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MONDAY MORNING, MARCH 3, 1913

TAX REFORM AND THE POLITICAL SITUATION.

Mr. R. Home Smith made no bones about the tax reform question at the meeting of the Associated Boards of Trade at London. He flatly declared it to be a political issue. And apparently a number of gentlemen swallowed their economic convictions, and brought down the vote to a narrow majority for tax reform. Even this cannot be entirely satisfactory to Sir James Whitney. With the notification that the question was a party issue still the vote was in favor of tax reform. And if it had not been a party issue we may be sure it would have been very much more largely in favor of tax reform. It is well to note, however, that in an intelligent body, such as the convention of the Associated Boards of Trade, tax reform had an independent majority. It is not to be doubted that this represents the opinion of the country. The whole question is then, to what extent are the people willing to forego tax reform for the sake of other benefits to be expected from Sir James Whitney's government; or how long will it be before they develop sufficient confidence in Mr. Rowell and his followers for the sake of tax reform to trust them with the management of the hydro-electric system, which Liberals oppose in Hamilton, in Brantford, in Newmarket and Aurora, and in fact wherever they have the opportunity? Mr. Rowell has to set his party right on this question. No doubt Sir James has calculated the odds before he declared against tax reform.

Mr. Home Smith naturally opposes tax reform The more vacant acres anyone has under his control the less favorably he is impressed with a proposal to make the land bear the burden of taxation. The farmer does not object, for his land is under cultivation and making its due returns. The builder does not object, for the prospective buyer or the tenant bears the load. But the speculator waiting for the unearned increment, or the earned increment, for that matter, prefers to treat tax reform as an impracticable theory. Mr. Home Smith should have the credit of proposing a sliding scale exemption for workman's homes, and a tax, to be readjusted at intervals, on the unearned increment on land, following the Lloyd George system.

Perhaps Sir James will take note of Mr. Home Smith's two suggestions, along with the demand for reform made by the Associated Boards which Mr. Home Smith, on political grounds, opposed.

ENTRANCE OF RADIALS.

For some years the question of the right of the radial railway lines to use the city lines has been under discussion. The peculiarity of the situation lay in the fact that with virtual common ownership, the city company refused to allow its allied companies any running rights on terms that the city could agree to. The situation is changing as the term of the company's franchise approaches expiry. The radial lines must have entrance to the city, when the city itself owns the street railway system. It will be easier perhaps to make terms now than afterwards.

Corporation Counsel Geary, according to The News, has been giving a great deal of attention to this matter for some time past, and proposes an amendment to the Railway Act, based on that brought forward by Mr. W. K. McNaught, M.L.A., which provided that where two or more electric street railway systems, owned or operated by different corporations, be contiguous to one another, it shall be their duty to afford each other reasonable facilities for the interchange of traffic, the railway board to be the arbiter where there is disagreement. Mr. Geary's clause reads:

> "The board may, on the application of one of the corporations owning or operating the street railway systems lying contiguous to one another, or on the application of any other corporation, order that each or either of the said street railway systems should be operated over the other street railway systems so lying contiguous thereto."

There can be no objection to the apparent intention in this, but the board of control must be careful to consider all that may not be apparent, and yet may be formidably present as in some of the legislation that has gone to the privy council. If the city is to become the owner of the street railway system, and finds that its ownership is subject to a clause which makes it possible that "each or either of the said street railway systems should be operated over the other street railway system," the octopus corporation might be able to do as it pleased about running its cars over city lines, if it found a chairman as complacent as Chairman Leitch was about double-tracking Yonge street. A judge might argue very reasonably from this clause, that the contiguous Metropolitan or Suburban or other railway. "should be operated over" the city lines for the convenience and benefit of the public, and that it was so expressly stated in the act. Is this the intention? Is the city to have no control over its own lines, such as the company has at present?

There ought to be proper safeguards to preserve the city's rights, nor should it be lost sight of that the proper entrance for the radial lines is over a tube railway. We doubt very much whether running rights and transfer of traffic should be elaborated into the power to "operate" over the civic lines. This might benefit the city, but we venture to think it would benefit the corporations tenfold.

