The Toronto World

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FRIDAY MORNING, APRIL 22, 1910.

TORONTO'S GOLD MINE.

Not many cities have a gold mine, but it is the good fortune of Toronto to possess a veritable high grade proposition wth pay-streaks running all over the city. The mine is run on shares, and the operating company puts away the profits in solid chunks, while the city takes its rake-off with a comfortable feeling of independence and provision made for a rainy day.

The gold mine is, of course, the street railway. It is a wonder as a money-maker. Nobody thoroly realizes just what a profitable concern it is, and, altho the citizens are sadly incommoded by the company's methods, and altho it would be the best investment the city could make, yet the people are unable to resume the franchise, whether on account of corporate affiliations in high places or from the lack of unanimity on lower levels. The city might have all the profits for itself and be on the way to setting three-cent fares in force, but the authorities will not permit the city to buy back its rights. The company has, therefore, eleven years' uninterrupted enjoyment of the fat profits which continually grow fatter as the population rolls in and the people grow less inclined to walk the distance.

It is estimated that the city will get the most of $750,000 out of the company this year. When the returns were $1000 a day clear cash to the city, many thought the limit had been reached, but so far from this was the case that in 1907, the year following the $1000 a day mark, a great jump ahead was made once more.

Toronto is, in fact, a great street railway town, and there appears to be no limit to the possible traffic. This traffic can, of course, be tremendously increased by the laying of new lines, and it is certain that the proportion of new traffic from them will greatly exceed the proportion of the present traffic that will merely be better accommodated by the new lines.

The city council at present demurs about the proposals of the street railway to lay new lines on tracks of its own selection. This is evidently a short-sighted policy, for the routes chosen will unquestionably be such as the company has had the most careful and skilled advice about, and are most likely to contribute profitably to the company's and the city's coffers, and therefore, to be most convenient for the people who need cars.

There is no longer any dispute about the right of the company to lay tracks in the old city boundaries, or the absense of right to lay tracks in the newly annexed territories. It is true that a majority of the council are willing to fight the matter over again with the privy council, but sober counsel will probably prevail. The city has an unquestioned right to build tracks and construct a tube system in and to the new territory. If the city takes up this problem and solves it there will be enough to occupy it in the next ten years without interfering with the other section of the city beyond taking in the huge share of the profits to which it is entitled.

As an illustration of what is needed in this way a comparison may be made between Montreal and Toronto in the matter of street railway earnings.

The gross earnings of the Toronto Railway for February last were $305,557. The gross earnings for Montreal were $303,977, a difference of only $1580. But the net earnings of Toronto were $139,060, as against only $99,722 in Montreal.

If the Toronto City Council studied these figures there would be no more opposition to the plans for new lines proposed by General Manager Fleming. Montreal has 40 per cent. more cars than Toronto, and 40 per cent. more mileage, but owing to the scientific packing of the passengers into the fewer number of cars on the Toronto lines, the Toronto company gets 40 per cent. more money out of the people.

PEANUT STANDARDS.

While the offer made by the board of control to Dr. Hodgetts is evidence of their good judgment in picking a man, it is unfortunate that our city hall government should be dominated by such peanut standards of value. Nor does the salary suggested do credit to their common sense. The controllers admit that Dr. Sheard ought to have had $10,000, and then straightway turn round and offer the next best available man less than half that amount. It is safe to say that Dr. Hodgetts, who is a most capable and efficient official, can never be had for $4000.

Possibly William Randolph Hearst thinks President Taft a less formidable candidate for another term than Ex-President Roosevelt would be. He has not yet flung away ambition.

Too much is being made in certain quarters of the restrictions imposed by the Roman Catholic church on the free action of its members. To those who do not belong to that faith they may appear unreasonable and vexatious, but if Catholic laymen choose to obey, it is quite within their right and should not subject them to injudicious criticism.

Mr. Aylesworth's statement that the volumes handled by King & Skill, now released on his recommendation, were "classics," was not a sufficient reason for his action. Much of the older literature is quite unsuited for general circulation now because unfortunately it is too often read not for its literary quality but for its immorality. Still less should tolerance be extended to modern works of similar character. For them there is absolutely no excuse. It is better to err on the side of stringency than of laxity in a matter so full of menace to the youth of the nation.

ABUSE OF CLEMENCY.

