# The Toronto World

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TUESDAY MORNING, JUNE 16.


## CLEAR UP THE TWO BIG ISSUES.

Mr. Rowell stands to make a lot of votes because of his abolish-the-bar plank. He has appealed to the temperance vote and to the churches on this plank and told them that he has done his duty when he took the stand; he puts the responsibility of abolishing or keeping the bar on them. If they fail him now that ends it!

But other men, equally earnest, are concerned about the use of the French language in the schools of Ontario. They are demanding that only English be used. Where is Mr. Rowell on this great issue? Sir James Whitney says he is for English in these schools. If Mr. Rowell does not get into clear water on this issue he may stand to lose all he is likely to gain from his temperance plank.

Sir James Whitney has two positive statements: I have reduced the licenses and enforced the liquor law so that Ontario is nearly all white or dry (as per my map) and I am for English teaching in all our state-aided schools.

Mr. Rowell is against drinking in bars, and he has yet to make his position clear in regard to the language question in the schools. He should clear it up so that all the voters may understand.

## MAKE THE SENATE RESPONSIBLE.

The newspapers all over Canada seem to be nearly unanimous in the belief that the senate should be either abolished or made responsible to the people. They agree that public opinion demands that reform, but they fear that neither political party will ever dispense with the patronage attaching to an appointive senate. In short, by a gentleman's agreement between the political parties the wishes of the people are to be ignored, but public opinion will have its way and the demand for senate abolition or senate reform may at any time become so insistent as to be irresistible. A free people will not submit indefinitely to the rule of an arbitrary body whose members are not chosen by them and are not responsible to them.

That careful thought will have to be given to the details of senate reform is clear enough, but details should be easily settled when the principle is so generally conceded. At any rate the public may be pardoned for questioning the intention of the government to deal with senate reform in the near future when it is seeking power to increase the size of that body by nine. Of course such an increase will be justified upon the ground that it will hasten the day when the Conservatives will have a majority in the senate, it being assumed that as soon as the senate finds itself in political accord with the government of the day it will relapse into a comatose state and refrain from using its arbitrary and irresponsible veto.

This is the argument for procrastination and delay. The people are soothed with the assurance that an expensive and dangerous nuisance will soon become more expensive but less dangerous. But the power to strike down representative institutions and to strangle the will of the people, as expressed by a general election and by the house of commons, will remain unimpaired. That power should not exist. The principle of control over public affairs, without responsibility to the people, is vicious and undemocratic. The irresponsible senate should be abolished, not because it is embarrassing the Borden government today, nor because it embarrassed the Laurier government fifteen years ago, but because it is irresponsible. If the ninety odd senators were the wisest and the noblest men on the face of the earth the principle at stake would be in no way affected. No doubt many men in many lands might have the ability to govern Canada most wisely, but the people of this country prefer to govern themselves.

The constitution of Canada should not be incapable of amendment. The people of the United States have at last succeeded in amending their constitution so that U. S. senators are elected not by the state legislatures but by the people, and by the people in the widest sense of the word, for state-wide primaries name the party candidates. We should neither be unwilling nor unable to make more democratic and more Canadian the constitution given to us a half a century ago.

## HOME RULE FOR CITIES.

Among the causes that have retarded city development on this continent, is the fact that cities have been controlled by legislatures and courts instead of by an administrative board, permanent in character and employing expert advisers in the various lines of municipal activity. The latter is the British method and it has given successful results. Indeed the local government board, the department charged with keeping municipalities up to the mark, has often been in advance of them, especially in recent years, and has itself been the promoter of legislation making for the betterment of social conditions. The Town Planning Act, for example, passed at the instance of Mr. John Burns, was originally optional, but is now to be amended and made compulsory where the conditions call for the relief of congestion.

Great cities present peculiar problems which cannot be realized without personal knowledge of their character. If cities are placed under the control of legislatures, largely composed of representatives of rural districts, or of the smaller urban communities, where similar conditions have not developed, the result is almost certain to be disastrous. With a reasonable measure of home rule, city problems would be met and dealt with by the citizens who have to bear the burden of their solution. In that endeavor, they can be aided by the experience and advice of experts who have made these problems a matter of special study. From others who know nothing about the complexities and difficulties engendered by the growth of great cities and indeed usually view their expansion with suspicion, nothing can be expected that is helpful.