GET AN EASTERN ENTRANCE

Mr. J. G. Kent has been re-elected president of the Canadian National Exhibition Association, and the success of last year's "Fair" entirely justifies the confidence carried in the compliment. If Mr. Kent can secure an eastern entrance to the Exhibition grounds this year, it will signalize his presidency as almost nothing else could. The record of attendance has reached its limit with the present means of transportation. People will not always undertake to face the discomfort and positive risks of the mighty struggle for cars, and until visitors can be assured of reasonable relief from the scrimmage at the cars, after the fireworks, the attendance is not likely largely to increase.

ANGLO-GERMAN INTERESTS.

Perusal of the official reports of the speeches made by Herr von Jagow in the reichstag, and by Admiral von Tirpitz, in the budget committee, regarding the relations between the United Kingdom and the German Empire, adds to the satisfaction caused by the first published summaries. The former took the opportunity to identify himself with the declaration made by his predecessor to the effect that during the Balkan crisis these relations had been particularly confidential. Herr von Jagow added that the expectation that these services would continue to be performed, had been completely fulfilled and the German Government has now perceived that it has not only got points of contact of a sentimental kind with England, but also that identical interests are present.

Admiral von Tirpitz in repudiating with some apparent warmth the reproach that his previous remarks showed aversion from England, said that he would be the first to greet an understanding with joy. He then expressed the opinion that Mr. Winston Churchill's proportion of 1.6 to 1 in battleships would be acceptable and that this showed no intention on the part of Germany to step into rivalry with England. Both speakers deprecated hasty action in the way of endeavoring to reach a distinct agreement on the subject of naval armaments, but the whole tendency of their observations was to bring into relief the gradual removal of the misunderstandings that have created so much distrust and suspicion in the two countries. Nor need the considerable additions being made to the military strength of Germany and France be regarded as presaging a nearer war menace. Moves and counter moves of this kind are always occurring and by themselves convey no new element of danger.

THE TWENTY-EIGHTH PRESIDENT.

Tomorrow Mr. Woodrow Wilson will be formally inaugurated and enter upon his term of office as twenty-eighth president of the United States. His cabinet will then be made public, and notwithstanding the various forecasts that have been made, its composition remains matter of conjecture only. That Mr. William J. Bryan will be found in the chair of secretary of state seems, however, to be generally anticipated and the prospect is not welcomed by the conservative section of the Democratic party, to whom the "peerless one" remains anathema. The new president, however, is nothing if not courageous, and unless all indications are belied he intends to be master of his presidential soul whoever may be of his advisers. But he needs an interpreter to the people, and in that capacity Mr. Bryan can be of infinite service. For he has the ear of the people of the United States, and they are today soundly progressive in temper.

This view receives support from a declaration of his faith made by Mr. Wilson years ago when he was fighting his second battle at Princeton University. As quoted in an interesting article on "The President," which occupies the place of honor in the current number of The Atlantic Monthly, he then said:

> The great voice of America does not come from the seats of learning. It comes in a murmur from the hills and woods and farms and factories and the mills, rolling and gaining volume until it comes to us from the homes of common men. Do these murmurs echo in the corridors of the universities? I have not heard them. The universities would make men forget their common origins, forget their universal sympathies and join a class—and no class can ever serve America. I have dedicated every power there is within me to bring the colleges that I have anything to do with to an absolutely democratic regeneration in spirit and I shall not be satisfied until America shall know that the men in the colleges are saturated with the same thought, the same sympathy, that pulses thru the whole great body politic.

That public voice has found as little echo in the halls of congress and the legislatures as it has found in the corridors of the universities. As a Democrat by birth and conviction, the new president "believes in party government, but in party government as a means to a larger end." He will require all his courage and all his determination to work for the common men in the light and for the victory of his expressed political ideals. With a majority of two in the senate and the sympathy of its progressive members and with a majority of one hundred and fifty in the house of representatives, much will be expected from him, nor will he be without hidden foes in his own Democratic household. His policies and his measures will have to be in accordance with the awakened conscience of the American nation.

"PANKHURST PATER."

