TUESDAY MORNING

TELEPHONE CALLS: Main 252—Private exchange, con-TERMS OF SUBSCRIPTION : Single Copies-

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The only cure in sight for the public franchise troubles that exist in this country and in the United States today is the power to expropriate public service franchises, especially in cities and towns, and the exercise of this power should be based on an arbitration to ascertain the actual expenditure or physical value of the franchise, no regard being paid to the so-called claims of "vested interest" in the franchise. The two recent decisions of the supreme court in the United States, and the decision in our own courts in the case of Cornwall, have settled that there is no goodwill value in a free franchise grant, inasmuch as it is a monopoly belonging to the people, not to the company that happens to exercise the franchise.

Now, let us become specific in this matter: Toronto to-day has a serious disagreement with the Toronto Railway pany. Justice Moody, who delivered Company. The latter refuses to extend its lines and claims to be able to do almost what it likes in the city. It issued to contractors for the construcsays it is not bound to supply a service tion of the plant, and the nominal to the portions that are constantly be- amount of the stock issued was greatly ing added to the city by annexation. in excess of the true value of the pro-Residents in the new portions of the perty furnished by the contracts. city to the east (what was until the Bonds and preferred and common stock other day the Town of East Toronto), issued under such conditions afford have still to pay two railway fares to neither measure of, nor guide to, the get to town, and the same is true of value of the property." And after rethe north in regard to Deer Park; and ferring to the duty of the company to the hindrance in the way of annexing keep the value of its property unim-North Toronto, immediately north of paired, the justice added that "if a

expropriate their street railway fran- cannot be enhanced by a consideration chises on this same basis of arbitration. If this right is given to Toronto it can expropriate the Metropolitan Railway on Yonge-street as far as it cares to extend the city, and make it part of the city system, and at the same time the city can expropriate the system in Toronto, and in that way extend the lines and give everybody a single fare and

improved service. The World trusts the public of Toronto will not be humbugged by the proposition of riendly negotiation with the company, which will simply enable the company to tide over the coming session of the legislature. The road can be taken over now for less than it can ever be acquired hereafter, and the money required, which now earns six per cent. in dividends on the stock, can be had for four per cent, or less if it were obtained on a city bond

In the City of Winnipeg, according to the despatches, Mr. Mann is offering to sell the street railway and other franchises there to that town for a great many millions, the amount including a large figure for the goodwill of the franchises. The Roblin government is bound, in our view of the situation, as the government of Ontario is ation, as the government of Ontario is bound, to give the City of Winnipeg the right of expropriation without consideration of goodwill value. No city that we know of on the continent has so much need for the best possible conditions in the operation of its public service franchise than has Winnipeg. The extreme cold of that country, the scarcity of fuel, and other conditions. make it absolutely necessary that public services in the way of light, of heat, or street car service, and of electric power should be distributed at the lowest possible price.

The one solution in Toronto and the one solution in Winnipeg, is the power to expropriate conceded to the cities on the lines above laid out. It is, therefore, up to the civic authorities both here and at Winnipeg to demand what they are entitled to receive in this

SYMPATHETIC SOULS.

"Two souls with but a single thought: two hearts that beat as one," is the tender relation established between The Hamilton Spectator, reputedly Conservative, and The Brantford Expositor, nominally Liberal. These gay young things have interests in common and their sentiments are so unanimous that they even take the same identical form of expression editorially. The World had occasion to comment last Saturday on The Spectator's willingness to admit that figures can lie, and now has to note the same readiness on the part of The Expositor, Jan. 15, in connection with the same subject. The point in question was the possibility of

The Toronto World. buying 24-hour electric power at a certain figure, selling it for one-half, or portion, of the day for a profit, and selling it for the rest of the time at 10 per cent, under cost. The remarkable feature of the case is the identity of their inspiration. Are we to infer that, like obedient and sympathetic magnetic needles, they point the direction in which the influences of Cataract power