## LINKED PARKS.

Having had an excellent holiday trip the members of the board of trade who went to see Buffalo, Cleveland and Detroit have returned with some good ideas about city development. The point to which they paid most attention was the park and boulevard arrangements of these cities. They appear to have been impressed with the adequacy of our parks, but realized the necessity of having the park system linked up as it is in other cities, Boston and Chicago offering notable examples of this plan. In Cleveland a boulevard system 65 miles long was covered by the party, and it is felt that Toronto can with little difficulty present a rival system, provided the city council sees its way to take the matter up in earnest.

A great deal has already been done under the city, and the park commissioners have kept in view for years the desirability of a belting boulevard encircling the city and connected with all the main parks. The work of the harbor commission has taken account of the same conception and contributed to its fulfilment. The board of trade now feels that another step should be taken in the appointment of a boulevard commission, under which the completion of the circular boulevard system could be carried on. It is intended to prolong the Humber boulevard northwards and carry it along Black Creek, across to Yonge street, where, meeting the Don Valley, a magnificent drive will be constructed down the Don Valley, leading to the eastern park system, and the harbor commission's improvements in Simcoe Park. The great success of the Niagara Falls Queen Victoria Park Commission, and the excellent condition of the Queenston Heights and Brock Monument Park, after nine years' supervision by an attentive caretaker, shows what excellent results can be attained. The mayor and council should take the matter up as soon as possible.

## RIVERDALE CONTEST.

No one who remembers the machinations of the "honest watch-dog" in the city hall, and his record in regard to assessment returns would care to see the Conservative party saddled with him in any other capacity. But having been turned out of one comfortable kennel he is using his customary methods to secure another, if possible, in Riverdale. He will adopt any plank of any platform to make himself popular except one, for we believe no one will find him in favor of tax reform. But he will pledge himself to abolish the bar or to run it wide open, as may appear most popular. Ex-Controller Foster is the last man in Toronto who should have the opportunity to ask for a nomination to the legislature, but the "honest watch-dog" of Marjorie avenue was never short on effrontery. Riverdale should be able to select a candidate from its own boundaries without giving the ex-controller any excuse for supposing that popularity can be acquired in any other way than by a record for public spirit and public service devoid of self-seeking.

## TO WORK ON DRILL HALL.

GALT, Ont., June 15.—Work is to start this week on the construction of the Galt armory for the 29th Regiment, Highland Light Infantry. Hon. Geo. A. Clare, Preston, representative of South Waterloo, has received word to this effect. P. H. Secord and Sons, of Brantford, have the contract for the building.

# MONTREAL VICTIM LEFT LARGE ESTATE

## Many Charitable Bequests in Will of Henry Herbert Lyman.

Canadian Press Despatch.

MONTREAL, June 15.—The will of Henry Herbert Lyman of Montreal, who, with his wife, perished in the Empress of Ireland disaster, has been filed for probate. The estate is valued at $400,000. There are several charitable bequests, as follows: To McGill University, library and cases, and the sum of $20,000, to aid in the establishment of a Montreal Public Library, free from all civic or ecclesiastical control $125,000; to the Children's Memorial Hospital $25,000, in memory of the late Rosswell Cross Lyman; to the Numismatic and Antiquarian Society $10,000; to the Historical Society $10,000; to the Montreal General Hospital $3,000; to the Royal Victoria Hospital $3,000; to the Protestant House of Industry $2,000; to the Protestant Hospital for Insane $3,000; to the Anti-Tuberculosis League $1,000; to the Sailors' Institute $2,000; to the Grace Dart Home $2,000; for missionary purposes $10,000.

# DEATH SUMMONS H. D. P. ARMSTRONG

## Was Well Known Insurance Man and President of Armstrong and DeWitt.

Mr. Henry Dixon Phillips Armstrong, who died at his residence, 229 West St. Clair avenue, yesterday, was the youngest son of the late William Blosse Armstrong, 9th Lancers. He was born at Holy Cross House, County of Tipperary, Ireland, and came to Canada in 1874.

