

NURSE WAS INCOMPETENT

Declared Physician in Burbank Hospital in Fitchburg

'MOST CAUSED DEATH

Patient Would Have Choked to Death from Ether Had Not Her Condition Been Discovered—Hearing Ends This Afternoon.

Fitchburg, Mass., Feb. 5.—Dr. C. Bertram Day, the latest witness in the Burbank hospital hearing, stated today that he found a patient, Edith Lamb, after an operation under ether choking to death while under the charge of a green nurse. He charges Matron White with lack of judgment in dealing with the physicians. He says the hospital has too much red tape. The hearing closes this afternoon.

"I went to Miss Lemay, the charge nurse," said Dr. Day, "and left written orders for the day. Went back in 20 minutes and found no nurse at the office, but in a private room found a nurse with patient—door shut—a new nurse. I said at once. The patient isn't doing well. She was on her back, ruminos in the throat and condition not proper. Face getting blue, jaw set; sent for Miss Lemay, ordered hypodermic and sent for interne. We worked 15 minutes, and she came out all right. It was a matter of position simply. Asked Dr. McVey to see her hourly. I saw Miss Lemay and told her I saw Miss Whyte, I made the report myself." Dr. Day said he felt the nurse in the room had no appreciation of what to do. "I feel the girl would have died in 10 or 15 minutes had no change been made in her case. I don't know the name of the nurse. Miss Lemay said she'd only had her cap recently. I called attention to the system that permits an emerging ether patient to be put in charge of an inexperienced nurse."

ORPHANAGE BURNED, THREE LIVES LOST

There Were 300 Children in the Building at Battle Creek, Mich., When the Fire Broke Out To-day.

Battle Creek, Mich., Feb. 5.—The Haskell orphanage, the Second Day Adventist society was destroyed by fire this morning. Of the three hundred children who were in the building, all but three are believed to have been saved. No trace can be found of the three.

WIN OVER NEW FOUNDLAND.

Some Concessions on Fisheries Made By United States.

Washington, Feb. 5.—It was said last night in official quarters that Ambassador Bryce and the Newfoundland authorities have reached an agreement in the matter of the questions in the fisheries controversy to be submitted to the Hague court for arbitration. Some concessions were made to the colonial government at the recent conference in Washington between Mr. Bryce, Secretary Root and Minister Kent of New Foundland which were incorporated in the treaty signed with reservations by Mr. Bryce and Mr. Root. The compromise has won over the New Foundland authorities and any concessions as the signed treaties are formally exchanged the American copy of the treaty will be sent to the Senate for ratification. State department officials are anxious to obtain action on it before the present session of Congress expires.

A FIT OF RAGE.

He Killed Woman, Injured Her Two Children and Ended His Own Life.

New York, Feb. 5.—At Farmingdale, Long Island, a few miles from Oyster Bay, Frederick Buckholt, last night shot and killed Mrs. Elizabeth Rust, wounded her two children as they stood clinging to her skirts and then hanged himself in the attic of his home. The tragedy occurred in the presence of Buckholt's wife, and so far as can be learned was the result of sudden rage on the part of Buckholt. Mrs. Rust was a divorced woman with two children who did servant's work about the village. She boarded her children in Buckholt's home and last night when she came to see them, Buckholt demanded an increase in the board she was paying. A dispute followed which enraged Buckholt and the killing occurred. The rust children are not dangerously hurt.

WIFE SAYS "NO."

She Won't Help Her Recrudescent Husband in Baltimore.

New York, Feb. 5.—Joseph M. Janer, who is held in Baltimore as the kidnaper of the 12 years old Catherine Lorch, appealed to his wife in Brooklyn today to save him from the gallows. She ignored the telegram and declared that she would not lift a finger to help him. Word comes from Baltimore that the police there are trying to keep the girl there and will try their best to hang Janer for abducting her.

COMPANY IS INSOLVENT.

Declares Referee to Examine Fidelity Funding Company.

New York, Feb. 5.—Edwin A. Watson appointed by the supreme court as referee to take testimony and report as to the application of the Fidelity Funding company for a voluntary dissolution of that corporation filed his report last night. He finds that the corporation is insolvent and recommends that it be dissolved.

