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LOADING IT UP.

Mr. William Mackenzie is constantly stating in the newspapers that the Toronto Railway owns the Electric Development Co. Does he mean by that that he can buy any kind of proposition he likes, in the name of the Toronto Railway Co. and have it included in the assets to be appraised and taken over by the city? In other words, is he getting ready to ask the people of Toronto to buy and take over the Electric Development Co. when the Street Railway Co.'s franchise is to be surrendered? He says that the radials are also owned by the Toronto Railway Co. Are these also to be taken over?

We would like to hear from The Globe and The Star in regard to this idea, because, while Mr. Mackenzie is about it, he may include some other and more expensive items. He might buy the Canadian Northern, and sell it to the Toronto Railway Co., and have it considered as another item in the bill of properties to be taken over by the city in a few years.

A number of newspapers may be included in this list, and there will be room also for the Toronto Electric Light Co.

SCOTTISH EDUCATIONAL DEVELOPMENTS.

Scotland did not bulk to any great extent in the legislation passed by the imperial parliament during its recent session. Its most important act related to education, but contrary to the English bill, it elicited little comment and was practically in the position of a non-controversial measure. Yet it contained some very socialistic proposals, far more advanced, indeed, than anything ever suggested for England. But in matters pertaining to Scotland, Scottish public opinion, when it is known to be general, as a rule has its own way, and the house of lords raised no objections to the several novel, indeed, revolutionary provisions which have now received parliamentary sanction.

School children in Scotland insufficiently nourished or clothed, may now be supplied out of the school fund with "sufficient and proper food or clothing." The outlay can be recovered from the parent if he is in a position to afford it; if not, it remains a part of the official expenditures. But the act goes further than this and authorizes a school board to pay the traveling expenses for teachers or pupils to and from their homes, or to defray the cost of lodging pupils in convenient proximity to a school. In addition to free education, thus in Scotland, there may be, where necessary, free meals, free clothes and free housing for Scottish children. Yet, are these latter not really as justifiable as the former, if it be for the interest of the state to consider the quality of its citizenship?

But there are other reforms in the Scottish educational system not less notable. Continuation schools are made compulsory and must have relation to the industries and crafts in the various districts. And tho attendance is not absolutely compulsory in all cases, every school board has now power to make it compulsory, and this option will, without doubt, be extensively exercised. Further, school boards either separately or in association, are given authority to maintain agencies for collecting and distributing information as to employments open to children on leaving school. These enabling provisions are in close connection and ought to prove invaluable aids to the industries of the country, besides assisting the solution of the problem of unemployment. Scotland has for centuries been proverbial for the excellence of its educational system. This latest act is a remarkable testimony to the continuing interest taken by the country in the efficiency of its schools and its determination to retain the advantage it has already gained.

THE PRIMARY.

When the ordinary voter goes up to vote for a member of parliament he is handed a ballot containing two names. He is free to vote for one of two men. The ballot does not, upon its face, indicate which candidate is pledged to support or which candidate is pledged to overthrow the existing government. The voter must vote for one man or the other. He can not, as the law now stands, have recorded, in any way, his opinion that neither one of the candidates is a fit and proper person to represent his riding in parliament.

How do these names get on the ballot?

Theoretically they are placed thereon just one week before the election as a result of a nomination paper signed by twenty-five electors, accompanied by $200, placed in the hands of the returning officer at a time and place named in his proclamation. As a matter of fact both men are selected as candidates for their respective parties weeks, months or even years before the general election.

But how are they selected?

No doubt the vast majority of our readers know how it is done, but we venture to say, notwithstanding, that fifty per cent. of the electors have in fact no voice in the selection of the candidates. They can choose between A and B, whose names are printed on the official ballot, but at no stage of the game have they any chance to vote for C., Q., or X.

Now and then there is trouble. Sometimes it is charged that the party bosses have put up as the party candidate a man not acceptable to the rank and file. Surely there should be some method of permitting every bona-fide Conservative and every bona-fide Liberal to participate, by a party plebiscite, in choosing his party nominee.

It may be objected that this party plebiscite or "primary" means three elections, instead of one. True, but how is this to be avoided? The Liberals must, in some way, elect a candidate; the Conservatives must, in some way, elect a candidate; the people must, then, elect one of the two to be their representative in parliament.