Four years later he joined the Guardian Insurance Co., Ltd., and was connected with the company until his death. He held a very prominent position in insurance circles in Toronto, being president of Armstrong & DeWitt, Ltd., one of the oldest insurance houses in the city. He was also one of the oldest members of the Toronto Club, Jockey Club, a life member of the Argonaut Rowing Club and Royal Canadian Yacht Club, and a well-known member of the Masonic Order.

He is survived by his widow and one daughter, Mrs. Harrison Clarkson-Jones of London, England.

He was a keen sportsman and will be much missed by his many friends.

## THE SENATE.

(Winnipeg Tribune.)

It must strike the average Canadian as a funny spectacle to see the prime minister, Mr. Borden, taking steps to enlarge the membership of the Dominion Senate as at present constituted, and it accentuates the ghastly nature of the farce to see Sir Wilfrid Laurier backing up the proposals of Mr. Borden. Especially is the ludicrous situation accentuated when one recalls that both parties are pledged to the hilt for either the reformation or abolition of the senate. There has been no political question before the people of Canada for many years, upon which there has been such unanimity of opinion as either the amendment or the abolition of the senate. It is a joke as at present constituted. It has for two generations been a laughing stock in the land. Constituted by, and recruited from, discredited political elements—usually defeated candidates—it could hardly be expected that it would be more than a mere registering body, plainly following the will of the dominant party, especially if the majority were appointed by that body.

During its entire existence it has to its credit not more than one or two acts which met public commendation. The sooner it is ended the better it will be for the people of Canada, more especially as it has cost millions and millions to keep it in existence. Unless Premier Borden is prepared to bring the body into conformity with the popular will, he should not be allowed to increase its numbers. In the judgment of The Tribune it is a legislative excrescence, of no value, entirely superfluous and should be abolished altogether. If, however, the majority of the people of Canada think there should be a second body, it should be brought into conformity with democratic principles. It should be made an elective body, constituted somewhat after the manner of the senate of the United States.

## THE TRAIN DE LUXE OF CANADA.

The Grand Trunk's "International Limited," the premier train of Canada, is endorsed by everybody who has ever had the experience of riding on it. It leaves Toronto at 4.40 p.m. every day in the year, arriving at Hamilton 5.41 p.m., London 7.55 p.m., Detroit 9.55 p.m. and Chicago 8 a.m. following morning. Best electric-lighted equipment, including Pullman Sleeping Cars, Parlor-Library and Dining Cars. Double-track all the way.

An additional feature in connection with the excellent service offered by the Grand Trunk Railway System is the last train out of Toronto in the evening at 11 p.m., arriving Detroit 7.30 a.m. and Chicago 2 p.m. daily, carrying electric-lighted Pullman Sleeping Cars.

Morning train leaves Toronto 8 a.m., arrives Detroit 1.53 p.m., Chicago 9.25 p.m. Parlor-Library-Cafe and Dining Cars on this train.

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## HOLD-UP MAN GETS TWO YEARS.

Magistrate Denison sent Thomas Kelly to Kingston Penitentiary for two years when he appeared in the police court yesterday, on a charge of holding up James Cunningham and robbing him of $2.50. Kelly has long bad record.

## REMANDED ONE WEEK.

Henry I. Matthews, charged in the police court yesterday with being in possession of a portion of the quarter million dollars stolen from the New Westminster branch of the Bank of Montreal during 1911, was remanded until June 22.

# AT OSGOODE HALL

June 15, 1914.

## ANNOUNCEMENTS.

Judge's chambers will be held on Tuesday, 16th inst., at 11 a.m.

Peremptor list for second divisional court, for Tuesday, 16th inst., at 11 a.m.:

1. Campbell v. Bowes.
2. Campbell v. Ellis.
3. Stephens v. Dymond.
4. Weldon v. Nelson.

### Master's Chambers.

Before J. A. C. Cameron, Master.