The property of the company has been in the hands of Thomas F. Gilroy, Jr., as receiver since October 27 last when a clamor raised by Catholic institutions which had financial dealings with the company inspired the belief that the Fidelity Funding company might not be solvent. Patrick K. Kiran, secretary and active manager of the concern, caused comment recently by vanishing for a time, but he now has reappeared and testified regarding the company's affairs before the receiver's hearing yesterday.

Referee Watson in his report says that when Receiver Gilroy took hold of the company's affairs he found there furniture valued at less than \$2,000 and notes, stocks and bonds all of normal value only. Since then the receiver has only been able to collect about \$3,900. The result of the investigation is summarized as follows: Assets, \$22,922; liabilities, \$737,245.

PRESIDENT WIRES FOR INFORMATION

Declares California's Act Restricting Japanese Children From Attending Public Schools is Un-constitutional.

Sacramento, Cal., Feb. 5.—Gov. Gilroy yesterday afternoon received the following telegram from President Roosevelt: "Washington, Feb. 4, 1909. "J. M. Gillett, "Governor of California, "Your kind letter just received. What is the rumor that the California legislature has passed a bill excluding the Japanese children from the public schools? This is the most offensive bill of all, and in my judgment is clearly unconstitutional and we should at once have to test it in the courts. Can it be stopped in the legislature or by veto?"

"Theodore Roosevelt" Gov. Gillette immediately wired a reply to the president and asked for an answer at once. He refused to discuss the nature of the message to Washington.

GOVERNOR GILLETT IS MUCH STIRRED

By The Action of The Assembly Yesterday in Passing Anti-Japanese School Bill.

Sacramento, Cal., Feb. 5.—Consternation is general in the minds of Governor Gillett and the members of the organization in the assembly as the result of the passage yesterday of the anti-Japanese school bill. It is considered as a blow to the organization and Roosevelt. It has been decided that Assemblyman Leeds shall make the motion for a reconsideration. Many anti-Japanese members declare if he does the bill will be re-affirmed by a bigger vote. Should the reconsideration vote fail it is believed to be sure that the Senate will make the bill a law.

FIVE YEARS' SENTENCE.

Imposed on Robert L. Belcher For Stealing \$9,500.

Boston, Feb. 5.—A sentence of not less than five nor more than six years in state prison, was imposed by Judge Bishop in the superior court late yesterday, upon Robert L. Belcher, for the felony of \$9,500 from Miss Mary T. Coakley of Hillsborough, N. H.

MINE WORKERS' OFFICERS.

McCullough Vice-president and Perry Secretary-treasurer.

Indianapolis, Feb. 5.—E. S. McCullough of Bay City, Mich., has been elected vice-president of the Mine Workers of America and Edwin Perry of Oskaloosa, Iowa, was elected secretary-treasurer on the second ballot.

MARSHFIELD.

Leon Rathbone, who has been in very poor health for several months, is failing rapidly, and few hopes of his recovery are entertained.

Mr. and Mrs. L. D. Nute, Mr. and Mrs. Herbert Emery, Mrs. A. T. Davis, Mrs. S. Sweeney and Mrs. J. Berton Pike are attending the musical concert at East Montpelier Thursday and Friday.

The officers and degree staff of Myrtle Temple, Pythian Sisters, are invited to Montpelier lodge of that order February 9th, and will confer the degree of the order upon one candidate there at that time.

M. E. Beckley has moved his family to Groton, where they will make their home indefinitely. Many wishes for successful labors attend Mr. and Mrs. Beckley, extended by their numerous friends of this town.

Gov. D. Orinbee has rented and moved into the Beckley block, recently vacated by Mr. Beckley. Misses Shirley Tucker and Lyla Folsom, have rooms in the Beckley block and will continue to operate the M. P. telephone central under the supervision of Mr. Beckley.

Better to Be in Debt.

