the Attorney-General of Ontario. A. H. Marsh represented the O. T. R. S. T. Blackstock, K. C., the Canada Copper Company, R. A. McPherson the Lord's Day Alliance of Canada, D'Arcy Tate the Toronto Hamilton and Buffalo Railway, H. E. Rose the Wabash Railway Company, and L. A. Cannon Quebec Province.

Justice Sedgwick, on behalf of the court, said that the reference was a mere matter of academic interest and did not come before them under the form of a statute or in any other particular form. The court would like to hear as to the jurisdiction of the court.

Mr. Newcombe said it did not differ materially from the questions submitted to the court in connection with the powers of the provinces in respect to prohibition, and which the court had answered. The question was not a new one. The questions could be submitted without the bill, but it was deemed best to prepare a bill so that the matter could be definitely settled.

Justice Groulx—What you want is for us to assume your responsibility. Mr. Newcombe—We want you to exercise your powers under the statute which provides for your hearing such cases.

Justice Taschereau—That is making the court one of the first instance.

Mr. Newcombe—The practice was adopted from the English statute.

Justice Groulx—Do they submit bills in England?

Mr. Newcombe—I don't know whether they do or not. The question could be put without the bill. The case is in progress.

The hearing of a reference by the board of railway commissioners in the matter of the Canadian Pacific Railway Sudbury branch and the James Bay Railway, was placed for hearing at the foot of the Maritime Provinces appeals.

References by the Privy Council in the matter of the interprovincial ferries were put off until May 2 next.

Justice Idington was on the bench, there being a full court.

After Mr. Blackstock was heard against the court hearing the reference, Mr. Newcombe read.

The question of jurisdiction was then disposed of and the case is now going on its merits. Mr. Newcombe is presiding for the Dominion.

ROYAL ENGAGEMENT HOLDS

Denied That German Crown Prince and Duchess Have Quarreled.

Berlin, Feb. 21.—The reports published in the United States that, in consequence of differences between Crown Prince Frederick William and his fiancée, the Duchess Cecilia of Mecklenburg-Schwerin, their engagement would be broken here, is discredited here in usually well informed circles. The crown prince and the duchess have been visiting Florence, but on Saturday the duchess went to Rome because of the illness of her mother, Archduchess Anastasia. The crown prince and his suite arrived here Sunday evening.

THE RUSH IS ON

Twelve Hundred Immigrants Passing Through to Northwest.

Montreal, Feb. 21.—Twelve hundred immigrants, mostly from West Ham, westward bound, are expected to pass through Montreal between this evening and tomorrow morning. They are being transported from Halifax by the P. R. Most of them are skilled craftsmen, but it seems that they are willing to try farming. The steamship companies have arranged their differences, and rates have gone back to the original figure, but this will not, it is thought, act as a deterrent to immigrants, because this year in Europe the reasons why many should seek greater freedom have increased.

AFTER "BEEF TRUST" MEN

Subpoenas Served to Bring Them Before the Grand Jury.

Chicago, Feb. 21.—A special federal grand jury venire was ordered today, and deputy marshals were sent out with subpoenas for over 25 members of the so-called "beef trust." The men summoned will be taken before the grand jury and an attempt will be made to indict those persons restrained by Judge Grosscup's beef trust decision, which recently was sustained by the United States Supreme Court. Much secrecy was maintained concerning the subpoenaing of the men, and the subpoenas immediately were served to make public no facts concerning the affair.

Cody Bank Robbers.

Vernal, Utah, Feb. 21.—Albert L. Caldwell and David Fraughtner, who are held in jail here on a charge of grand larceny, have been identified as the Cody bank robbers, for whom there is a reward of \$5,000. Sheriff Horton, of Carbon County, Wyoming, has arrived here with W. L. Waits, who was an eye-witness to the killing of the bank cashier. Waits positively identified Caldwell as the man who did the shooting and Fraughtner as the accomplice.

REVOLT WOULD BE JUSTIFIABLE, SAYS IRISH LEADER REDMOND

Tells Commons Nationalists Are Unalterably Wedded to Home Rule.