The Toronto Globe, editorially, under the caption "The Abuse of Executive Clemency," says in part:

"The time has come for great plainness of speech. In the name of everything decent and clean in Canadian life The Globe makes deliberate and emphatic public protest against the clemency of the crown being extended to men convicted of traffic in obscene pictures and vilely immoral books. This public protest is made necessary by a suspicious laxness in prosecuting such offender shown from time to time by subordinate crown officials, and still more by the occasional pardon or release from prison of vicious-minded convicts whose trade in life was more pernicious than a pestilence. * * * *

"The Globe protests even more emphatically against the defence offered for their release. This case and other instances in subordinate courts make the situation utterly intolerable."

AN ALLEGED LOTTERY

West Toronto Theatrical Man Advertised a Free Watch.

R. J. Bruce of the Crystal Theatre, West Toronto, has been summoned to appear in police court this afternoon to face a charge of advertising and publishing a lottery, by means of which a watch is to be disposed of by lot or chance at his moving picture theatre next week.

Edward B. Wright, 1699 West Queen-street, is charged with printing the advertising matter for the lottery, which is also an offence. Both summonses were issued by Staff Inspector Kennedy of the morality department.

Was Chief for Twenty-Two Years.

PETERBORO, April 21.—(Special.)—George I. Rossel, for twenty-two years chief of police, died this morning, aged 60, from a paralytic stroke. He was formerly a member of the St. Catharines force. He was prominent in Masonic circles. In 1908, he was elected president of the Chief Constables' Association of Canada.

WHEN SHACKLETON COMES

Program of Entertainment During Visit to Toronto.

Sir Ernest Shackleton is expected to arrive in the city at 1.25 p.m. next Tuesday. He will be the guest of Mr. and Mrs. Byron E. Walker, St. George-street, where a private reception will be given. Tuesday evening he will probably visit the horse show for a short time, and then attend a reception to be given him in the art museum of the public library. On Wednesday it is likely that he will rest most of the day, as he is anxious to spare his voice as much as possible. He may possibly spend the day at the Toronto Golf Club. Sir Ernest leaves on Wednesday evening at 10.15, immediately after his lecture.

When Lieut. Shackleton started out on his south polar expedition the greatest uncertainty existed as to where he obtained the money for the undertaking. On his return it became known that the whole thing was carried out at his own risk. Thru the assistance of friends in England, certain of the London banks advanced him £20,000, which is to be paid back by July, 1910. When he landed in New York last month he had paid this sum all but about $30,000.

It is characteristic of his personality that he should have found people with sufficient confidence in him to guarantee such a considerable sum.

$2.10—Buffalo and Return—$2.10, Saturday, April 23rd, Canadian Pacific Railway.

Don't forget Stanley Gun Club excursion via Canadian Pacific Railway, Saturday, April 23, Toronto to Buffalo and return, $2.10. Tickets good going on 9.30 a.m. fast train, returning any train same day, or on Sunday or Monday following. Tickets at all Canadian Pacific ticket offices, or from the committee. Parlor cars attached to all trains. 3456

Harper, Customs Broker, McKinnon Building, 10 Jordan-St., Toronto. ed

Sir Thomas Shaughnessy was fined $20 in the Montreal police court yesterday. His chauffeur exceeded the speed limit trying out a new car.

AT OSGOODE HALL

ANNOUNCEMENTS.

April 21, 1910.

Judges' Chambers will be held on Friday, 22nd inst., at 11 a.m.

Peremptory list for divisional court for Friday, 22nd inst., at 11 a.m.:
1. Nesbitt v. Trustees (to be continued).
2. Jackson v. Mackay.
3. Hutchinson v. Jaffray.

Peremptory list for Court of Appeal for Friday, 22nd inst., at 11 a.m.:
1. Smallwood Bros. v. Powell (to be continued).
2. Seaman v. Canadian Stewart Co.
3. Rex v. Frank.
4. Jones v. Toronto and York Radial Railway.
5. McLeod v. Canadian Stewart Co.

Master's Chambers.

Before Cartwright, K.C., Master.