> PUBLIC SERVICE AT FAIR RATES. Another decision of the United States supreme court reiterates its determination to secure a square deal for the public from franchise-holding corporations, and to uphold legislatures or other subordinate bodies to whom power has been delegated in the exercise of their function of rate making. In this last case a Tennessee judge restrained the enforcement of an ordinance passed by the City of Knoxville, fixing the water rate to be charged by the water company, and the city appealed to the upreme court. The reviewing judges leclined to hold the ordinance unconstitutional, and laid the burden of proving that the rate was confiscatory upon the company. In doing this, the court intimated that the jurisdiction invoked ought only to be exercised in the clearest cases, and added that if a company chose to decline to observe an ordinance of the nature indicated and went into court claiming it to be unconstitutional, the company must be prepared to show the ordinance was so confiscatory as to be unconstitutional. This dictum has a direct bearing on all rate-making by franchise-holding corporations themselves. Here in Canada the tendency has been hitherto to compel the public or individuals to prove rates to be unnecessarily high. The proper course in all cases is to compel the company to justify them. In the Knoxville case, the supreme

court made a significant reference to the stockholdings of the Water Comthe opinion, said: "All, or substantially all, the preferred or common stock was North Toronto, immediately north of Deer Park, is the difficulty of settling with the Metropolitan Railway, which Mr. Mackenzie says belongs to the To
Mr. Mackenzie says be ther this is the result of unwarranted Our contention is that inasmuch as dividends upon over issues of securities over, and the imperial sentiment was strong in all the outlying posts of the taken to themselves the right to expro- for the output, the fault is its own. empire. or the output, the fault is its own. When, therefore, public regulation of its prices comes under question, the true value of the property then employed for the purpose of earning a return cannot be enhanced by a consideration of the errors in management which have been committed in the past." In other words, when stock manipulation has taken place, a franchise-holding corporation has no right to penalize the public by making that stock manipulation the basis for rates yielding more than a fair return on the proper yalue of the entraordinary important events in under the impression that when this game.

The loss of the prestige of Great Britain in the last seven years in Canada is quite marked, and I am much impressed with the force of the warning of your correspondent, that if Great Britain is not soon prepared to recipropression the most important events in the history of the British race. I am under the impression that when this game.

We have been very patient, have waited for nearly 12 years, but the danger increases every month, and if the Roval Colonial Institute may soon the proper yalue. priate electric companies, in the inter- When, therefore, public regulation of est of municipalities, they must take its prices comes under question, the another step and give the City of To- true value of the property then employronto, and other cities, the right to ed for the purpose of earning a return than a fair return on the of its property. This rule ought to apply to all public services in Canada operated by private companies.

H. C. HAMMOND FUND.

The H. C. Hammond endowment fund for the Toronto Free Hospital for Con-sumptives has now reached the very notable total of \$51,592.

A recent interesting addition to the fund is a contribution from Perth of \$250 thru Mrs. K. Eardley Wilmot, who organized an entertainment in the interests of the fund with the very satisfactory result.

The earlier subscriptions to the fund

being all large amounts, the impression was given that smaller contributions might not be acceptable, but the followmight not be acceptable, but the following list shows that contributions of any amount will be gladly received by the treasurer, Mr. C. A. Bogert, general manager of the Dominion Bank.

The list of further subscriptions to the fund is as follows: Amount previously acknowledged, \$51,191; Mrs. K. Eardley Wilmot (to Perth. Service).

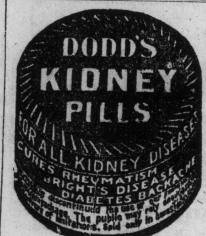
Eardley Wilmot (to Perth contribu-tions), \$250; Thomas P. Galt, \$50; Mrs. Stephen Heward, \$25; Mrs. L. D. Scobie. \$10; K. H. E., \$10; E. G. Malloch, K.C. \$10; Angus MacMurchy, \$10; Mrs. Mary

BRITISH PENSIONS.

"Subscriber" is informed that the pensions in Britain are a gift, there being no payments required by the re-

A SERMONETTE. His proper place Is on the shelf Who only lives To doubt himself. -Birmingham Age-Herald.