London, Feb. 20.—John Redmond, the Irish leader, opened the Nationalist campaign in the House of Commons today by moving an amendment to the address in reply to the speech from the throne, declaring that the "present system of government (of Ireland) is opposed to the will of the Irish people." It was necessary, Mr. Redmond said, to emphasize the fact that the Nationalists were irrevocably committed to home rule, because there was an attempt to limit the decision on the coming election and to smother the issue.

The present system was ruinously extravagant and inefficient, and was distrusted even by the Unionists, he said. "The Nationalists are more devoted of responsibility than the bureaucracy of Russia, which England is so fond of denouncing." Armed revolt would be justified if a chance of success existed. He declared that Sir Antony MacDonnell (under-secretary to the Lord Lieutenant of Ireland) had been sent to Ireland to pursue a policy of concessions in this direction "and now Mr. Wyndham (chief secretary for Ireland) rounded on him." Mr. Redmond renounced that his party was unalterably opposed to an alliance with any party which did not make home rule the cardinal plank of its platform.

Mr. Moore, who spoke in behalf of the

Foy, Hanna, Matheson, Pyne, Acclamation; Opponent for Monteith, but May Resign

Toronto, Feb. 21.—Hon. Dr. R. A. Foy, Minister of Education, was elected by acclamation for East Toronto this morning.

Perth, Feb. 21.—Nominations for South Lanark were held here today. Hon. A. J. Matheson was nominated by T. A. Code, and seconded by W. A. Meighen. There being no other candidates nominated, Mr. Matheson was declared elected by acclamation.

MAY PLAY OFF HERE

Sarnia Anxious to Settle the Argument With Windsor.

Windsor, Ont., Feb. 21.—The Sarnia indoor baseball team has accepted, with some modifications, the challenge of the Fusiliers team of this city, to play a game for \$200 a side. Sarnia agrees to the game, played at the London armories, the umpires to be selected, one from Detroit, and the other from Port Huron. Manager Corrick, of the Sarnia team, says he has sent a check for \$100 to London as a forfeit that the Sarnia team will carry out any agreement agreeable to the managers of both teams.

NEW CARDINALS

Pope Will Appoint Them at the Next Consistory.

Rome, Feb. 21.—As there are nine vacancies at present in the Sacred College, Pope Pius X. has expressed his intention to appoint new cardinals at the next consistory.

It is probable that no cardinalates will go to Great Britain or the United States.

DUDLEY NOT RESIGNING

Lord, Lieutenant of Ireland Says No Truth in Report.

London, Feb. 21.—In reply to an inquiry the Earl of Dudley, Lord Lieutenant of Ireland, telegraphed to Dublin this morning as follows: "There is no truth in the report that I am resigning."

RACE WAR AT BAKU

Muslims Attack Armenians and City Is in a Panic.

Baku, Caucasus, Feb. 21.—The town is panic-stricken, the banks are closed, and business is suspended as a result of yesterday's disturbances and the numerous attacks of armed Muslims on Armenians, which have been going on since Sunday in various quarters of Baku. The attacks are attributed to racial enmity.

KOSSUTH IN CAPITAL

His Candidate Elected President of the Hungarian Diet.

Budapest, Feb. 21.—The lower house of the Hungarian Diet elected today Julius Juth, a member of the Kossuth party, to be president of the house. Juth, who was the candidate of the United opposition, secured a majority of 62 over the candidate of the Liberals.

TOM LAWSON'S LATEST

Challenges the Standard Oil to Debate Their Differences.

Boston, Feb. 21.—Thomas W. Lawson, of "Frenzied Finance" fame has issued a challenge to James M. Beck, ex-assistant attorney-general of the United States, to meet him in public debate and discuss the so-called misdeeds of the Standard Oil crowd, and what Lawson terms the "system."

Lawson claims that Beck has been put forward by the "system" to sling mud at him at public dinners and banquets.