The Orillia Packet asks who or where is Pankhurst Pater? The answer to that is the whole story of the suffrage movement. Pankhurst Pater died many and many a year ago, when Sylvia and her sister were little girls, and Pankhurst Mater had to go out and hustle for a living for them. She knows by experience the disabilities that attend and the difficulties that beset a widow with children, but with no vote to help remedy the laws that are made by prosperous people for prosperous people of the male sex.

West Middlesex is the last district to apply for hydro-electric power. A convention held at Mount Brydges on Feb. 28 endorsed the hydro-radial railway proposals, and asked for 750 horse-power for distribution among the farmers of the district.

BRITAIN RENEWS ARBITRATION DEMAND

Continued From Page 1.

contained in your despatch of the seventeenth ultimo to the United States charge d'affaires at London regarding the difference of opinion that has arisen between our two governments as to the interpretation of the Hay-Pauncefote treaty, but they desire me in the meantime to offer the following observations with regard to the argument that no case has yet arisen calling for any submission to arbitration of the points in difference between His Majesty's Government and that of the United States on the interpretation of the Hay-Pauncefote treaty, because no actual injury has as yet resulted to any British interest and all that has been done so for has been to pass an act of congress under which action held by His Majesty's government to be prejudical to British interest might be taken.

Dissents From Knox's View.

"From this view his majesty's government feel bound to express their dissent. They conceive that international law or usage does not support the doctrine that the passing of a statute in contravention of a treaty right affords no ground of complaint for the infraction of that right, and that the nation which holds that its treaty rights have been so brought into question by a denial that they exist, must before protesting and seeking a means of determining the point at issue, wait until some further action violating those rights in a concrete instance has been taken, which in the present instance would, according to your argument, seem to mean until tolls have been actually levied upon British vessels from which vessels owned by citizens of the United States have been exempted.

Inconsistent With Treaty.

"The terms of the proclamation issued by the president fixing the canal tolls, and the particular method which your note sets forth as having been adopted by him, in his discretion, on a given occasion for determining on what basis they should be fixed, do not appear to his majesty's government to affect the general issue as to the meaning of the Hay-Pauncefote treaty which they have raised. In their view the act of congress, when it declared that no tolls should be levied on ships engaged in the coasting trade of the United States, and when, in further directing the president to fix those tolls within certain limits, it distinguished between vessels of the citizens of the United States and other vessels, was in itself and apart from any action which may be taken under it, inconsistent with the provisions of the Hay-Pauncefote treaty for equality of treatment between the vessels of all nations. The exemption referred to appears to his majesty's government to conflict with the express words of rule one of article three of the Hay-Pauncefote treaty, and the act gave the president no power to modify or discontinue the exemption.

Equality of Treatment Denied.

"In their opinion the mere conferring by congress of power to fix lower tolls on U. S. ships than on British ships amounts to a denial of the right of British shipping to equality of treatment, and is, therefore, inconsistent with the treaty irrespective of the particular way in which such power has been so far actually exercised.

"In stating thus briefly their view of the compatibility of the action of congress with their treaty rights, his majesty's government hold that the difference which exists between the two governments is clearly one which falls within the meaning of article 1 of the arbitration treaty of 1908.

"As regards the suggestion contained in the last paragraph but one of your note under reply, his majesty's government conceive that article 1 of the treaty of 1908 so clearly meets the case that has now arisen, that it is sufficient to put its provisions in force in whatever manner the two governments may find the most convenient. It is unnecessary to repeat that a reference to arbitration would be rendered superfluous if steps were taken by the United States to remove the objection entertained by his majesty's government to the act.

Case for Arbitration.

"His majesty's government have not desired me to argue in this note that their interpretation of the Hay-Pauncefote treaty is the correct view, but only that a case for the arbitration of that issue has already arisen and now exists. They conceive that the interest of both countries requires that issue to be settled promptly before the opening of the canal, and by means which will leave no ground for regret or complaint. The avoidance of possible friction has been one of the main objects of those methods of arbitration of which the U. S. has been for so long a foremost and consistent advocate. His majesty's government think it more in accordance with the general arbitration treaty that the settlement desired should precede, rather than follow, the doing of any acts, which could raise questions of actual damage suffered; and better, also, that when vessels begin to pass thru the great waterway, in whose construction all the world has been interested, there should be left subsisting no cause of difference which could prevent any other nation from joining without reserve in the satisfaction the people of the U. S. will feel at the completion of a work of such grandeur and utility."