The only point in dispute is as to how these primary elections, these party selections, shall be conducted. The primary election idea, technically, is to have an election primarily; that is to say, to invite the members of each party, under the sanction of the law and at the public expense, to choose their respective candidates by a plebiscite.

There is no question but that this plan—this method of nomination—is feasible. Many Conservatives in the west say that it is desirable. Many earnest reformers, like Governor Hughes of New York, believe it to be indispensable for good government. It surely is worth discussion.

RE INSPECTOR JOHNSTON'S INTERVIEW.

Editor World: In view of the criticism raised by the temperance people over an interview given Hotels and Travel by Chief License Inspector Johnston, on license reduction in Toronto, and which was republished in the Toronto papers in connection with the license reduction campaign, and in fairness to Inspector Johnston, we wish to state that the interview in question was not intended by him to be used except by Hotels and Travel, which we believe he misunderstood at the time to be an exclusively western publication. We are satisfied that he would not have so expressed himself had he thought his views were to be given publicity in Toronto in connection with the recent vote on license reduction, as he was not at all anxious to discuss the matter, even to a Winnipeg paper representative. As regards what the inspector said in reference to hypocrisy and politics on the part of the temperance people, to which strong exception has been taken by some of the temperance leaders, we believe he had reference to the time of the Dunkin Act, when he was chief of police of Yorkville, years ago, and not to the present day situation. There was unquestionably a misunderstanding. The present attack being made upon Inspector Johnston by the clergy and the leaders i nthe temperance movement, who are crying for his resignation, is, therefore, not justified, as the article was published in the local press, as we believe, without his knowledge and against his wishes.

F. Hotels and Travel.

THE CANADA SCOTSMAN.

Altho only its sixth number has been reached The Canada Scotsman reaches us in an enlarged and improved form and the fact testifies to the hold it has already obtained over the large contingent who either hail from or are associated with Caledonia. The contents of the New Year's number are bright and attractive, and its present position is very creditable to its originator and editor, Mr. John Cowan. The World wishes is every success.

Falls Fourteen Feet.

Alex. Sproule, 46 years, 50 Niagara-street, fell 14 feet from a ladder in East King-street, yesterday afternoon, while he was at work. He was removed to St. Michael's Hospital. No bones were broken, but his back was injured.

THERE IS NO GOODWILL IN A PUBLIC UTILITY MONOPOLY.

Last Monday the United States Supreme Court sustained the constitutionality of the New York statute which fixed the rate to be charged by the Consolidated Gas Company of New York City at 80 cents per 1000 feet. This means an annual saving to the patrons of the company of more than five million dollars. Incidentally, the consumers, who have been paying under protest the old rate ($1 per 1000) pending the result of the litigation, receive a refunder of nine million dollars.

In the United States any legislative act may be challenged in the courts if it deprives any citizen (or corporation) of property "without due process of law." The lawmaking body cannot, under the guise of regulation, confiscate the property of the citizen. Not only must any legislative restriction run the gauntlet of the state courts, but an appeal may be had from the highest court of the state to the Supreme Court of the United States.

In this case the gas company claimed that it could not pay operating expenses and earn a fair return upon its investment, if restricted to a charge of 80 cents per thousand feet. In counting up its assets upon which it claimed the right to earn a dividend, it included an item of $10,000,000 for "good-will."

The supreme court has held that this item must be eliminated. The company is entitled to 6 per cent. upon the money actually invested—upon its tangible assets. The injunction obtained in the trial court is, therefore, dissolved, and the 80-cent rate stands.

The litigation has been long and costly, one thousand writs of injunction and two thousand writs of mandamus have been issued from time to time. This enormous financial burden has been borne by William R. Hearst, owner of The New York American. The American not improperly claims a share in this victory, which directly benefits 300,000 people in the City of New York and indirectly benefits the entire nation.

The decision is the most important, and, in its consequences, the most far-reaching, of any decision handed down by the supreme court during the past half century. All stocks fell at once in sympathy with Consolidated Gas, which dropped 30 points. It required a gigantic effort to steady the market.

Once for all the highest court in the Republic has decided that public utility corporations cannot tax the public upon stock whose sole value is represented by the franchise or monopoly granted to it, as a free gift, by the public. The contrary doctrine is an unsound doctrine which has permeated many judicial decisions, has interfered with progressive legislation, has influenced legislation against public interest, and has been preached from the housetops, until nearly everybody has come to believe it. Nor was it questioned until these revelations of enormous charges, based on watered stock, made the public, or, rather, the men who made themselves leaders of public opinion, like Hearst and Roosevelt, take a stand against them. All praise, therefore, to Hearst for what he has done.