Lawson takes advantage of an effort that is being made by the International League of Free Clubs to raise \$50,000 for a building, to offer to pay \$5,000 towards this proposed fund if Beck will meet him in Faneuil Hall, Boston, and there, to use his voice against the "system" of the Standard Oil crowd, and at a preliminary meeting of the hall, a scheme by which he believes the required \$50,000 could be easily raised, and he agrees, furthermore, to have every ticket in the hall sold only to Beck's friends.

RAILWAY DISCRIMINATION

Commons Committee on Agriculture to Have It Removed.

Ottawa, Feb. 21.—The committee on agriculture and colonization will in the near future, it is hoped, secure the removal of the discrimination it is alleged the Canadian railways now practice against the agricultural community when fixing freight rates. At the last meeting of the committee, Hon. Thomas Greenway, at a preliminary meeting arranged a plan of campaign. When information regarding the rates actually charged by the railways from different points in Western Ontario to the seaboard has been gathered, establishing the discrimination in favor of shipments from some points in Canada at greater distances from the sea, a resolution will be forwarded to the railway companies asking that relief be granted to the agricultural community.

Toronto, Feb. 21.—Hon. J. J. Foy, Commissioner of Crown Lands, was this morning declared re-elected by acclamation for South Toronto. On the expiration of the time for receiving nominations, Mr. Foy delivered a short speech of thanks.

Sarnia, Feb. 21.—W. J. Hanna was declared returned by acclamation. He was nominated by Thomas Kenny, wholesale grocer of Sarnia, and seconded by John M. Newton, of Sarnia.

WANT CANAL EXTENDED

Deputation From North York Waits On the Government.

Ottawa, Ont., Feb. 21.—A large deputation from North York, headed by Mr. E. J. Davis, is here to see the Government. It will ask that the Trent Valley canal be extended to Newmarket and Aurora. The canal will furnish power and have a tendency to keep freight rates at a proper level.

Cancer in Colon.

Chicago, Ill., Feb. 21.—Dr. Wm. R. Harper, of the University of Chicago, today submitted to another examination at the Presbyterian Hospital, where he had been taken to await an operation on Wednesday. The surgeons are said to have reached the definite conclusion that Dr. Harper has cancer of the colon.

25 Horses Burned.

Meriden, Conn., Feb. 21.—Twenty-five horses were burned to death today in a fire which consumed a large barn belonging to the Charles Parker Company, hardware manufacturers. The total loss is estimated at \$25,000, and is covered by insurance.

116 ENTOMBED IN COAL PIT

AND LITTLE HOPE OF RESCUE

All Prospect of Getting the Imprisoned Men Out Alive Has Been Abandoned.

RESCUERS WORK AT TOP SPEED DAY AND NIGHT

Birmingham, Ala., Feb. 21.—Only one body has so far been taken from the Virginia mines. It is now said that the exact number of men entombed by the explosion is 116. Practically all hope of finding any of the imprisoned men alive has been abandoned. The rescuers during the night encountered much after-damp and many of them had to be taken to the surface and revived, having been overcome by the fumes. This leads the rescuers to believe that the entombed men could not

possibly have lived this long in their underground prison. Hundreds of miners gathered at the mine during the night to help in the rescue work. Only a limited number could be employed at one time, but as soon as one shift was tired or overcome by after-damp another continued the work. State Inspector Gray was on the scene all night directing the work. The mine is some distance from the railroad, and is reached only by wagon road.

The First Union Labor Bank Opens Its Books

Chicago, Feb. 21.—Union labor is to have its own financial institution in Chicago. The prospectus of the first union labor bank, which has just been issued, announces that the stock subscription books decided on last De-

cember are open. The metal workers and the machinists are the promoters of the enterprise, which, however, is intended to benefit workingmen in general. The directors will be elected by trades unionists and the profits accrue to the shareholders.

SIR HENRY IRVING SERIOUSLY ILL

The Great English Actor Collapses After a Performance at Wolverhampton.

London, Feb. 21.—Sir Henry Irving is reported to be somewhat seriously ill at Wolverhampton. He is suffering from a severe chill. He collapsed after a performance last night, and had been obliged to cancel his attendance at a meeting to be held in the Wolverhampton town hall today, where he was to be presented with a silver casket. Sir Henry was born in 1838.