There is good sense in the contention of President Faunce of Brown that it is better for an impetuous student to be in debt at the time of his graduation than that his health should have been impaired by worry and overwork in seeking the scholastic to pay his way through college. The trouble in applying this suggestion is that the college loan funds are not always large enough to meet all the applications. If they were, a great many deserving students would have less occasion for worryment.—Boston Herald.

ASKS \$3,000 FOR HER LOVE

James McRae Sues For Alienation of Affections

IN B SENSATIONAL CASE

This Suit Follows an Unsuccessful Attempt of Mrs. McRae to Secure a Divorce at the Last Term of Court.

Battleboro, Feb. 5.—Mrs. Mary B. McRae of Dover, who failed to secure a divorce at the last term of the Windham county court, is the central figure in a suit brought yesterday by James McRae, her husband, against Jefferson R. Snow of Dover for alleged alienation of affection. Mr. McRae sues for \$3,000 damages, and Snow's property has been attached. J. H. Kidder is surety for Snow's appearance at the April term of the county court at Newfane. McRae alleges that Snow frequently visited Mrs. McRae and that he ingratiated himself into her affections, thus depriving McRae of her companionship and assistance in earning for two minor children. At the last September term, Mrs. McRae undertook to obtain a divorce on the ground of intolerable severity and neglect and refusal to support, claiming that her husband's attitude toward her was such that she was forced to leave him, but the court denied the petition.

IS AFTER THE SCALP OF SENATOR LODGE

Representative Butler Ames of Massachusetts Would Like Nothing Better Than to Get It.

Boston, Feb. 5.—Massachusetts politicians are deeply interested in the report from Washington that Representative Butler Ames had announced his candidacy for the toga now worn by Senator Henry Cabot Lodge, declaring that he would spend two years' time and \$100,000 to get the scalp of the statesman. Senator Lodge's term of office expires in 1911.

COULDN'T BUY HIM OFF.

New York Man Offered Son-in-law Money to Leave Daughter.

New York, Feb. 5.—An attempt to secure the release on a writ of habeas corpus of Carl Fischer-Hansen, the lawyer now awaiting trial in the Tombs prison on a charge of bribery, was frustrated yesterday by District Attorney Jerome who declared to Justice Gerard in the supreme court, that Fischer-Hansen had made every preparation to jump the bail of \$15,000 originally furnished by his father-in-law, Isaac V. Brokaw, when re-arrested and jailed by order of the district attorney.

In opposing the release of Fischer-Hansen, Mr. Jerome made the formal statement that Mr. Brokaw in his anxiety to be rid of his son-in-law had not only consented to forfeit the \$15,000 bail put up by him but had agreed to give him an annual income if he would consent to a legal separation from his daughter. Fischer-Hansen, Mr. Jerome declared, had accepted the proposition and even signed an agreement of separation, but later had repudiated it, refusing to carry out his part of the agreement unless a larger allowance were made him.

The writ was dismissed and Fischer Hansen was remanded to the Tombs. The attorney for Mr. Brokaw in a formal statement issued last night corroborated Mr. Jerome's statement in regard to Fischer-Hansen's repudiation of the separation agreement, but reject the insinuation made by the district attorney that their client had connived at Fischer-Hansen's proposed jumping of his bail.

FILLED NEGRO WITH LEAD.

After He Had Run Amuck Through Memphis Streets.

Memphis, Tenn., Feb. 5.—Following a daring hold up on a busy thoroughfare yesterday, Henry Morton, a negro armed with revolver and with pockets filled with ammunition, ran amuck, firing repeatedly into street cars and houses and at pedestrians, and terrorized a section of North Memphis before he was shot to death by police and citizens.

After relieving another negro of a bundle of hides, Morton endeavored to force a trade with a produce dealer at the point of his pistol. Failing, he sent a confederate to dispose of the booty, but both escaped before the police arrival. The negro was finally located aboard a street car, but as an officer approached he jumped from the car firing several times. As he ran he continued to fire. A riot call brought a squad of police who were joined by scores of citizens and Morton was finally corralled on a porch. At bay, the negro continued to fire on his pursuers but his bullets went wild while a volley from the pursuers put an end to the battle.

BURNED TO DEATH.