Western Millionaire Killed.
SALT LAKE CITY, Jan. 18.—J. G.
Wood of Salt Lake City, millionaire nine owner, and perhaps the largest sheep owner in the west, was instantly killed by an engine in the yards last



## Britain's Loss of Prestige

Col. G. T. Denison Much Impressed by Warning of Business Man That Canada May Be Forced to Play Her Own Business Game.

By the C. A. P. cable despatch quoting Col. Denison's letter to The London Standard considerable misapprehension has been caused and The World interviewed the colonel with the object of getting an explanation of the matter. Col. Denison pented out that he had been commenting on the views of another writer by which he had been impressed.

A great and powerful people approaching a close." Over six years have elapsed, and I am more than ever convinced that my warning of danger was absolutely justifiable.

What has since happened? Sir Wilfrid Laurier's statesmanlike offer could not be accepted thru some over fastidiousness on the part of Sir Michael Hicks-Beach and others, which paralysed Mr.

I wish to say a few words in support of the warning which my fellow-countryman has given. Those of us who have been working for the last terminological inexactitudes, clouded who have been working for the last 20 years to bring about a commercial union of the empire, are naturally very anxious as to the present state of affairs. Twenty-one years ago a most dangerous agitation infavor of commercial union with the United States was organized, both in the United States and Canada. This, if successful, would have meant the annexation of Canada to the States. It was only by the have meant the annexation of Canada to the States. It was only by the strenuous exertions of the loyalist element, aided by the hope of an organization of our empire for purposes of trade and defence, that the movement was defeated.

Cuss preferent'al arrangements Canada would be ready to negotiate.

There was nothing in that action to justify rudeness or illfeeling, yet shortly after the conference closed the under secretary, whom the British people appointed to aftend to the affairs of the colonies in the house of commons went

Canada then did more and gave a preference to Great Britain in her markets in order to aid British manufacturers and to prevent foreign nations from strenthening themselves by drawing profits from our trade. We felt that the national assets and advantages might by tariff arrangements be remight by tariff arrangements be re-tained under the flag. This preference was given to Great Britain in 1897 and a preference to the West Indies in 1898. We in this country hoped that Great Britain in her own interests, and in the interests of her empire. would reciprocate. The example of Canada has been followed and the other colonies have given to the mother country preferences. But what has Great Britain done?

At the time of the conference 1902, the feeling all over the empire was strong for trade consolidation, Sir Wilfrid Laurier went to the confer-ence with favorable offers of further preferences to be given in return for on wheat. Mr. Seddon was also favorable to trade arrangements, Sir Edmund Barton, and Sir Gordon Sprigg willing. to look on them favorably The war in South Africa was hardly over, and the imperial sentiment was

fication of the empire, or it may be that, either thru sloth or indolence, or lack of appreciation of the extraordinary importance of the occasion, the critical moment may be allowed to lapse, and we may soon see our career generally appears to the Royal Colonial Institute may soon be verified.

G. T. Denison.

been impressed.

At the request of The World he supplied a copy of his letter, a perusal of which will elucidate the colonel's attitude on a matter of grave importance to the old country.

To the editor of The Standard of Empire, London, Eng.

Sir,—I have just read with much interest the "Business Man's Warning," by a Canadian merchant, which appears in your issue of the 19th Dec.

I wish to say a few words in support

Mr. Chamberlain then left the gov-

colonies in the house of commons, went to his constituents and boasted to them that the government had slammed-banged and barred the door in the face of the colonies. There was nothing in Canada's action that justified this unnecessary insult, which has rankled ever since in the minds of our people.

Since 1902, also, this present British Since 1902, also, this present British Government have given up to the Boers a great many things that the colonial contingents fought to preserve, and the feeling is very general in Canada that the Canadian blood shed on the fields of South Africa was a vain sacrifice to aid an empire which is so feebly governed.

We have foreseen for years the general decadence of the mother country thru free trade, which, altho once an advantage, is now a curse. Agriculture has been almost ruined and the rural

has been almost ruined and the rural population sadly diminished in numbers, wealth is disappearing in spite of the fortunes made by the middlemen who deal in foreign manufacts by those engaged in shipping.