Gov. Hughes is also entitled to a great deal of credit for working in the same direction, when he drafted the statute of the State of New York creating a commission to deal with railways and all public utilities. This commission has already put on record a straight declaration that a public franchise is only worth the money actually invested in it, with reasonable allowance for interest and other necessary charges.

There is no appeal from this decision of the supreme court. It is on the lines of equity, of justice, of fair play. It is against plunder, against piracy of the people, against improper and illegal watering of stock, against exploitation of the public, against corporate corruption of municipal bodies and municipal officials. It is so sweeping that hereafter capitalists, or, rather, exploitationists, will have little ground for exploitation. They will be entitled to a reasonable return upon their investment, but there will be nothing for the "boy," for the heeler, for the politician or for the paper disloyal to public interests.

Incidentally, the judgment is no less important to Canada than it is to the States. It is based on the common law of England, and not on any U. S. statute, and it will be cited, and, we believe, followed, wherever the common law of England is supreme.

Hereafter there is to be no good-will in any public franchise.

In regard to our city franchises, the street railway is expressly forbidden in the agreement with the city, when the point of surrender of the franchise is reached, to claim anything for good-will. It is strictly limited to the valuation of its physical or tangible assets. The Toronto Electric Light, thru its friends, not long ago claimed that they had an enormous value in their good-will when they began talking about selling it to the city. This decision knocks that endways. The Consumers' Gas Company of this city, tho originally organized by consumers, and called by its present name for that reason, has also set up this doctrine of good-will, and has tried to have it crystalized into legislation, but it will have to submit to the inevitable when the city comes to take that proposition over.

The practical lesson of the decision is that the legislature of Ontario will be justified now, and at the earliest date, in putting on record a declaration that inasmuch as any public utility controlled by a private company has no right to claim its good-will, therefore the city ought to be empowered to resume the possession of its franchise upon arbitration directed to the determination of its actual investment. Watered stock is absolutely at the mercy of this ruling, and the public now holding such watered stock, and those who are foolish enough to buy it hereafter, must take their chances.

Stock issues under the law at Ottawa, or under local law, must be governed by this rule, and stock sold below its value for the benefit of shareholders in the way of a preference to them, cannot claim any kind of special protection. It must take its chances under this decision.

The World has no hesitation in saying that many of the abuses in connection with public utilities, and especially the corruption that has been connected with public utilities, have been made possible by the enormous claims to consideration of the good-will, and to the fact that on these assumptions enormous amounts of watered stock have been issued for the benefit of exploiters, and for the corruption of public representatives, public officials, and the public pres-

LIBERTY FOR ALL.

Archbishop Sounds Praise of Canada's System of Government.

(Canadian Associated Press Cable.)

PARIS, Jan. 6.—The Archbishop of Montreal, who is returning to Canada, after a visit to Rome, was the guest at a luncheon given in his honor by Francois Veuillot, a nephew of Louis Veuillot, founder of the Paris Roman Catholic Organ Univers.

In reply to the toast of his health, the Archbishop of Montreal said he would be happy to transmit to the French-Canadians the greetings of their Catholic brethren in France. Men like Admiral Decuveryille and others were already well-known and affectionately remembered in Canada. The brilliant tercentenary celebrations last year had borne eloquent testimony to the sentiments which French-Canadians continued to entertain for the land of their origin, upon which occasion memories had been evoked and great historic events recalled. The presence of the Prince of Wales himself had afforded to all who witnessed the spectacle, indeed to the whole world, the great lesson in liberty. The archbishop added that, without desiring to insist upon any individous distinctions, he could say Canada was the land which honored liberty, not by painting or inscribing its name upon walls and monuments, but by the constant exercise of its first principles.

Law Suit for Use of Oil and Water on Roadways Decided in Favor of the Public.

A decision which is expected to be of far-reaching importance, affecting the rights of the public generally to use oil and water in laying dust in streets and roadways, was rendered by Judge Kohlsaat of the U. S. Circuit Court at Chicago on Dec. 10, in the case of the Westrumite Company of America v. the commissioners of Lincoln Park of Chicago.

