JUST A MOMENT

YOUR boy needs a new suit. That's nothing. He's always needing suits—so is every other boy with any ginger in him. Our suits are built to wear—and our new Sailor Suits are just too cute for anything. Bring the boy down It will do you both good to see what our styles are like. We have a habit of pleasing the boys, because we study their tastes—same as we do the bigger boy—man.

Rich and Showy clothes at competitors. OAK HALL Canada's Best Clothiers

King St. East, Opp. St. James' Cathedral.

WAS FATAL FOOLHARDINESS

The Sad Death of Frank Turnbull, a Promising Young Physician.

HE TRIED HAZARDOUS CANOE TRIP

Craft Overturned and Exposure So Severe That Resuscitation Was Impossible.

Goderich, Ont., March 12.—An attempt to run the River Maitland from Auburn to Goderich in a canoe resulted to-day in the death of Frank Turnbull, M.D., a clever young physician, who has been practising at Auburn, and a brother of Dr. J. L. Turnbull of this town. He had sold his practice and was about to go abroad to prosecute further studies in his profession, and before leaving was anxious to perform a feat which has frequently been undertaken by some of the young men of this town, the navigation of the Maitland during the spring floods. The river broke up only a few days ago, and the icy current was flowing with great rapidity. This morning at 10.30 he started from Auburn to make the hazardous trip of forty miles down the winding river to Goderich.

How or when the accident occurred is not known, but an upturned canoe with a man clinging to it was seen from the G.T.R. station at 2.30 in the afternoon. The river from this point takes a broad sweep around the town, and a telephone message was sent to the harbor to intercept the unfortunate man. This was done, and he was taken to an office near by, where a heroic effort was made by all the doctors of the town, including his brother, to restore life to the chilled body. The attempt was unsuccessful, and after two hours the workers reluctantly gave up their task.

The fatality has cast a deep gloom over the town, where the deceased was well-known and liked. The interment will be at Milverton.

$44.00—Toronto to California.

Also rates varying from $34.00 to $42.00 to points in Montana, Colorado, Utah, Washington and British Columbia. On sale every day during March and April. The Grand Trunk's excellent service to Chicago connects with all lines west. Three fast trains daily, leaving Toronto 7.35 a.m., 4.50 p.m. and 11.20 p.m., arriving Chicago 8.45 p.m., 7.20 a.m. and 12.50 p.m. Tickets, folders, maps and all information at city office, northwest corner King and Yonge-streets.

A Night Train to Ottawa.

The Grand Trunk's "Eastern Flyer," leaving Toronto at 10 p.m. daily, now carries a Pullman Sleeping Car to Ottawa, arriving 9.30 a.m. Returning, car arrives Toronto on 6.50 a.m. train. There are also three Pullman Sleepers to Montreal on this train, arriving 7.30 a.m. Tickets and reservations, etc., at city office, northwest corner King and Yonge-streets.

Lever's Y-Z (Wise Head) Disinfectant Soap Powder dusted in the bath, softens the water and disinfects. 38

Pennsylvania Observations.

It comes hard—iron.

The burglar makes money by taking things easy.

The detective is a very kindly disposed man. He is always looking after people.—Pennsylvania Punch Bowl.

She Was Dead.

"Really, Mr. Jones, I am sorry to hear that you buried your mother."

"What would you have me do' with her?"—Michigan Wrinkle.

Establish'd 50 Years | Ye Olde Firm of Heintzman & Co. | Establish'd 50 Years

Canada's Favorite Piano

The HEINTZMAN & CO. PIANO has won first place solely on its merits. It ranks with the greatest pianos in the world. Its mechanical construction is the kind that ensures a beautiful tonal quality.

Ye Olde Firm of HEINTZMAN & CO., 115-117 King St. West, Toronto.

City of Hamilton

TO OPEN FERRIE STREET

Passes City Council After Squabble Between Ald. Whyte and Stewart.