The loss of the prestige of Great Bri-

IN THE LAW COURTS

IN THE HIGH COURT. Osgoode Hall, Jan. 18, 1909.

Announcements.

Judges' chambers will be held on Tues
day, 19th inst., at 11 a.m.:

Peremptory list for divisional court
Tuesday, 19th inst., at 11 a.m.;
1. Evans v. Bank of Hamilton.
2. Melady v. Jenkins.
3. Rex v. Nelson.
4. Gay v. Farnham.
5. Noble v. Petzel.
6. O'Meara v. Stow.

Peremptory list for court of appeal for Tuesday, 19th inst., at 11 a.m.:

1. Boyle v. Rothschild (to be continued).
2. Carpenter v. Canadian Accident Ins. Company.
3. Lennox v. Hyslop.
4. Re Port Arthur Electric Railway and the Railway Board.

Peremptory list for jury assize court for ruesday, 19th, at 10 a.m.:

1. Ward v. Toronto Railway.

2. Walker v. Wheatley.

3. Rumpeth v. Toronto Railway.

4. Beattie v. Toronto Railway.

served.
Levinsky v. Solwey, Shapiro v. Solwey.
—H. A. Foster, for the Crown Bank and Gurofsky, in both actions, moved to dismiss for want of prosecution. G. S. Hodgson, for the other defendants made similar motion. N. G. Heyd, for plaintiff, in each action. On plaintiff undertaking to set case down forthwith and proceed to trial at March sittings, motion dismissed. Costs in cause to defendants.
Gray v. Morrison,—J. G. Smith, for defendant, moved to change venue from Toronto to Orangeville. G. Grant, for plaintiff. Order made. Costs in the cause to defendant.

referring to Judge Winchester to take accounts in the matter, also referring all questions to Judge Winchester for trial, and authorizing plaintiffs to sell the lands in questions are proved by the evidence, for three years, I award defendants \$900. As to item (b), the question of plaintiffs to take accounts in the matter, also referring all the part of the plaintiffs to keep their telegraph lines in working order. As to item (b), the question of plaintiffs to keep their telegraph lines in working order, as proved by the evidence, for three years, and the part of the plaintiffs to keep their telegraph lines in working order, as proved by the evidence, for three years, and the part of the plaintiffs to keep their telegraph lines in working order, as proved by the evidence, for three years, and the part of the plaintiffs to keep their telegraph lines in working order, as proved by the evidence, for three years, and the part of the plaintiffs to keep their telegraph lines in working order, as proved by the evidence, for three years, and authorizing plaintiffs to sell the lands in the part of the plaintiffs to sell the lands in the part of the we have been very patient, have we have been very patient, have waited for nearly 12 years, but the danger increases every month, and it for something is not done my forceast at the Roval Colonial Institute may soon be verified.

6. T. Denison.

Toronto, Jon. 17, 1999.

Toronto, Jon. 18, 1999.

That they are entitled to the \$40 amoneys paid for their use to the assignes by the purchaser. Whether they can under the authorities maintain that position is not for me to say. But it is clear that if there is to be a taxation they should be allowed to deliver new bills for that at \$40 in any event.

They must either do this or else bring a citing for what they think they are entitled to within a week, in which case the defendant will have in effect security for costs. If they elsect to take action, the ferendant will have in effects security for costs. If they elsect to take action, the ferendant will have in effects counting, and the motion of the submit to taxation the taxing officer, who will no doubt consider whether or not any such substantial gain accrued thereby to the clear and the motion, on the proceeding, and this motion, on the first of the counting the proceeding and maintaining a telegraph line of the case different of the sasting and the submitted to the sasting and the motion of the first the case of the line and interest on 1800 and the property of plaintiffs, subject to the rights of defendants under the agreement. Enlarged until 20th inst.

They must either do this or else bring and the motion of the plaintiffs claim is dismissed, with costs, and the property of the clear than \$400 in any event.

They must either do this or else bring an account will have in effect security for costs, and for change of the first of the defendant moved to extend the time for the liquidator appealed from the County and the property of the clear than the popposition of the question whether the popposition of the question

T. EATON COLIMITED

sittings of the court.