Albert G. Norcross of Lowell, Mass., Lost Life Last Night.

Lowell, Mass., Feb. 5.—Albert G. Norcross, aged 78, was burned to death last night at his home, 23 Stackpole street. Mr. Norcross accidentally set fire to his clothing with a candle while going upstairs to bed. Before his son-in-law could reach him he was fatally burned. He leaves a daughter. Mr. Norcross served in the Union Army during the Civil War and was afterward employed for many years in Middlesex mills.

SHARP CRITICISM.

Of Some of The Methods of Municipal Business in Burlington.

Burlington, Feb. 5.—Some rather sharp criticisms are made by the firm of Alfred Rose & Co., of New York which recently audited the accounts of the city of Burlington. The auditors report that there has been an improvement in the book-keeping of the street department and that they are unable to give a detailed statement as the distribution of the expenditures is not reliable. Relating to the school department the auditors report: "The cash disbursements were checked and all vouchers found in good order and properly approved. The suggestion made in our report of last year regarding the taking of an inventory of books and supplies has not been carried out, and we are, therefore, unable to verify the sales. Statements showing the collection of tuition fees by the various schools were sent in the book-keeping of the street department, but we found no schedule of scholars and amounts that should have been collected. In consequence we have been unable to verify the amounts outstanding. As was the case last year, we found that some disbursements had been made for which there were no warrants. We were unable to trace some of the receipts into the department books, and on calling the attention of the superintendent to the matter he informed us that some of the receipts were in respect of sales made by him personally to the students of books which he had purchased direct from publishers. We are somewhat at a loss to understand why it should be necessary for the superintendent to purchase these books on his personal account, although he gives as the reason that he can obtain credit from publishers whereas the city cannot. We do not wish to convey the impression that there is anything questionable in these transactions, but to say the least, they are irregular. However, the superintendent informs us that this mode of purchasing is made with the consent of the school commissioners."

OUTLOOK IS LESS GLOOMY

Virtual Agreement in Street Car Men's Schedule

LONG CONFERENCE HELD

Company Agrees to Let Men Arrange a Schedule of Runs and Will Grant a Cent Raise Now and More When Able.

A virtual agreement was reached at a conference which lasted until nearly two o'clock this morning at the car barn between F. M. Corry, president of the Barre and Montpelier Power and Traction company, and representatives of the union in an endeavor to come together on a wage and time schedule. President Corry explained to the men that under the present financial status of the road it was impossible to grant them the raise which they asked at the present-time, but he stated that their wages would be raised as soon as the earnings of the road would warrant doing so. The schedule which the men asked for was at the rate of 26 cents an hour for old men and a maximum of 21 cents an hour for new men. The present rate is 20 cents an hour for old men and from 15 to 18 for new men. President Corry offered the men an increase to 21 cents an hour for old men, that is, men who had been four years in the employ of the company. The rate for new men to be 15 cents an hour for the first six months, 18 cents from six months to three years, and 20 1/2 cents from three to three and one-half years. Another bone of contention between the company and its employees was the number of hours which the men are working. The shortest run occupies 10 1/2 hours, while the longest that a crew works under normal conditions is 13 hours. The company agreed to accept a time schedule which the men should draw up, the runs being arranged to suit themselves. The union representatives agreed to the proposals for one year, with the understanding that when the company was financially able to do so the pay of the employees should be increased. Under the old agreement, when a car was stalled without power, the men drew no pay for the time that they lost, but under the new agreement they draw pay at the regular rate. The new bill has not yet been formally made out and signed, but it is expected that it will be at a meeting which is to be held this evening. This agreement amounts to virtually an increase of two cents, as when the Corry, Deavitt, Frost company gained control of the road, the pay of the men was voluntarily raised one cent an hour.

SAYS SHE WAS ABDUCTED.

Newmarket Woman's Tale To The Providence Police Yesterday.