SCAVENGERS THREATEN TO STRIKE

Armouries to Be Enlarged—Major Hendrie Ill—Other Happenings.

Hamilton, March 12.—The City Council had an hour's session to-night, about the only item of important business being the bylaw to open Ferrie-street easterly from McKinstry-street to Sherman-avenue. It went thru after a passage at arms between the chairman of the Board of Works and Ald. Whyte, who told the chairman he talked too much and then inquired pointedly whether Ald. Stewart wanted to run the whole city. The head of the Board of Works reported that if Ald. Whyte would keep as close tab on city bylaws as he did on Grit political articles he'd be better informed. The Board of Works and Fire and Water reports went thru without discussion. A special meeting will be held Thursday next to pass a money bylaw for the opening of Ferrie-street.

Threaten a Strike.

The city scavengers declare they will not accept the raise of 25 cents a day offered by the Board of Health of which they were notified to-day. They ask a dollar raise and say they'll either get it or have a strike. The board says it has gone its limit and the scavengers can strike if they want to.

To Beautify School Yards.

At the meeting of the Board of Health to-night a large deputation from the City Improvement Society asked that the school yards be beautified by having trees planted therein. The board thought well of the idea, but as it is a matter of money it was referred to the Building Committee.

Good News for Soldiers.

Sir Frederick Borden, Minister of Militia, has telegraphed to the local militia officers that his department had authorized the purchase of a strip of land running from James-street to Hughson on the south side of the drill hall. This is taken to mean that the government has decided to make a large addition to the present building. At present the soldiers are very much cramped for quarters.

New Fashion Introduced.

The magistrate commenced a new order of things this morning, when he fined five men who were caught in D. McCormick's Hotel last Sunday afternoon $5 each. The proprietor was fined $20. Three peanut peddlers had to pay $5 each for blocking the streets with their carts.

Minor Mention.

Miss Ethel Fraser, 20 South Hess-street, was wedded last night to George Edgar Syer, Bartonville.

Gill Way, a former resident of this city, died in Chicago yesterday.

John Henry was arrested to-day on the charge of robbing and assaulting James B. Laing last winter.

Two Greek peanut peddlers, names Apostol and Kanstan, fought on the street this afternoon with a small shovel and a big awl. The magistrate will talk to them in the morning.

Robert Allen, 17 Kinnell-street, died this morning.

Campbell Leckie, jr., engineer at the Ferguson-avenue disposal works, has resigned.

Ald. Birrell has instructed the contractor for the firemen's clothing not to go on with the work, but as the agreement has been signed, the contractor refuses to obey.

Two burglars attempted to get into F. W. Mills' drug store at the corner of King and Wellington-streets early this morning, but were frightened off.

L. F. Stephens has issued a writ on behalf of the Dominion Syndicate against the Oshawa Canning Company for a balance of $518.08 alleged to be due on corn sold to the defendant company.

William Henry Rodden is suing Contractor George Webb for $500 damages for injuries received while laying bricks for the contractor.

Major John S. Hendrie, M.L.A., is threatened with pneumonia and he is unable to go to Toronto to take his seat in the legislature.

HOUSE TO SIT TILL AUGUST

Idea is Abroad That This is the Last Session of the Present Parliament.

THE SPEECH FROM THE THRONE

Hon. Mr. Tarte is Expected to Stir Up Trouble—Successful Opening of Parliament.

Ottawa, March 12.—(Special.)—A fairly well filled House attended the opening of parliament. The idea has got abroad that this is to be the last session of the present parliament, and the opposition is showing a good front early in the fight. A caucus will be held at the beginning of the week, and a plan of campaign unfolded. The approaching end of this parliament is assumed from the state of Sir Wilfrid's health, concerning which there are grounds for serious concern, were we to believe the evidence of one's eyes, tho his physician declares he is sound. At any rate he has been advised to be careful how he overtaxes his powers. He has decided to attend the House only in the afternoon, and leave the night session to Hon. Mr. Fielding.