Farquhar v. Royce—W. C. Mackay, for plaintiff. R. B. Henderson, for defendant. Motion by plaintiff to strike out counter claim. Judgment: It is admitted that the defendant was a day late and he also wishes to change the name of Muilins to Mullin. This of course must be allowed and the statement of defence and counter claim be validated as of the day of filing. The motion will otherwise be dismissed, but as the defendant is getting some relief the costs will be in the cause. The plaintiff can have a week to plead to the counter claim.

Re Rosseau-Miller v. Kleiser—W. R. Smyth, K.C., for purchaser. Motion by purchaser, J. J. Doyle, for a vesting order. Order made.

Re S.O.E. Benefit Society and Pickering—F. L. Bastedo, for widow. No one contra. Motion by widow of deceased, after the disposition of an issue, for payment out to her of the money in court. Order made.

Bank of Ottawa v. McIlwain—F. L. Bastedo, for judgment creditor. Claimant in person. Motion requiring Miss Gladys McIlwain to state nature and particulars of her claim. Order made for issue to decide if claimant is holder in due course of note in question.

Sovereign Bank v. Frost—J. F. Boland, for plaintiff. C. A. Moss, for defendants. Motion by plaintiffs for an order for examination of defendants at Chicago. Order made. Costs in the cause.

Harley v. Canada Life Assurance Co.—B. Osler, for defendants. Grayson Smith, for plaintiff. Motion by defendants for an order for extension of time for pleading. Order made extending time to May 2. Costs in cause to plaintiff.

Sutherland v. Brotherton—C. C. Robinson, for plaintiff. Motion by plaintiff, on consent, for an order dismissing action without costs and vacating certificate of lis pendens. Order made.

Single Court

Before Meredith, C.J.

Re Berg and Dunwich—W. S. Edwards, for applicant. At request of applicant motion to quash local option bylaw, enlarged sine die, to be replaced on list when parties ready to proceed.

Hulbert v. Shackleton—A. L. Hassard, for plaintiff. M. Macdonald, for defendant. Motion by plaintiff, for an injunction to restrain defendant from exhibiting cinematograph films of Antarctic scenes at lectures to be given by him. Enlarged sine die, pending negotiations for settlement. To be replaced on list when parties are ready to proceed.

Murphy v. Brown—R. R. Waddell, for plaintiff. F. J. Dunbar, for defendant. Motion by plaintiff for an injunction to restrain defendant from trespassing upon or interfering with defendant's property. The parties not being ready enlarged sine die, to be replaced on list when ready to proceed.

Re Ellis and Town of Renfrew—W. S. Edwards, for Ellis. W. E. Raney, K.C., for the municipality. Motion to quash a local option bylaw, enlarged for one week at request of respondent to answer material.

Williams v. Gemmell—H. S. White, for plaintiff. J. M. Ferguson, for defendant and for the sheriff. Motion by plaintiff to continue injunction restraining sale of a lease or license to bore for oil. Held that not proper to bring this action, but motion may be taken as being made in the original action of Canadian Railway Accident Insurance Co. v. Williams, and motion so argued and judgment reserved.

Re Giles and the Town of Almonte—J. Haverson, K.C., for applicant. W. E. Raney, K.C., and J. Hales, for the respondents. Motion by William Giles to quash a bylaw of the town entitled a bylaw to prohibit the sale by retail of spirituous, fermented or other manufactured liquors in the municipality on the ground that the form of ballot used was not the form prescribed by the statute of 1908. Held that it seems to be the policy influencing the judgments that the vote of a ratepayer ought not to be defeated by the departure from the words of a form by the clerk where such departure has not been shown to have confused any one, that this case comes within the gauge of the Interpretation Act, 7, Ed. 7, c. No. 2, sec. 7, s.s. 25, and that while it is a matter of very great regret that a municipal officer will depart from the form given by the statute, yet the motion fails and must be dismissed, but under the circumstances, without costs.

Kuntz v. Silver Springs—M. Macdonald, for plaintiff. No one contra. Motion for injunction enlarged sine die, pending negotations for settlement, to be replaced on list if settlement does not go thru.

Before Britton, J.