Providence, R. I., Feb. 5.—Asserting that she was abducted from her home in Newmarket, N. H., last Sunday at the point of a revolver, and forced to accompany her captor, who had driven to Norwich, Conn., where she was held in a Portuguese boarding house, Maria Albert, 19 years old, appealed to the police of this city yesterday to rescue her from the hands of her abductor. She and Harry Taveanus are detained at the station by Captain Cannon, pending a full investigation of her story. She says her husband's name is Louis Albert and that she was locked at a pistol point to pack a valise and accompany Taveanus, his brother and nephew to Boston, thence going to Norwich, where she was kept a prisoner. She managed to elude her captors, she says, in this city Wednesday night, while they were on their way to New Bedford.

LOCOMOTIVE SPARK MAKES LOSS OF \$170,000

Two Big Plants in Worcester, Mass., Including The Webb Granite Construction Company Destroyed Today.

Worcester, Mass., Feb. 5.—Fire which was probably communicated from a locomotive destroyed the plants of the George D. Webb Granite Construction company today. The flames broke out in the Covee elevator company's plant and quickly spread across an acre of buildings to the Webb plant. The latter's loss is from \$135,000 to \$150,000, while the Covee company's loss is \$36,000.

STARTS WITH 156 MEMBERS.

Marble Valley Grange Organized at West Rutland.

Rutland, Feb. 5.—Marble Valley grange has been organized at West Rutland with the largest charter membership of any grange in the state, and with one exception, of any in the United States or Canada, 156 members being elected. State Organizer Carroll S. Hopkins of Brattleboro organized the body and the following officers were elected: Robert Foster, master; Robert F. Mead, overseer; John H. Mead, lecturer; William A. Thrall, steward; Frank Burditt, assistant steward; Mrs. Cora H. Steward, chaplain; Mrs. Charles Mead, treasurer; Charles Mead, secretary; Leland V. Varnum, gatekeeper; Mrs. Robert Foster, cress; Mrs. William Sharrang, ponona; Mrs. C. P. Cerry, flora; Mrs. Frank Burditt, lady assistant steward.

The officers were installed by District Deputy E. C. Rodgers and Mrs. Rodgers of Proctorsville. Regular meetings will be held on the first and third Fridays of each month and the meeting place will be the new town hall when it is completed, which will probably be in about a month.

DEFALCATION MADE GOOD.

Permission to Reopen Somersworth Bank is Now Asked For.

Somersworth, N. H., Feb. 5.—The reopening of the First National bank of Somersworth, the sometime next week, is assured, according to a statement held by the directors of the institution last night. Temporary Receiver Norwin S. Bean, telegraphed to the controller of the currency at Washington notifying him that the impairment of \$55,000 in the bank's capital caused by the alleged defalcation of its cashier, Fred M. Varnum, has been made good and asking formal permission to reopen the bank. Of the total impairment \$25,000 was restored by assessments of the stockholders, Melvin L. Stevens, formerly in the office of the treasurer of the Boston & Maine railroad in Boston, will be the new cashier.

CALL IS AMENDED

So That Rev. Geo. F. Fortier Will Go to Northfield Church.

St. Albans, Feb. 5.—Rev. George F. Fortier, pastor of the local Universalist church for a year and a half, will resign next Sunday, to take effect on February 28. A delegation representing the Northfield parish waited upon him during the past week to induce him to reconsider his decision not to become pastor there. The original call was amended, and the Rev. Mr. Fortier will accept.

250 MASONS PRESENT.

Attending Annual Meeting of the Fourth District in Rutland.

Rutland, Feb. 5.—Two hundred and fifty Masons are here attending the annual meeting of the fourth Masonic district. Degrees were worked this afternoon, and a banquet will be served this evening. Grand Master Tillotson to St. Albans is here.

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CALLED HER MOTHER AND GOT NO RESPONSE

Then She Went Up and Found That Mrs. William Raeside Had Died During the Night.

When Miss Bessie Raeside went to the room of her mother, Mrs. William Raeside of 37 South Main street, shortly after eight o'clock this morning, she was unable to awake her. The young lady ran in a fright to the office of Dr. J. W. Jackson and the doctor came to the house, and a glance told him that the woman was dead. Examination showed that she had probably been dead for several hours. The cause of death was heart failure, following an attack of dysentery and stomach trouble.