The Philosopher of Folly

By Sherwood Hart

MILITANTICS.

From Britain's shores come shouts and roars from village, town and city; the men they've sent to parliament have our sincerest pity. All bent and gray they go their way and daily grow forlorner; they can't forget a suffragette may lurk around the corner. In twos and threes, with trembling knees, they hurry to their duty; they madly race to reach their place, pursued by youth and beauty. It seems to vex the gentler sex to see them run for shelter; it hurts their pride to see them slide for safety helter-skelter. It is, I ween, a curious scene which M.P.'s oft take part in—to see them rush thru crowd and crush, and then to see them dart in thru guarded doors amid the roars of militantic laughter, while female cheers burst on their ears, and jar each ancient rafter. Oh, ne'er, I wot, could be forgot the views which meet our vision as members pass the gates of brass pursued by wild derision. Just see Lloyd George like lightning forge ahead and pass the portals, while at his head come chunks of lead, and bricks, and joers and chorties. See Churchill fool a ladies' school intent to smash his topper; upon the right in headlong flight, see Asquith come a cropper! As they debate affairs of state, the bravest patriot trembles when women's cheers burst on his ears—he knows the foe assembles! Oh, not for me to be M.P., and like me to Westminster, to lose my life in frantic strife with some misguided spinster.

At Osgoode Hall

March 1, 1913

ANNOUNCEMENTS.

Motions set down for single court for Monday, March 3, at 11 a.m.:

1. Phillips v. Phillips.
2. Uptegraff v. Stein.
3. Casselman v. Moore.

Peremptory list for appellate division for Monday, March 3, at 11 a.m.:

1. Holden v. Ryan t(o be continued.)
2. Ramsey v. Toronto Railway Co.
3. Morrison v. Pere Marquette Railroad Co.
4. Sphinx Manufacturing Co. v. Reesor.
5. Strong v. London Machine Co.
6. Piper v. Stevenson.

Master's Chambers.

Before J. S. Cartwright, K.C., Master.

Morgan v. Thames Valley Garden Land Co.—W.J. Elliott for defendants. G. Waldron for plaintiff. Motion by defendants for order striking out certain paragraphs of statement of claim and for further and better particulars of others. Judgment: There will be an order similar to that made in Murray case, so far as applicable, on Feb. 3. Defendants to have ten days from delivery of particulars to plead. Costs of motion to defendants in cause.

Murray v. Thames Valley Garden Land Co.—W. J. Elliott for defendants. N. F. Davidson, K.C., for plaintiff. Motion by defendants to strike out certain paragraphs of statement of claim as embarrassing, to strike out paragraph one of particulars and for proper particulars to be delivered in respect of this, etc. Judgment: It seems almost self-evident that defendants have all they require to enable them to plead. Justice will be done by directing the statements of defence to be delivered in ten days from this date, the plaintiff to be confined to the particulars now delivered unless further or other particulars are delivered not less than three weeks before the trial. The defendants will be able to amend if they wish to set up anything more than they intend to rely on at present. Costs of this motion will be to plaintiff in the cause.

Union Bank v. Toronto Pressed Steel Co.—J. H. Spence for defendants. J. C. Cassels, K.C., for plaintiffs. Motion by defendants to set aside default judgment. Judgment: It is the usual practice under C. R. 312, taken in conjunction with C. R. 353, to allow a defendant liberty to have his action tried out when it can be done without injury to the plaintiff and in such terms as will ensure to the plaintiff if successful the fruits of his judgment. I allow defendant company to put in statement of defence forthwith, and require them to expedite trial in every way that practice will allow and the plaintiff desires. Amount of judgment should be paid into court if plaintiff wishes this to be done. Costs of motion and proceedings will be to plaintiff in any event. Any necessary amendment owing to assignment of company may be made.

Imperial Trust Co. v. Myers.—Edge (Kerr, B. & C.), for plaintiff, obtained a final order of foreclosure herein.

Robinson v. Matthews.—E. W. Boyd, for defendant, obtained on consent order dismissing action without costs and vacating lis pendens.