Kirk v. Gregory—H. Howitt, for defendant, moved to dismiss action for want of prosecution. No one contra. Order made dismissing action with costs.

Stevenson v. Mason—Foord (Segsworth), for plaintiff, obtained leave to serve writ substitutionally.

Hamilton v. Hamilton—W. J. McLarty, for plaintiff, moved for order making attaching order absolute. J. G. Smith, for defendant, and garnishee. Enlarged to 16th inst.

Advertograph Co. v. Walsh—G. H. Shaver, for defendant, moved to strike out certain paragraphs of statement of claim as embarrassing. G. G. Plaxton for plaintiff. Order made. Costs in cause to defendant.

Connolly v. Brinsten—J. H. Cooke, for plaintiff, moved for liberty to proceed to enforce judgment for foreclosure. J. R. Roaf for defendant, Brinsten; Z. Gallagher for second mortgagee. Order made directing whole sum due to be paid, with liberty to defendant to pay all arrears of principal, interest and costs. Upon payment of such arrears proceedings to be stayed. Costs in the cause.

Toronto Electric Light Co. v. Gibson Electrics, Limited—Jarvis (Rowell & Co.), for defendants, obtained order, on consent, dismissing action without costs.

### Single Court.

Before Britton, J.

Re Hoffman and Griesman—A. A. Miller, for Hoffman, moved for order enforcing award. J. Griesman, defendant, in person, asked enlargement. Enlarged until 17th inst.

Re Leishman Estate—D. I. Grant, for Charlotte Leishman, widow, moved for order construing will of applicant's husband. A. E. H. Creswicke, K.C., for son Robert. Reserved.

Re Bonney Estate—D. Ross (Barrie), for executors, on motion for order construing will. J. R. Meredith, for infants. Parties having agreed to terms, Motion enlarged sine die. Consent minutes to be put in.

### Trial.

Before Falconbridge, C.J.

Raynor v. Toronto Power Co.—J. H. Campbell (St. Catharines), for plaintiff; D. L. McCarthy, K.C., for defendant. Action by painter to recover $10,000 damages for injuries received while painting part of a tower on which were strung transmission wires of defendant company. Judgment: The direct testimony satisfies me that plaintiff's injuries were caused by electric current on the supposed dead unit. Defendants' evidence is entirely of a negative character from which I am asked to infer that plaintiff was the author of his own wrong in fouling the live wire on the adjoining unit. I prefer the positive evidence. Judgment after 30 days for plaintiff for $1200 and costs.

Before Britton, J.

Clarkson v. Fidelity Mines Co., etc.—K. F. Henderson, for plaintiff; R. H. Greer for defendants. Action to recover $6250 damages for breach of agreement, and an injunction to restrain defendants, or either of them, from disposing of their property in Ontario, etc. Judgment: Let judgment be entered for plaintiff against defendants for $850, with interest from March 1, 1913, at 5 per cent. per annum, and with costs. Plaintiff is required to remove the lis pendens registered by him.

### Appellate Division.

Before Mulock, C.J.; Clute, J.; Riddell, J.; Sutherland, J.; Leitch, J.

Jordan v. Jordan—Plaintiff in person appealed from judgment of Middleton, J., of Dec. 12, 1913. D. Denison, K.C., for defendant. Judgment: Appeal dismissed with costs.

McGregor v. Whalen—H. Cassels, K.C., for plaintiff. S. C. Wood for defendant Whalen. H. E. Rose, K.C., for third party. Appeal by plaintiff from judgment of Britton, J., of Jan. 8, 1914. Judgment: In selling defendant was guilty of an actionable wrong. The plaintiff is entitled to resort to money in court for payment of his claim, subject to payment of $132 owing for unpaid purchase money if the vendor is willing to accept that amount and have his claim thus determined. Otherwise plaintiff is entitled to $819, money in court, and the issue between plaintiff and third party may be tried whether in this or a separate action. Defendant to pay plaintiff his costs of action and appeal. No costs between defendant and third party.