125,000 CARS STALLED BY SNOW

Loss in Perishable Stuff by Accumulation of Freight Is Very Heavy.

Chicago, Feb. 21.—Railroad officials estimate that 125,000 cars of freight are stalled on the railroads east and west of here, owing to the recent heavy snowstorm. Of this number 75,000 cars are said to be side-tracked on eastern roads, and 50,000 cars on roads west of Chicago. It will require ten days or more to move this accumulation of freight to its destination, and it is probable that the loss in perishable stuff will be very heavy.

THE WEATHER.

Tomorrow—Cloudy.

Sun rises, 7:08 a.m. Moon rises, 8:16 p.m. Sun sets, 5:55 p.m. Moon sets, 3:16 a.m.

Mild weather has prevailed throughout Canada today, except in Manitoba and Saskatchewan, where somewhat lower temperatures have been recorded.

Minimum and maximum temperatures: Dawson, 4 below—4; Port Simpson, 28—45; Victoria, 46—52; Calgary, 18—41; Qu'Appelle, 18—21; Winnipeg, 6—35; Port Arthur, 10—26; Parry Sound, 10—34; Toronto, 20—38; Ottawa, 2—24; Quebec, 6 below—30; St. John, 2—35; Halifax, 10 below—32.

Today—Cloudy, with light local sleet or snow.

Wednesday—Cloudy, with about the same temperature.

TEMPERATURES.

Stations. 8 a.m. Min. Weather. Calgary, 14 22 Cloudy. Winnipeg, 14 22 Cloudy. Parry Sound, 10 22 Cloudy. Toronto, 20 38 Cloudy. Ottawa, 2 24 Fair. Montreal, 6 30 Fair. Quebec, 6 30 Fair. Father Point, 8 6 Fair.

WEATHER NOTES.

The weather is moderate cold in Manitoba and the more northern portions of Ontario and Quebec, and fairly mild in other parts of the Dominion.

LOCAL TEMPERATURES.

The highest and lowest readings of the thermometer at the local observatory for the 24 hours ended at 8 p.m. Monday were: Highest, 37°; lowest, 17° above.

St. Marys, Ont., Feb. 21.—Nominations for the bye-election in South Perth were held here today. Hon. Nelson Monteith was nominated by J. Heneweiss, farmer, Logan, seconded by J. Meighen, farmer, St. Marys. Valentine Stock, of Tavistock, ex-M. P. P., was nominated by J. B. Mennie, of St. Marys, seconded by J. J. Peyton, of Downie. Mr. Stock intimated his intention of resigning in a subsequent address.

DUTIES FOR REFORMS

Increase by Turkey Accepted for That Purpose by the Powers.

Constantinople, Feb. 21.—The proposed increase in the Turkish customs duties has been accepted in principle by the governments of the six great powers on the condition that the revenue so derived shall be devoted to carrying out reforms. It is understood that Turkey, in soliciting their assent to the increase, undertook to accept the Austro-Russian scheme for reform of the finances of Macedonia.

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MONTREAL RUSSIANS GLORY IN DEATH OF DUKE SERGIUS

The Assassin Says Other Victims Will Be Found Before the Grand Duke Is Buried.

COMMITTEE DECIDES ALEXIS IS NEXT TO DIE

Moscow, Feb. 21.—The assassin of Grand Duke Sergius maintains an attitude of profound indifference. When pressed to reply to questions he declared that all the efforts of the authorities would have no result. Before his victim was laid under earth other victims would be found. Regarding his motives, the assassin said he only acted in the interests of an oppressed people. He considered the deed was an act of duty. The grand duke had for years violated every canon of ordinary decency and ruined the country while exploiting the weak will of the Emperor for their own ends. They had made him a tyrant, so that the people execrate him. He was aware that the Emperor was an innocent dupe and his party had decided to deliver the Emperor from the evil influences surrounding him in the hope that he some day would join in the movement and become head of a national government based on western lines.

Alexis Doomed.

