

THE TORONTO WORLD

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NEW YORK—St. Denis Hotel and Hotel news stand, 1 Park Row. OTTAWA—Despatch and Agency Co.; all hotels and news stands.

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Does The Morning World reach your home before 6:30? If it does not send in a complaint to the circulation department. The World is anxious to make its carrier service as nearly perfect as possible.

IT IS WRONG TO SNOORE

A man in Dayton, Ohio, has been fined by the magistrate for disorderly conduct, the disorderly conduct consisting in the fact that he fell asleep in church and snored so loudly as to disturb the preacher and distract the congregation.

His attorneys made the legal point that a man could not be convicted of crime unless he had a criminal mind, and that no person could be accountable for anything done while asleep.

The learned judge, however, decided that the essence of the offence was not the snoring, but the going to sleep in church. He held that everyone who went to church was bound to stay awake, because, should he fall asleep, he might snore, and thereby interrupt the service and annoy the congregation.

Falling asleep in church is by no means a novel offence or one confined to the State of Ohio. Indeed, we find that centuries ago a young man named Eutychus, a resident of Macedonia, fell asleep while so eminent a preacher as St. Paul was addressing the congregation. An account of this young man's delinquency will be found in the twentieth chapter of the Acts, and in the following words:

And there sat in a window a certain young man named Eutychus, being fallen into a deep sleep; and as St. Paul was long preaching, he sunk down to sleep, and fell down from the third loft and was taken up dead.

In this case, however, the young man was restored to life, and it is said of the other members that "they were not a little comforted."

Snoring has figured before in the judicial literature of Ohio. Some years ago a retired officer of the British army brought a suit against his wife for divorce, and she filed a cross petition asking for a divorce from him on the ground of excessive cruelty, the "cruelty" consisting in the fact that he snored so uproariously that his rest was entirely broken and her health and nervous system undermined. Here, again, the point was made that the man should be punished, not for snoring, but because, knowing his infirmity, he should have done his sleeping in some other part of the house.

It is a practical question on sleeping cars. A man who pays two dollars for a place to sleep is supposed to purchase the right to sleep with all the ordinary accompaniments of that pursuit, one of which undoubtedly is snoring. On the other hand, his fellow-passengers who have paid their good money for the right to sleep must be deprived of their sleep by the money's worth if they are kept awake by snoring.

The dispute grows more acute as years go by and furnishes one of the strongest arguments for subjecting sleeping car companies to regulation by the railway commission.

TRIAL BY JURY

The noble red man has developed into the most astute of politicians. In Oklahoma, where his vote amounts to something, he has cast it with the Democratic party and has helped to make the most progressive constitution ever adopted by a civilized state.

This constitution enacts a passenger train many other useful and progressive sections. One provision, however, which has attracted great attention is more open to dispute. It is the one which declares that no man shall be imprisoned for disobeying an injunction granted by a court or judge until his guilt is first established by the verdict of a jury. This may seem quite revolutionary, and yet it is ear-

nestly defended by The New York American and by organized labor generally throughout the United States.

Those who oppose it argue that the writ of injunction will be of no avail unless the court or judge who allows the writ can punish disobedience to it summarily by proceedings in contempt. But after all, why should this disobedience to law be incapable of punishment by jury any more than any other violation of law? Unfortunately, courts and judges, especially federal judges, have used the writ of injunction freely in labor disputes, and always upon the application of the employer.

Hence a class feeling is engendered against judges, and as against the United States judges it threatened to develop into serious irritation when they used the writ of injunction against state officers to restrain their enforcing the two-cent-a-mile law in certain Southern States.

Coupled with this agitation is a movement to make the federal judges elective for fixed terms, instead of being appointed, and for life. Should Judge Taft be the nominee of the Republican party, the entire political campaign of 1908 may turn upon this very issue, namely, to make all judges responsible to the people and to strip the courts of summary power to punish for contempt.

AUSTRALIA AND THE PRIVY COUNCIL

Australian federal officials by a recent decision of the high court of appeal have been placed in a curious and anomalous position. Some time ago the question was raised, whether the officials could, under the constitution, be compelled to pay the taxes on income levied by the individual states. When the point first came before the high court, a decision was given that they were not liable, and the matter might have been rested there. But other legal proceedings were taken before the state courts, and an appeal taken direct to the judicial committee of the privy council, who in turn held that the federal officials were bound to pay income tax. In view of this judgment, the question was again brought before the federal high court, but the judges refused to reverse their previous decision. They also refused leave to appeal to the privy council, which by the Australian constitution they have power to do. There is thus a conflict between the judicial committee and the high court, each of them possessing, on a point of constitutional law, co-ordinate and final appellate jurisdiction.

A possible conflict of this nature was foreseen during the debates in the imperial parliament over the commonwealth bill. As framed by the federal committee, it proposed that the supreme court of the federation should possess functions rendering appeals to the privy council unnecessary. This was, however, strongly objected to by Mr. Chamberlain, and after considerable discussion a compromise was arranged by which no appeal was permitted from the supreme court to the king-in-council upon matters of constitutional right, unless the court certified the question to be one which ought to be determined by the privy council. Appeals can still be taken to the privy council from the state courts, and it was at once perceived by various high legal authorities in England that such a conflict as has now arisen was inevitable.