Re estate of John Cronin—T. J. Rigney, for executors. J. L. Whiting, K.C., for next of kin. Motion by executors under C.R. 938, for construction of will of John Cronin. Judgment: Clause 3 of will directed his executors to purchase a lot in St. Mary's Cemetery for testator's grave, and set aside a sufficient sum to provide for its perpetual care. I am of opinion that this direction is valid and that a sum reasonably sufficient for the purpose mentioned may be used and appropriated by the executors out of said estate. If governing body of the cemetery undertake the perpetual care of graves within its limits, then the executors may pay to them such reasonable sum as may be required for such care of testator's grave. I am of opinion that the testator did not intend by clause 7 to give the residue of his estate to the executors for their own use. By clause 6 he bequeather to each of them $100, exclusive of their commission. The construction I place upon clause 7 is that the residue should be absolutely used upon and for some charitable object or objects. No trust is created in favor of any particular charity and so the gift of residue is not a good charitable bequest, but is void for uncertainty. Costs of all parties out of the estate.

Divisional Court.

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

Storm v. Berna Motor Co.—F. Aylesworth, for defendants. J. F. Heyd, K.C., for plaintiff. An appeal by defendants from the judgment of Latchford, J., of 27 Jan., 1910. At request of counsel for defendant argument adjourned one week.

Beattie v. Vandeleur—C. H. Porter, for plaintiff. S. Denison, for defendand. An appeal by plaintiff from the judgment of Teetzel, J., of Feb. 25, 1910. An action by plaintiff, a Toronto broker, for the price of certain shares of stock, amounting to $1027, which he alleges he was instructed by defendant to purchase for him and which he purchased, and for his commission on same, or for damages. At the trial the action was dismissed with costs and plaintiff now appeals from that judgment. Appeal dismissed with costs.

Nesbitt v. Trustees S.S. No. 9, Peel and West Garafraxa—A. R. Cochrane, for appellant. M. Wilkins (Arthur), for plaintiff. F. E. Hodgins, K.C., for defendants. An appeal by the minister of education from the judgment of the 4th Division Court of Wellington of Jan. 3, 1910. Defendants moved to quash the appeal on the ground that it was too late. The court decided to hear the appeal. This was an action by the teacher of the school for $28.59, being the balance of salary due her up to June 30, last, and her salary not having been paid in full she claimed the further sum of $120.27 under R.S.O., cap 292, sec 77, s.s. 6, the total claim being $148.86. At the trial judgment was given plaintiff for $28.59 and costs and her action dismissed as to the $120.27 claimed under the statute. To test the law the minister of education now appeals from that judgment. Not concluded.

Court of Appeal.

Before Moss, C.J.O., Garrow, J.A., Maclaren, J.A., Meredith, J.A., Magee, J.A.

Wnicher v. National Trust Co.—C. A. Moss, for plaintiff. A. W. Anglin, K.C., and R. C. H. Cassels, for defendants. An appeal by plaintiff from the order of Riddell, J., of Nov. 2, 1909, dismissing plaintiff's action, etc. Argument resumed from yesterday and concluded. Judgment reserved.

Smallwood Brothers v. Powell—C. A. Moss, for defendant. J. F. Hellmuth, K.C., and D. Urquhart, for plaintiff. An appeal by defendant from judgment of Clute, J., of Dec. 22, 1909. Plaintiffs, contractors, brought action for the sum of $1470 for work alleged to have been done for defendant in the erection of a house and stable in Toronto and for a declaration that they are entitled to a lien on defendant's lands for that amount. At the trial judgment was given for plaintiffs for full amount claimed, with costs of action and counter claim. Defendant now appeals from that judgment. Not concluded.

Writs Issued.

George O. Merson & Co., of Toronto, have issued a writ at Osgoode Hall against R. H. Thomson & Co., of Leith, Scotland, to recover $462.50 for services rendered as chartered accountants and auditors. The claim is for preparing a statement of the affairs of Distillers' Agents, Limited.

George Gordon Miles has entered action against Thomas Riley and Mary Ann Riley to set aside a deed from Thomas to Mary Ann Riley of land on Brock-avenue and the house numbered 252.

$2.10 to Buffalo and Return.

The Stanley Gun Club and their friends are going to Buffalo on Canadian Pacific 9.30 a.m. train, Saturday, April 23. Special coaches for their exclusive use will be attached to train. Tickets may be obtained from committee or from C.P.R. ticket offices, at rate of $2.10 for the round trip. These tickets are good to return any time until Monday, April 25.

There Are Others.

Mr. Colling, 22 Fuller-street, reports that he has had several minnows come thru the water tap.