That the session will not be over till August is the hazard of the majority of members. Many important questions are up, the transportation question in particular, and there has been no desire shown by members not to discuss it to the full.

Hon. Mr. Tarte, speaking to The World, intimated that he proposed to make things lively. He hinted that he would move an amendment to the adress, and ask why the question of changing the tariff to a more protective one was not referred to.

T. L. Thompson, M.P. for North Grey, during the North Ontario election campaign declared he was opposed to a subsidy to the Grand Trunk Pacific, and pledged his word for Mr. Foster. Prominent Conservatives spoken to in regard to this statement remarked that Mr. Thompson was taking a large proposition to speak for the whole party on this matter.

The vanguard of the lobby for the railway projects to be brought before the House has arrived in the city and the fight is on.

A Terse escription.

The author of The Canada Gazette, the official organ of the government, with commendable terseness thus describes the opening of parliament: This day, at 3 o'clock p.m., His Excellency the Governor-General proceeded in state to the chamber of the senate, in the Parliament Buildings, and took his seat upon the throne. The members of the senate being assembled, His Excellency was pleased to command the attendance of the House of Commons, and, that House being present, His Excellency was pleased to open the third session of the ninth parliament of the Dominion of Canada.

Same as Before.

The pomp and circumstance are left to the imagination. But they were there to-day as before. The booming of the guns at Nepean Point, the procession of the vice-regal party, escorted by mounted troops, the cheering of the crowds on Parliament Hill as the King's representative came in view, the gathering of fair dames and maids in the senate chamber, the air of gaiety, the spectacle of a society function—it was all as of yore. More persons enjoyed the event than on former occasions, and socially the opening of parliament was voted a success. The initial gathering of the Commoners in the House was without incident. Black Rod, in the person of Molyneux St. John, did his stunt with vim, tho he seemed to be on the verge of a smile. The walk of the Commoners to the senate was a jam. The circumlocutory exercise of Lord Minto was a break in the monotony. His enunciation of English and French left nothing to be desired. Then back to the House again. The ministers were all in their places. Sir William Mulock wore a smile born of North Ontario success; Hon. William Preston joined him, then he kept silent. Hon. A. G. Blair blushed becomingly as he communed to himself over his victories in New Brunswick; Hon. Mr. Tarte rushed in, shook hands with his neighbor, and, in default of further recognition, walked across the House and chatted to the senators at the door. Here was a mighty change.

Sir Wilfrid Looks Ill.

Then Sir Wilfrid entered. He was applauded by both sides. Every eye was turned to him. It is evident that he is not well. His face, wont to be wreathed in smiles at frequent intervals, had a worn and pinched look. His cheeks have fallen in. Dark rings circle his eyes. He chirked up, however, and assumed command of the House with a semblance of his former vigor, but before the afternoon was spent it was evident that he had gone the limit of his strength for the day. Sympathy for him was expressed at the close of the session, when the House adjourned to meet to-morrow to move the adoption of the Speech from the Throne. He was warmly greeted by Liberals and Conservatives alike and put on the first merry countenance he had worn during the day. Where he showed that he was overtaxing his strength was in the introduction of new members. Seven were presented. Sir Wilfrid spoke for three of them. He was perceptibly feeble when the last was seated. The new members are: Hon. R. Prefontaine, R. G. MacPherson, T. I. Thompson, J. A. C. Ethier, G. B. Law and Thomas Christie and J. Mayrand.

Speech From the Throne.

The Speech from the Throne was brief, but hinted at matters of importance to Canada.