London, Feb. 20.—The Paris correspondent of the Times writes: In a letter addressed to the socialist organization here from Geneva it is announced that the local committee of the Socialist party at Moscow has been printed by its secret press, 5,000 copies of a manifesto announcing that other executions will follow that of Grand

Duke Sergius, and that a number of formal condemnations have been signed. The proclamation does not say who the personages are, but it is believed the first one on the list is Grand Duke Alexis. Quantities of these proclamations have been distributed among the soldiers occupying the Kremlin.

The sentence of the committee is arrived at by ballot. If one white ball is found in the box the life of the minister is spared. Plevche's life was balloted for three times before he was condemned. The Grand Duke Sergius and Prince Cholodny have been warned. The Grand Duke Constantine, after being warned, obeyed the committee. The committee kept the czar informed of all their movements. He was notified of the impending fate of Plevche. He found the letter four days before Plevche was killed on the table of his private study.

Montreal Russians Eaten.

Montreal, Feb. 21.—A great deal of adverse criticism has been heaped on the action of Russian Jews in this city in holding a meeting to glorify the death of the Grand Duke Sergius, and attacks have been made on those who are endeavoring to collect money for the purpose of the Russian revolutionary fund. S. DeZwizick, the local representative of the fund, denies that the object is to buy explosives to kill Russians, and says the fund is for an entirely different purpose, namely, to soften the position of the oppressed Jews in Russia, and to educate people to understand and sympathize with their brethren. He does not deny glorifying in the death of the duke, as he believes anyone would who knew the details of the expulsion of the Jews from Moscow.

TO HELP KANSAS IN OIL FIGHT

Missouri, Texas and Indiana May Also Battle With Big Trust.

Topeka, Kansas, Feb. 21.—Members of the Legislature believe Kansas is to receive material aid from Iowa, Missouri, Texas and Arkansas, and probably other states in its war on the Standard Oil trust.

Charles A. Walsh, of Iowa, held an extended conference with President West and other officers of the Kansas Oil Producers' Association, concerning legislation enacted by Kansas. While neither Walsh nor West would discuss their conference, it is known that Iowa is one of seventeen states which have passed laws for the purpose of forcing the Standard Oil Company to divest itself of its oil refineries.

JAPS TIGHT BLOCKADE

San Francisco, Feb. 21.—The British steamer "Caribbea," Capt. Peters, which left here recently with a large cargo of supplies for Vladivostok, has returned here from Victoria, B. C. Her owners in London decided to abandon the attempt to take the Brinkburn through the Japanese blockade at Vladivostok, and Capt. Peters was ordered to bring his ship to this port, and discharge his cargo.

TIED HIM TO CHAIR

Allegheny, Penn., Feb. 21.—David Elkins, a young married man, of 1014 Ward street, was given a hearing this morning on the charge of disorderly conduct, but the charge was not proven and he was discharged. Police Magistrate Harkins saying that Elkins had been punished enough.

It came out that Elkins some time ago married an athletic young woman and late last evening he carried home his first jag since becoming a family man. He tried to whip Mrs. Elkins, who knocked him down, tied him on a chair with 150 feet of clothesline and called the neighbors in to look at him. Later she called the police, charging him with disorderly conduct, alleging that he had yelled and made a fuss as she was tying him.

The police had to undo 42 knots before they could arrest the angry but beaten husband.

A Million Fed to Flames

In Boston Harbor Fire

Crew of Steamer Have Narrow Escape—Big Railroad Docks Burned.

Boston, Feb. 21.—A large double pier of the Hoosear Tunnel docks, together with considerable freight on the steamer Philadelphia, were destroyed by fire here early today. The steamer was slipped into mid-stream with her upper works ablaze. Two of the crew were injured.

The loss to the Boston and Maine Railroad Company, the owners of the docks, is estimated at fully \$500,000, while the damage to the Philadelphia will, it is thought, bring the total loss up to about \$1,000,000.

The adjoining pier, No. 5, which was burned last November, and which was being rebuilt, was slightly damaged. The damage to the Philadelphia will, it is thought, bring the total loss up to about \$1,000,000.

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