Re Hamilton and Canadian Order of Foresters.—S. H. Bradford, K.C., for executors and adult children, moved for determination of the question whether the moneys payable under Life Insurance Certificate No. 81138, for \$2000, issued by the high court of the Canadian Order of Foresters, to Alexander Hamilton belong personally to the legal heirs of Alexander Hamilton or to his estate, to be disposed of under his will. L. Lee (Hamilton), for the legal heirs of Alexander Hamilton. Order declaring that the legal heirs of Alexander Hamilton. Costs out of the fund.

Men's White Unlaundered Shirts Most of these are slightly soiled from handling, linen bosoms, cuffs or wristband, fine English cotton, reinforced fronts, sizes in the lot 14 to 19 inches; January Sale price .....

Out of the same lot, in

worsteds, tweeds and

In tweeds, serges and worsteds;

serges, plain and striped patterns, excel-lent trimmings; January Sale price . . 1.89

Vests your choice, January Sale

Fur-Lined Coats of Extra Value

Clearing Men's Natural Wool Underwear

EATON'S JANUARY SALE

The Clear-Out of Odd Coats, Pants, Vests

ENERALLY twice a year we have occasion to announce an unreserved clear-

ing stocks in a busy six months. The values are all decidedly out-of-the-or-

TO-MORROW A LARGE COLLECTION OF MEN'S ODD COATS, ODD TROUS-

ERS, ODD VESTS WILL BE PILED UP FOR QUICK EXIT AT THESE PRICES:

dinary and garments from fairly expensive suits are included.

Single and double-breasted, in

tweeds, serges, worsteds and

fancy pattern cloths; browns, greys, blacks,

blues; stylish and correct, being all this season's

ance of the odd garments which have accumulated throughout the cloth-

Men's Clothing Wednesday

rousers

A FUR-LINED COAT in this weather gives a pleasure and comfort to the wearer not known to the one who is without such a garment. The opportunity to own one comes to you Wednesday, when the extra values you receive in these coats should make it a great inducement to purchase. Choicest Canadian musk-rat lining, thickly furred, beautifully matched; very choice otter collars, notch style, fine English beaver cloth shell, smooth finish, fast black, tailored in full box back, light weight, at greatly reduced 49.00

LOOK, BOYS! A WATCH FOR 79c

Trial Court.

Important

Coats

Event in

And a watch that you can depend on as an accurate time-keeper if not abused; plain nickel case, stem wind and stem set, Arabic figures on dial; a neat good looking watch for any boy or young man; January Sale price .79 

See these two January specials Wednesday. MAIN FLOOR-YONGE STREET.

190 YONGE STREET

TORONTO

We make it our Business as Wine Merchants to Scrutinize the Quality and offer only that

which Excels. Michie & Co., Ltd. 7 King St. West.

peal. Cross-appeal abandoned and judg-ment on appeal reserved.

Before Garrow, J.A., Meredith, J.A.,
MacMahon, J., Anglin, J., Magee, J.
W. Davidson, K.C., and J. A. Paterson,
K.C., for plaintiffs, respondents. G. F.
Shepley, K.C., and T. D. Delamere, K.C.,
for defendants, appellants.

for defendants, appellants.

This was an appeal from the award of His Honor John Winchester, Esq., as arbitrator between the respondents and appellants, under the provisions of the Statutes of Ontario (1889), 52 Victoria, Cap. 53, and amending act, 7 Ed. VII. (1907), Cap. 54, by which award the arbitrator held that the appellants should pay to the respondents the sum of \$1886.87 for the right of ingress and egress to and from the property of the appellants, fronting on College-street, Toronto, to College-street, as set out in the award.

The title of the appellants to the lands street, as set out in the award.

The title of the appellants to the lands in question is admitted, and the title of the respondents to College-street, or the avenue running on the north side of the said property, is also admitted, subject to the lease of 1st January, 1359, and to the agreement between the University and the city of 2nd March, 1889, and the statutes affecting the same. There was also a cross-appeal by the University, Appeal argued and judgment reserved,

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