"Honorable Gentlemen of the Senate, Gentlemen of the House of Commons, I am glad to be able to congratulate you on the continued prosperity that prevails throughout the Dominion. Canada has received many blessings during the past year, which call for the expression of our heartfelt gratitude to a kind Providence. I had the pleasure of visiting London last summer in anticipation of the coronation of His Majesty and to meet on that occasion representatives from all parts of the Empire, bringing with them assurances of the loyalty and contentment that prevails throout His Majesty's widely extended possessions, and tho at one time fears were entertained that the King's illness would have involved a further postponement of the ceremony, it was a source of much joy and happiness to His Majesty's subjects that his health was so speedily and perfectly restored.

"Representatives of this government participated in the important colonial conference, which was called by His Majesty's government in connection with the coronation. The report of the proceedings of the conference, including documents promulgated by the Canadian representatives has already been given to the public by His Majesty's government in London. I feel assured that good-will will result in bringing the leading public men of the selfgoverning colonies into direct contact with each other and with the statesmen of the Motherland.

Growth of the Northwest.

"The great influx of population into our Northwestern Territories and the very large additional areas of fertile land which are being brought under cultivation combine to further press upon us the need for increased transportation facilities for the forwarding of our grain and other products to the markets of the world thru Canadian channels. The whole question of transportation and terminal facilities continues to occupy much attention, and my government will immediately appoint a commission of experienced men to report on the subject.

The Alaskan Boundary.

"A treaty has been entered into between His Majesty and the government of the United States under which the proper delimitation of the boundaries between Canada and Alaska is to be judicially determined by a tribunal of six impartial jurists of repute.

"As a result of the recent decennial census, the representation of the different provinces must be readjusted as required by the British North America Act and a bill will be introduced for that purpose.

"Bills with respect to the extension of a railway commission, the amendment of the patent laws, the Militia Act, Chinese immigration, the reorganization of the Department of Marine and Fisheries, the settlement of railway labor disputes and various other subjects will be submitted to you.

"Gentlemen of the House of Commons: The public accounts will be laid before you and also the estimates for the coming year, which have been prepared with due regard to economy and the rapid growth of the Dominion.

"Hon. Gentlemen of the Senate, Gentlemen of the House of Commons: I pray that in the consideration of these matters and in the performance of all the labors which will devolve upon you, your deliberations under Divine guidance will tend still to increase the prosperity and happiness of our people."

Tarte Greeted Premier.

Just before the House adjourned R. L. Borden asked for an explanation of the changes in the cabinet. Sir Wilfrid replied in a voice hardly audible, and which broke, that when the speech was adopted he would be pleased to explain.

Sir Wilfrid held an informal levee after the adjournment.

The first man to greet him was Hon. J. I. Tarte.

Senator Frost will move, and Senator Legris will second, the address in the Senate.

New Use of Electricity.

The general postomce authorities have been testing letter-stamping machines driven by electricity for several months, and now there are about twenty in use, says London Tit-Bits. The best of them will stamp from 20,000 to 30,000 letters per hour, the others 15,000 to 20,000; but the work is not so well done as it would be by a hand sorter, whose average speed is 2500 per hour. The machines often place the stamp across the envelope, sometimes obscuring the address and making other irregularities.

CONSTIPATION

is probably the most common of all ailments. When neglected it becomes chronic, and frequently leads to hemorrhoids and other serious consequences.

CONSTIPATION IS CURED BY

IRON-OX TABLETS

This Remedy is not a purgative, but by mild action upon the organs restores their natural functions, thus entirely avoiding the debility following the use of cathartics, which, if taken frequently, are almost always harmful.

Fifty Tablets for 25 Cents

The Greatest 10-Cent Cigar EVER OFFERED THE PUBLIC

"LORD TENNYSON" CIGAR—10c

—JUST TRY ONE—

S. DAVIS & SONS, MAKERS.

Bell Company Must Face Criminal Law

Decides the Crown Attorney in Toronto

Opinion Filed With Judge Morgan Convicting the Telephone Monopoly of Repeated Violations of the Conspiracy Act and an Indictment is Indicated as the Proper Remedy—Latest Phase of the Rural District Fight.