Although she had been in poor health for a year, her death comes as a surprise and shock to her relatives and friends. She had been confined to her bed for only three days and appeared as well as usual yesterday. She was awake when the fire alarm rang at 12:35 last night and inquired where the fire was. When her son went to his work this morning, he spoke to her, but she left the house, but she was apparently asleep and he did not disturb her. Mrs. Raeside, whose maiden name was Gamble, was born in St. George, N. B., 46 years ago, and came to Barre about 25 years ago, shortly after her marriage. She is survived by her husband, three sons, Malcolm, Thomas and William, and one daughter, Bessie. All of the children reside in this city. The other survivors are two sisters, Mrs. Robert Raeside of this city and Mrs. Kate Hagley of Gardiner, Maine; two brothers, John and Harry Gamble, both of this city. The funeral will be held at two o'clock Sunday afternoon from the residence of her sister, Mrs. Robert Raeside of 10 Kirk street.

TO BUILD NEW PLANT.

Hoyt & Lebourveau Purchase a Site on Sortwell & Morse Meadow.

With a view to erecting a large modern granite plant, Hoyt & Lebourveau, who recently sold their place of business to Desuro & Co., have purchased a site on the Sortwell & Morse meadow at North Barre and on the line of the Montpelier & Wells River railroad. They will have plans drawn at once and will finish the other details so that the actual work of construction can start as soon as the weather becomes favorable in the spring. They paid \$1,000 for about an acre of land, which is large enough to accommodate a good-sized plant and still leave room for dumping purposes.

The building which they will put up is to be modeled after the two structures which are now under process of construction on this same meadow for Morrison & O'Leary and the Dewey Column Cutting Works. It will, of course, be of the straight type of granite plant and about 185 feet long. When completed, it will be thoroughly equipped with modern machinery and appliances, so that the firm will be able to do good work in the most up-to-date manner.

This Sortwell & Morse meadow, which is just across the river from lower Main street, is already a good-sized hive of industry. Hoyt & Lebourveau being the sixth firm to locate there within a comparatively few years. The Leland & Hall company (now the Leland and Lebourveau) was the pioneer to start there, followed by Guidici Bros., Presbrey, Coykendall company, Marston & O'Leary and the Dewey Column Cutting Works. The plants of the last two named will be completed for occupancy within a few months at the latest. Hoyt & Lebourveau are to be located opposite the Leland company's plant. This latter company recently purchased an additional site just south of their plant, and the extra land is now being used for dumping purposes, but can be utilized for increased facilities when wanted.

PEOPLE'S A. DEFEATED.

Montpelier High School Turned The Trick Last Evening.

The People's academy basketball team from Morrisville, which has in years past been considered a factor in the school championship of Vermont and which had previously defeated Montpelier high school at Morrisville, was humbled by the same team at Montpelier last night by the score of 35 to 16. This result rather hurts the claim that People's academy had entertained for the title this year, as Spaulding high of this city has twice defeated Montpelier high, once on the latter's floor. The People's team outwitted Montpelier last night, but the latter was stronger in team work, and more adept in locating the baskets. Tow' was the star basket thrower, getting nine from the floor, while Weaver was the best man for the visiting team, with four. The line-up and summary:

Montpelier High. People's Acad. Cullen, 1 f ..... 1 g. Norton Buck, r f ..... 1 g. Boardman Senter, e ..... 1 g. R. Thomas Towle, 1 g ..... 1 f. Weaver Keegan, r g ..... 1 f. Anain Summary: baskets from the floor, Cullen 3, Senter 2, Towle 9, Keegan 1, Anain 1, Weaver 4, R. Thomas 1, Norton 1; fouls, Cullen 5, Anain 5; referee, Weaver; umpire, Blaupied; time, 20 2/3-minute periods.

GOOD ATTENDANCE

At Adjourned Meeting of the Vermont Anti-Saloon League.

Burlington, Feb. 5.—The adjourned annual meeting of the Vermont Anti-Saloon League was held here today with a good attendance. The report of Supl. Ferguson will not be given out until late this afternoon.

SMALL STORE FIRE-GUTTED