Bilton v. McKenzie—H. C. Macdonald for plaintiff. S. Denison, K.C., for defendant. Appeal by plaintiff from judgment of Britton, J., of Jan. 30, 1914. Judgment: Appeal dismissed and with costs if asked for.

Rex v. Albert Booth—A. G. Ross, for defendant, moved on notice to the attorney-general for Ontario under section 1016 of the code, for an order reducing the sentence of 12 months' imprisonment imposed upon him by Police Magistrate Kingsford on Nov. 6, 1913, for keeping a disorderly house and common betting house on defendant pleading guilty to the charge. No one for attorney-general. Judgment: There is in our opinion no right given under sections 1013 and 1016 of the code for a stated case, with or without leave, or under subsection 2 of section 1016 without leave where the sentence is alleged to be one which could not by law be passed. The former practice of a motion to quash and removal by certiorari is preserved by sec. 590 of the code, and section 1124 indicates the remedy on security being given, as provided by section 1126. It is to be hoped, however, that it may not be necessary to seek this remedy in order to obtain a return of the fine in so far as it exceeds the sum of $200.

Before Mulock, C.J.; Maclaren, J.A.; Clute, J.; Leitch, J.

Armstrong v. Proctor; McCallum v. Proctor—R. S. Robertson (Stratford) for defendant in each case. R. McKay, K.C., and R. T. Harding (Stratford) for plaintiffs. Judgment: In order to induce plaintiffs to purchase, defendant made material misrepresentations as to the character of the land and the plaintiffs were thereby induced to purchase. These representations were fraudulently made to plaintiffs' prejudice. We therefore dismiss the appeal with costs.

Vansickle v. McKnight Construction Co.—R. S. Robertson (Stratford) for defendants. R. McKay, K.C., for plaintiff. Appeal by defendants from judgment of Riddell, J., of Jan. 14, 1914. Judgment: Appeal dismissed with costs.

Bolton v. Smith—J. E. Jones for defendant. W. Proudfoot, K.C., and M. Grant for plaintiff. Appeal by defendant from judgment of Latchford, J., of Jan. 28, 1914. Judgment: Appeal allowed and action dismissed with costs.

Cillis v. Oakley—T. J. W. O'Connor for plaintiff. T. S. Elmore for defendant. Appeal by plaintiff from judgment of Winchester, J., of County of York, of Feb. 10, 1914. Judgment: Appeal dismissed with costs. Riddell, J., and Leitch, J., dissenting.

Cornish v. Boles—H. M. Mowat, K.C., for defendant. R. R. Waddell for plaintiff. Appeal by defendant from judgment of Falconbridge, C.J., of Jan. 26, 1914. Judgment: Appellant has failed on all grounds. The judgment, however, in our opinion, should be varied so as to simply declare that the plaintiff McNeil was justified in assigning the lease to Cornish; that the lease is a valid and subsisting one and the plaintiff entitled to possession of the property. The plaintiff will have the costs of appeal.

Before Mulock, C.J.; Magee, J.A.; Riddell, J.; Sutherland, J.

Oteskiuk v. Dominion Construction Company—R. McKay, K.C. for defendants; T. N. Phelan for plaintiff. Appeal by defendants from judgment of Middleton, J. of April 17 and 29, 1914. Action to recover $1,500 damages for injuries received alleged to have been caused by defendants' foreman lifting rail and throwing same over on plaintiff's foot. At trial judgment was awarded plaintiff for $500 and county court costs without set off.

Before Mulock, C.J.; Magee, J.A.; Sutherland, J.; Leitch, J.

Heughan v. Short—G. H. Bartlett (London) and T. W. Scandrett (London) for plaintiffs. R. G. Fisher (London) for defendant. Appeal by plaintiffs from judgment of McBeth, J., of County of Middlesex, of January 6, 1914. Judgment: Appeal dismissed with costs.

Parker v. Dyment-Baker Lumber Co.—P. H. Bartlett and J. F. Faulds (London) for plaintiff; G. S. Gibbons (London) for defendants. Appeal by plaintiff from judgment of Kelly, J., of April 23, 1914. Judgment: Appeal dismissed. We think counsel for defendant intimated that costs would not be asked.