The Bell Company and President Sise are guilty of violating the Criminal Code, Crown Attorney H. H. Dewart yesterday filed his opinion to that effect with Judge Morgan. It is a lengthy document, and covers the situation, as formerly contended by The World. His Worship is expected to examine the statement, and, if he coincides with the Crown Attorney, will direct him to prepare the indictment. Mr. Dewart said this is the regular course of procedure in such cases. Judge Morgan's decision will be rendered within a few days, and the indictment will follow immediately, unless the court directs otherwise.

Here is Crown Attorney Dewart's opinion, as filed, and means much to those sections of Canada which are interested in municipal ownership of public utilities:

Reviews the Case.

"Memorandum for His Honor Judge Morgan, re. Bell Telephone Company:

"Application has been made to me, as Crown Attorney for the County of York, by a number of persons, who propose to apply for incorporation, and are interested in the construction and operation of a new telephone line in the Township of Markham, in the County of York, and in the adjacent Township of Pickering, in the County of Ontario, asking me to prefer an indictment, under Section 520 of the Criminal Code, against the Bell Telephone Company of Canada, Limited. After a consideration of the evidence submitted, and of the law, I now apply to you, as chairman of the General Sessions, for your consent in writing, under Section 64 of the Criminal Code, so that I may prefer such an indictment before the grand jury at the present sittings of the Court of General Sessions for this county.

As to the Evidence.

"Briefly summarized, the evidence submitted to me discloses the following facts: A telephone line has been in part constructed in the Townships of Markham and Pickering, connecting the places of miller, farmers, business men and professional men, and, also, intended to give connection with the stations of the Canadian Pacific Railway Company, within a certain proposed circuit. Amongst the places it was desired to connect with this circuit is the station of the C. P. R. Company at Locust Hill, in this county. The wires of the proposed telephone line would cross the tracks, poles and premises of the C. P. R. Company, in giving the necessary connections between points on opposite sides of the line of the Railway Company. The Railway Company has refused to allow the installation of the telephone instruments, apparatus and wires of the new system in the C. P. R. Station building, or on the C. P. R. premises at Locust Hill, because of an existing agreement with the Bell Telephone Company. The Bell Telephone Company has no service touching Locust Hill.

Impossible to Compete.

"It is, therefore, impossible for the new organization to supply and deal in the telephone instruments, apparatus and wires needed to complete the proposed new system. The parties who have obtained connection with the new system contend that they are, by reason of the existence of this agreement, inconvenienced and unduly limited in the facilities for dealing in, supplying and transporting articles and commodities which are the subjects of trade and commerce in the part of the country thru which the new system extends, and suffer needless inconvenience and loss by the lack of the telephone facilities which the new system would provide, if the necessary appliances were installed in such places as the C. P. R. Station at Locust Hill.

Where Law is Violated.

"The agreement in question between the Bell Telephone Company of Canada, Limited, and the Canadian Pacific Railway Company is to remain in force for a period of eight years, from May 1, 1902, and under it the Railway Company grants certain concessions to the Bell Telephone Company, and the latter company furnishes certain telephones, exchanges and other privileges to the Railway Company. The clauses that appear to be in violation of the law are those providing:

"(1) That 'the Telephone Company shall have the exclusive right of placing telephone instruments, apparatus and wires in the several stations, offices and premises of the Railway Company thruout the Dominion of Canada'; and

(2) That each company shall have 'facilities for carrying its wires and lines thru or over the poles, subways, bridges and other premises' of the other, and stipulating that 'the Railway Company will not grant similar facilities to any other telephone company."

Phones a Necessity.

"Under Section 520 of the Code, with special regard to the question of transportation, it has been urged by Mr. Farewell, the learned Crown Attorney for the County of Ontario, in a cognate prosecution against Mr. Sise, the president of the Bell Telephone Company, that this agreement is a violation of Section 520, in view of the evidence showing that the use of the telephone and telephonic communication in the conduct of modern business is one of the facilities for transacting business, and, for supplying, dealing in and transporting commercial articles and commodities; and that there was undue limitation of these facilities, in a case such as the present, where the Bell Telephone Company provided no facilities at all, and the refusal of the Railway Company was based on the agreement.