The Westrumite Company claimed a patent upon the use of any mixture of oil and water to lay dust. The practice of using oil to lay dust has of late years come to be well recognized generally, and it is coming more and more into common use. The above company began a suit against the Lincoln Park commissioners about a year ago to enjoin their use of oil and water in mixture, and to collect damages for infringement, the park commissioners having freely used an emulsion of oil and water to sprinkle their roadways.

A victory of the Westrumite Company in this suit, if sustained in the upper courts, would mean that no one could use oil and water mixed in any way in laying dust, without paying a royalty to the company for so doing. The decision in the case turned upon the question whether the mixture of oil and water, particularly crude petroleum and water, and sprinkling it on dusty roads could be the subject of a valid patent, and also involved whether, as a matter of common knowledge, oil and water can be combined in solution.

It was argued by William R. Rummler and Charles A. Churan, attorneys for the commissioners of Lincoln Park, that, inasmuch as the patent states that in practicing the process the oil is first "rendered soluble in water by any known process," and inasmuch as it is a matter of common knowledge that oil is not soluble in water, therefore the patent was fatally defective; also that, inasmuch as the patent claims the sprinkling upon the roadways of any mixture of oil and water, without specifying how such mixture should be made, except by the erroneous statement that the oil is dissolved in water, therefore the patent failed to disclose anything of value to the public in consideration for the 17 years' monopoly granted by the patent, and that therefore the patent and grant was void on its face, and that the suit should be dismissed without putting the parties to the expense of introducing further evidence. Judge Kohlsaat sustained this contention and dismissed the suit.

The Westrumite Company makes a preparation which it calls "westrumite" and which it has sold to park boards in different parts of the country for use in sprinkling their boulevards and roadways. It has realized royalties in this way under its patent, the number of the patent being 752,487, dated Feb. 16, 1904, and issued to L. S. Van Westrum.

The patent has five claims which are as follows:

1. The method of utilizing the granulated portions of road-beds or streets by forming them into a top dressing or coating, by first mechanically or chemically mixing in predetermined proportions of oil and water, then sprinkling or spreading the said mixture over said loose granulated substance or dust and permeating the same, thereby unifying them and forming a concrete mass which adheres to the solid surface of the street or road-bed, thus preventing the diffusion of dust and forming the said top dressing.

2. The method herein described of first taking say ten parts of oil, then ninety parts of water, then mixing the same in solution, then distributing the mixture over a surface of granulated substance by which the granules are united in a thin stratum, whereby their diffusion or scattering is prevented.

3. The method herein described of improving the surface of road-beds and utilizing the loose granulated particles thereon by sprinkling or coating them with a mixture of oily substances composed of predetermined proportions of oil and water, whereby the said substances are caked or mixed to form a coating for the purpose specified.

4. The method of utilizing the granulated portions of road-beds or streets known as dust and forming it into a top dressing by permeating it with an oily substance consisting of oil and water previously and intimately mixed, whereby the said granulated particles are unified with oil and water and form a concrete mass in the manner and for the purposes specified.

5. The method herein described of saturating scattered dust and mixing the same with a mixture of oil and water in the proportions specified in such a manner that said dust is made to adhere to its bed, substantially as described.—Engineering-Contracting of Dec. 23, 1908.

NEW UNION STATION.

Government Superintendent Ross of the postoffice had a conference with Mayor Oliver and City Engineer Rust yesterday, to discuss the plans for the viaduct, as approved by the railway commission, with relation to the proposed site of the new postoffice.

It is understood that the postal department has not abandoned its original intention of erecting the new postoffice at the southeast corner of Front and Bay-streets, so that it will be in close proximity to the new Union Station.

Sir Charles in Ottawa.

OTTAWA, Jan. 6.—Sir Chas. Rivers Wilson of the Grand Trunk Railway is in Ottawa to-day with C. M. Hays.

IN THE LAW COURTS

IN THE HIGH COURT.

Osgoode Hall, Jan. 6, 1909.

Announcements.

Motions set down for single court for Thursday, 7th January, at 11 a.m.:

1. Warren v. Bank of Montreal.
2. Grantham v. Patterson.
3. Cobalt v. Young (2).
4. Smith v. Cornwall.
5. Breen v. Toronto General Trusts Corporation (three appeals).
6. McDonald v. Curran.
7. Falvey v. Falvey.
8. Berliner v. Johnston.
9. Langley v. Beardsley.
10. Crawford v. Urquhart.
11. Horan v. McMahon.