Bank of Ottawa v. Stewart.—Shaver (Heighington & M.), for plaintiff, obtained on consent judgment as against three defendants with costs.

Jackman v. Worth.—F. Aylesworth, for defendant, moved for order striking out last clause of statement of claim. T. P. Galt, K.C., for plaintiff. Reserved.

Brown v. Timmins.—J. G. Smith, for defendant, moved for order setting aside amended statement of claim. McKay, K.C., for plaintiff. Reserved.

Scully v. Madigan.—C. F. Ritchie, for defendant, judgment creditor, moved for attaching order. J. P. MacGregor for plaintiff, judgment debtor. No one for garnishee. Motion enlarged sine die. To be brought up again on two days' notice.

Judges' Chambers.

Before Middleton, J.

Re Grace Cameron.—W. A. Henderson for father. H. S White for aunt of infant. Motion by Charles Cameron, father, on return of habeas corpus for an order for possession of infant daughter. Judgment: The case has given me much anxiety, as I realize the extent of the father's right to the custody of his children and the responsibility of depriving him of the duty and privilege incident to this right, and I have also present to my mind the disadvantage of separating two children, yet the facts of the case which I refrain from setting forth at greater length convince me that the welfare of the little girl requires that she should be left in the custody of her aunt, who has stood in the place of her mother almost from the day of her birth, rather than in the custody of the father, who will have to be away from home during most of her waking hours earning his livelihood, so that the real custody and training will devolve upon a hired housekeeper. The aunt must allow all reasonable access to the father, and must undertake to do nothing to prejudice the child against the father, who should have liberty to renew this motion if circumstances change. I do not think costs should be awarded.

Trial.

Before Hodgins, J.

Fairweather v. Canadian General Electric Co.—E. G. Porter, K.C., for plaintiff. G. H. Watson, K.C., and L. M. Hayes, K.C., for defendants.

Action by Edna Isabella Fairweather, widow of Henry Ivon Fairweather, to recover $10,000 damages for the death by drowning of her husband, foreman in charge of the Nassau power house of defendants, while cutting away the ice and debris on and over the apron of the sluiceway alleged to have been occasioned bythe negligence and carelessness of defendants. Judgment: What the deceased did was done entirely for the benefit of the defendant company under the pressure of their written complaint, and was undoubtedly necessary when undertaken for the proper operation of the works under his charge, on the successful working of which defendant company's principal works depended. I think that prompt measures were necessary, and that the act of the deceased was a proper and legitimate one, within the scope of his employment and in the line of his duty. I think the defendants were negligent in their system or plant, both at common law and under the Workmen's Compensation Act. I am satisfied that in the circumstances I have discussed as to the situation created by the letter, the conditions during the week preceding and on the morning of Jan. 14, the deceased did not, within the meaning of the maxim as explained by the cases cited, voluntarily accept the risk. On the whole, with some limitations, I think that the defendants have failed to show contributory negligence in deceased. Judgment for plaintiff for $2500 with costs. Apportionment to be spoken to. Ten days' stay.

SETTLERS' EXCURSION TO ALBERTA AND SASKATCHEWAN.

Commencing March 11 and continuing every Tuesday thereafter until April 29 inclusive, the Grand Trunk Railway System will issue one-way settlers' tickets from stations in Ontario, Peterboro, Port Hope and west to points in Alberta and Saskatchewan at exceptionally low rates. Through coaches and Pullman tourist sleeping cars will leave Toronto 11 p.m. for Winnipeg, without change, on above dates, via Chicago and St. Paul. Berths may be secured in tourist cars at a nominal charge.

The Grand Trunk Pacific Railway is the shortest and quickest route between Winnipeg-Saskatoon-Edmonton. Trains now in operation Winnipeg to Regina, Yorkton and Canora, Sask., also to Camrose, Mirror and Edson, Alta.

Timetables, land pamphlets and full particulars relative to the Grand Trunk Pacific Railway may be obtained on application to Grand Trunk agents or write to C. E. Horning, district passenger agent, G. T. R., Toronto, Ont.

BIG DREDGING CONTRACT

OTTAWA, Mar. 2.—(Special.)—The Pacific Dredging Company has been awarded the contract for dredging False Creek, Vancouver, B.C., at a price of approximately $693,000.