Before Mulock, C.J.; Hodgins, J.A.; Riddell, J.; Leitch, J.

Bellamy v. Timbers — J. G. Kerr (Chatham) for plaintiff; A. Weir (Sarnia) for defendant. Appeal by plaintiff from judgment of Fourth Division Court of Lambton of March 30, 1914. Judgment: We are of opinion that the judgment should be reversed and the present security should be reduced to $113.70 and interest at 24 per cent. from September 10, 1905 to July 13, 1906, and thereafter at 12 per cent. per annum less the payment of $6.55 and $5 in question. The appellant only succeeding in part there should be no costs of appeal.

Whyte v. National Paper Co.—C. A. Masten, K.C. and G. Cooper for defendants; H. Cassels, K.C. for plaintiff. Appeal by defendants from judgment of Middleton, J. of March 11, 1914. Action to recover $1,720.56, alleged to be due plaintiff by defendants for commission on sale of defendants' goods by plaintiff. At trial judgment was given plaintiff for amount claimed with interest and costs. Judgment: Appeal allowed, judgment reversed and action dismissed with costs.

Re Lloyd Estate—R. U. McPherson for widow; J. R. Meredith for official guardian. Appeal by Hattie E. Lloyd of Texas, widow of Robert Lloyd, from order of Latchford, J., refusing direction for the Ontario administration of the estate to pay over to applicant, foreign guardian of the infant beneficiaries, the moneys realized out of testator's Ontario estate. Judgment: Having regard to the relationship of the court to be interest of infant we do not think this is a case in which the funds held in trust in this province for the infants should be removed beyond the jurisdiction of the court. Order refused. Appeal dismissed.

Before Mulock, C.J.; Clute, J.; Sutherland, J.; Leitch, J.

Wilson v. Thomson—S. H. Bradford, K.C. and T. Hislop for defendant; H. E. Choppin (Newmarket) for plaintiff. Appeal by defendant from judgment of Meredith, C.J.; of January 30, 1914. Judgment: Appeal dismissed with costs.

Laird v. Taxicabs, Limited—J. P. MacGregor for defendants. T. N. Phelan for plaintiff. Appeal by defendants from judgment of Latchford, J., of Feb. 6, 1914. Judgment: Judgment set aside and new trial ordered. Costs of former trial and of the appeal costs in the cause.

Township of Sandwich v. Township of Maidstone—J. G. Kerr (Chatham) for plaintiffs. J. H. Rodd (Windsor) for defendants. Appeal by plaintiffs and cross appeal by defendants from drainage referee of Jan. 23, 1914. Judgment: Appeal dismissed with costs and cross appeal allowed with costs.

McNally v. Anderson—E. D. Armour, K.C., for defendant. W. R. Meredith (London) for plaintiff. Appeal by defendant from judgment of Middleton, J., of 13th January, 1914. Action for dower. At trial the judgment declared plaintiff entitled to dower and referred it to local master at St. Thomas to fix the value of same. He fixed the value at $116.48. On appeal from his report to Mr. Justice Middleton he varied the report and fixed the value of plaintiff's dower at $922, and the present appeal is from that judgment. Judgment: What the master should have done was to ascertain what would be a reasonable portion of the rent due, having reference to the value of the land and allow one-third of that having regard to the age of the widow. Whether it would amount to more than the master has allowed we are unable to say from the data before us. Appeal allowed. If the plaintiff is not willing to accept that sum there should be a reference back to the master to ascertain the amount to which the plaintiff is entitled, upon the principle above indicated. This is not a case for costs.

Before Mulock, C.J., Riddell, J., Sutherland, J., Leitch, J.

Rainy River Navigation Co. v. Ontario and Minnesota Power Co.; Rainy River Navigation Co. v. Watrous Island Boom Co.—Appeals by plaintiffs in each case from judgments of Britton, J., of July 16, 1913. I. F. Hellmuth, K.C., and A. R. Bartlett (Windsor), for plaintiffs. A. W. Anglin, K.C., and G. Osler, for defendants. Judgment: We are of opinion that the damages should be increased in the first case to $1960, less the difference between the expenses incurred when the vessel was prevented from navigating the river and the probable expense of operating. Plaintiffs are entitled to the costs of appeal. In the Watrous Island case we award plaintiffs $500 damages with costs of action and of this appeal.