A notice has been posted up by order of the judges that counsel must be prepared to proceed on Monday, 11th instant, with the trial of each case in each of the two non-jury sittings as the case is called, or it will be struck out. Six cases have been put on each peremptory list for Monday, as follows:

Before Chancellor Boyd.
Copeland v. Business Systems.
Mackenzie v. Can. Passo Cement.
Dominion Linen v. Langley.
Reserve Trust v. Main.
Bonnell v. Osler.
McPhillips v. Cobalt.

Before Justice MacMahon.
Day v. Gallow.
Basset v. Hopkins.
Jones Underfeed v. Barber.
Suckling v. Goora.
Stipe v. Burgess.
Duke v. Carson.

Master's Chambers.

Before George M. Lee, Registrar.

Ontario Paving Company (judgment creditors), the Reeve Concrete Paving Company (judgment debtors) and the City of Toronto (garnishees).—H. H. Davis (Kilmer & Co.), for the judgment creditors, moved for an order to garnishee the sum of $4075.70, due by the city to the judgment debtors. Order made, returnable on 13th January. Costs reserved.

The Sovereign Bank of Canada v. McPherson.—C. L. Bray, for plaintiffs, moved for an order for substitutional service on Minnie S. Belcher, one of the defendants, whose whereabouts plaintiffs cannot obtain. Order made for service by posting up in central office, by mailing a registered letter to her last known place of residence, and by publication once per week for three weeks in The Toronto Daily Star newspaper. Costs in the cause.

Writs Issued.

W. A. Kribs of Hespeler has filed a petition for winding up the Clark-Demill Company, of which he claims to be a creditor for $790.40 for lumber and materials supplied. At a meeting of shareholders on Jan. 2 the president, George D. Forbes, stated that the company was indebted to the Dominion Bank for upwards of $65,000. The meeting decided to sell the plant and assets of the company to Walter G. Chater for that sum. Mr. Kribs complains that the sale was without the consent of the creditors.

The Trusts & Guarantee Company, liquidators of the Raven Lake Portland Cement Company, sue Hendy Jones of Uxbridge to recover $351.31 for cement sold. A similar suit is entered against the Imperial Plaster Company to recover $344.75.

J. Carling Kelly sues J. R. Todd of Latchford, Ont., Hugh McNeil of Latchford and J. J. McNeil of 60 Beaty-avenue, Toronto, to recover $6000 commission for the sale of certain claims near Elk City to A. C. Barnhart of Montreal, William Marshall also sues for the organization of a company to work the claims.

The Cosmopolitan Club sues David Lavine for specific performance of a contract for the complete removal and release of the building restrictions on the defendant's property at the southwest corner of Beverley and Baldwin-streets, and a claim is made for alleged breach of the contract.

WHITAKER'S PEERAGE.

Whitaker's Peerage for 1909 comes in handsome blue and gold binding. The contents are, as usual, an up-to-date list of the royal family, peerage, baronetage, knightage and companionage, privy councillors, home and colonial bishops, with suitable accompanying information.

The preface remarks: "The shower of new honors continues to be profuse. The number of peers remains fairly stationary, but in some of the other ranks the growth is enormous. Two dormant baronetcies have been resuscitated—those of Makgil and Spelliman."

A great deal of labor is necessary in the publication, but the result is a reference volume that comes in very useful to many persons even in Canada.

Welland After Otis Co.

Welland is making a strong bid for the Otis-Fensom Elevator Co. branch, in view of the prospects of a hitch in the deal whereby the company would receive from the city a site on Ashbridge's Bay. Welland offers to give a free site, connected with seven railroads, and also having deep water connection.

TO EXPEDITE CONSIDERATION

Rule Regarding Bills for Consolidation of Municipal Loans.

The Ontario Municipal and Railway Board is calling the attention of municipalities to the rule that private bills for the consolidation of municipal loans must go immediately after their first reading to that board.

To expedite their consideration a statement of particulars and other data is requested by the board to accompany each bill.

Rose Still at Jail.

Alexander Rose, life prisoner, is still at the jail, where he was taken after receiving the life sentence at the hands of Judge Winchester Tuesday. The cell, in which he is confined, is covered by a special guard.

He is being examined to ascertain whether he is sane. He is likely to be taken to Kingston this week.