Violation is Clear.

"I submit, further, that in considering the question of trade combination, the omission of the word 'unlawfully' in the amendment of 1900, shows clearly that it is not an otherwise unlawful combination or agreement that is aimed at by section 520, but that it was intended to make unlawful (sub-section a) the act of any commercial company that entered into an agreement with any railway, steamship, steamboat or transportation company, which agreement unduly limited the facilities for supplying and dealing in any article or commodity which may be the subject of trade or commerce.

"Here the commercial company is particularly aimed at in its trade dealings with any company having the duties of a common carrier. It is submitted that the fair meaning of this clause is to render liable to indictment any commercial company, such as the Bell Telephone Company, that enters into an agreement and secures an exclusive privilege or monopoly from any company having the duties of a common carrier, such as the Canadian Pacific Railway Company.

Advises the Indictment.

"Sub-section (b) of section 520, dealing with the general contract in restraint of trade reaches the general combine, but sub-section (c) appears to deal, in addition to the question of transportation, with the particular and restrictive trade agreement obtained from the transportation company. **In this view I strongly urge that the Bell Telephone Company is liable to indictment because the agreement is an undue limitation of the facilities for supplying and dealing in 'telephone instruments, apparatus and wires,' being subjects of trade and commerce, having regard to the evidence showing the effect upon a prospective rival company.** The effect of the 'undue limitation' would probably be more clearly perceived if the rival company were a large municipal company in a city like Toronto, tho the application of the statute would be the same.

Other Restrictions.

"It is submitted also that the grant to the Bell Telephone Company of 'facilities for carrying wires,' etc., 'over the poles, subways, bridges and other premises' of the Railway Company and the restriction against granting 'similar facilities to any other telephone company' **may also be considered an undue limitation of the facilities for transporting, supplying and dealing in telephonic apparatus,** which would make impossible the construction of certain independent telephone lines crossing the main line of the Canadian Pacific Railway, and render the Bell Telephone Company liable to indictment under section 520 on this ground also."

Bell in a Panic.

Another feature of the case that has just developed is the panic caused among Bell officials by the suit filed at Whitevale. Hon. Sam H. Blake was called in by the Bell, and the whole case carefully examined. That the monopoly called in such eminent counsel is an indication of the fear they had of the consequences of the action. It is known that Mr. Blake made one trip to Montreal on the case, and that the Bell directors and President Sise are intensely alarmed over the situation.

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Orders right now can be filled—one can give one's fancy full play. Later—no promises, though we will do our best in every instance.

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The Name is Mignon—Its Price is $850.

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Artistic ideals—an aim to add another sprig to the laurels of the old house—a determination to give the world a compactly perfect instrument. These aims led to the production of the Mignon. It is a real and sumptuous Grand Piano suited to a usual sized drawing-room.

Just now our stock of Knabe and Gerhard Heintzman Uprights is superb. The new scales represent the highest musical achievement in uprights ever attained in the United States or Canada.

The new art designs in cases are marvels of simplicity and elegance—and the handsome mahogany and walnut veneers used are a delight to lovers of rare and fine woods.

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PAIR OF SEMI-DETACHED HOUSES, new, for sale, on Brock-avenue, north of Bloor. Terms easy. Apply Sun and Hastings Savings & Loan Company, Confederation Life Building, Toronto. ed.

FOR SALE—IN THE VILLAGE OF Thornhill, two acres, more or less, a good frame house and frame stables; a quantity of fruit trees. Apply T. Hughs. ed

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$6000—WALLACE HOUSE, MILton—One of the best paying hotels in Ontario; possession April 1st next. Apply J. T. Reeve, Toronto.

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