Cairns v. Canada Refining and Smelting Co.—A. E. H. Creswicke, K.C., for plaintiff. D. W. Saunders, K.C., for defendants. Appeal by plaintiff from judgment of the chancellor of 1st December, 1913. Judgment: Plaintiff is entitled to damages for depreciation to value of his property because of deposit thereon of arsenic from defendants' smelter, and is entitled to an injunction restraining defendants from so conducting their smelting operations as to allow arsenic to escape therefrom into the atmosphere under such circumstances as may make it possible for arsenic to fall upon plaintiff's house and grounds. Reference to master to fix amount of damages for depreciation of plaintiff's property. The plaintiff to be entitled to full costs of action including costs of appeal and of the reference.

McNally v. Halton Brick Co.—E. E. A. DuVernet, K.C., for defendants. H. Guthrie, K.C., and W. J. Dick (Milton) for plaintiff. Appeal by defendants from judgment of Kelly, J., of Jan. 8, 1914. Judgment: Appeal dismissed with costs.

Bingeman v. Klippert—W. H. Gregory (Berlin) for plaintiff. E. P. Clement, K.C., for defendant. Appeal by plaintiff from judgment of Lennox, J., of March 11, 1914. Judgment: Appeal dismissed with costs.

Re Estate of Daniel T. Fletcher—G. L. Staunton, K.C., for E. D. Cowell appellant. S. F. Washington, K.C., for adult heirs. S. F. Lazier, K.C., for executors. J. R. Meredith for infants. Appeal by Elsie Dawn Cowell from judgment of Middleton, J., of April 14, 1914, construing will of D. T. Fletcher. Judgment: Appeal dismissed with costs, Riddell, J., dissenting.

Millard v. Toronto Railway Company—D. L. McCarthy, K.C., for defendants. J. P. MacGregor for plaintiff. Appeal by defendants from judgment of Denton, J., of County of York of March 24, 1914. Judgment: Appeal dismissed with costs.

St. Catharines Improvement Co. v. Rutherford (John Riley, third party)—H. H. Collier, K.C., for plaintiffs; G. F. Peterson (St. Catharines), for defendant; M. Brennan (St. Catharines) for third party. Appeal by plaintiff from judgment of Falconbridge, C.J., of March 14, 1914. Judgment: Appeal allowed and judgment entered for plaintiffs for $775 with costs here and below.

Before Mulock, C.J.; Riddell, J.; Sutherland, J.; Leitch, J.

Rickey v. Toronto and Harbor Commissioners; Schofield-Holden v. Toronto and Harbor Commissioners—H. E. Irwin, K.C., for Rickey Brothers. W. E. Raney, K.C., for Schofield-Holden; G. R. Geary, K.C., for city; A. C. McMaster, K.C., and R. G. Agnew, for harbor commissioners. Appeal by plaintiffs in each case, from judgment of the chancellor, of Feb. 14, 1914. Argument of appeal resumed from 5th inst., and concluded. Judgment reserved.

Before Clute, J.; Riddell, J.; Sutherland, J.; Leitch, J.

Watson v. Jackson—H. H. Dewart, K.C., and J. W. McCullough, for defendants; I. F. Hellmuth, K.C., and N. Sinclair, for plaintiff. Appeal by defendants from judgment of Middleton, J., of Feb. 5, 1914. Judgment: We have been unable to see that the findings of the trial judge can be disturbed. The judgment, however, should be slightly varied so as to make the decree in favor of plaintiff subject to the ordinary and reasonable use of the defendants as riparian proprietors. With this slight modification the appeal is dismissed with costs.

## NEW INDIAN CHIEF.

CORNWALL, June 15.—Loren Jackson was elected new chief of the St. Regis reservation Indians against three other candidates. Angus White was chosen clerk.

## AND HE DID