The evident fact that a conflict was possible was admitted by the imperial advisers, who contended that the high court would necessarily, as of courtesy and from a sense of subordination, accept the ruling of the judicial committee. This nevertheless is just what the present high court has not done.

Altho the immediate point in issue will probably be settled by the passing of a federal act compelling every federal officer to pay his state income tax, the possibility of other conflicting decisions on the part of the privy council and the high court remains. Australian lawyers differ regarding the proper remedy, but the inclination at present is to do what is necessary by federal legislation, rather than call on imperial parliament or go thru the cumbersome procedure necessary before the constitution can be amended. At the imperial conference the Australian premier discussed the question in speaking to the motion he presented in favor of the establishment of a formal imperial court of appeal. This proposal, however, never did not find favor, and a resolution was ultimately adopted favoring the regulation of the privy council procedure and the right of appeal. During the discussion the lord chancellor was asked by Dr. Jameson whether, if South Africa desired to deprive itself of the right of appeal to the privy council, it could only be done by imperial legislation or an imperial order-in-council. The lord chancellor in his reply indicated that in his opinion the parliament of a self-governing colony, with the royal assent, could regulate that as well as anything else. This answer is noteworthy.

EXAMINATION VAGARIES

Some time ago The World, in discussing the examination question, discountenanced the tendency to panic over one or two faulty papers. A deep-seated belief in the efficacy of the examination method of testing candidates and of stimulating schools prompted our defence of the system.

On chemical analysis WINDSOR TABLE SALT has been proved to contain 30% less impurity than the seven other principal salts on the market.

There are many cogent arguments in favor of what is called the accredited school system and the corresponding abolition of official examinations, but many things that have happened recently tend to weaken faith in at least the machinery by which the examinations in this province are carried on.

It was one of the vulnerable points of the Ross-Harcourt regime that these guardians of the intellectual interests of young Ontario did not more successfully exert themselves to solve the examination problem to the satisfaction of public opinion and common sense. Half-brained examiners were too often inflected upon a long-suffering community with disastrous results. It was idle for Messrs. Ross and Harcourt to lay the blame upon the educational council of their day, because the said council was their creature and subject to their daily orders. It is slightly different with Dr. Fyfe. The advisory council, the created as a body under his legislation, is not selected by him. It is elective, and so far cannot shelter itself from responsibility for its blunders under the aegis of his authority. This elective council appears to have been no more efficient in its management of examinations than the appointive councils of former days. In fact, its method of going about the business does not appear to differ materially from that previously employed. Examiners are selected on the snap-hazard plan so far as expertness and proved wisdom are concerned, scrupulous regard being had only to the sentimental desirability of placating this or that sectional interest. If Toronto University has a representative appointed, Queen's must have one, and so on. Not fitness, but mechanical rotation is the principle adhered to, and of course mistakes are bound to occur. If Dr. Fyfe wishes to be absolved from his share of responsibility in this matter, he must see to it that the elective council to which he has pinned his faith is instructed to proceed along lines of sanity and, if it is not amenable, to legislate it out of existence and take the matter into his own hands.

What we have said applies to a future remedy. But the damage done this year is not irreparable. A great deal of official talk is being indulged in behind the scenes and in inspired headings to examination results supplied the press as to the carefulness with which candidates' papers have been revised and the futility of appealing. Of course, if those who control the machinery say there is no use in appealing, the right to appeal is negatived. But does not this smack slightly of the star chamber? If the examining board thus asserts its own infallibility, it is time Dr. Fyfe enquired into the situation and created an independent court of appeal or, in other words, a board to examine examiners.

To what extent has the laboriously prepared "confidential reports" sent in by teachers been consulted? Information to hand strongly indicates that these reports are so much waste paper. It is stated to us by those who know that a casual glance at the marks issued in the case of candidates who failed reveals the fact that candidates who were most strongly recommended by their teachers have been rejected on the most trivial grounds. Now, in the case of an off year, owing to incompetent examiners, justice cannot be done by cutting off questions or giving bonuses. The best candidates are very apt to fall under such conditions. The opinion of teachers ought to be of great weight any year, but when the examination has failed this year, the guarantee of a reliable staff ought to be absolute.

PTE. GILLETTE GOES FREE

Court-Martial Acquits Him of Killing Fergus Woman.

SAULT STE. MARIE, Mich., Aug. 27.—The court-martial held here to try Private Cyrus Gillette, of Fort Brady, who accidentally shot and killed Miss Elizabeth Cadenhead of Fergus, Ont., last July, has returned a verdict of acquittal.

An effort will be made to serve a warrant on Gillette, who has been tried in the state courts on the charge of manslaughter.

The Grand Old St. Lawrence Trip

Is best made by starting on the Grand Trunk Railway, to Kingston or Gananoque, and avoiding the lake ride. For example, on the splendid Montreal Express at 8 a. m., skirting along Lake Ontario shore, you reach Gananoque at 2:15 p. m., taking steamer for Kingston Wharf, connecting at 5:30 a. m. with splendid steamers of the R. & O. for 12-12 hours trip through the islands and rapids, reaching Montreal at 6 p. m. Full information at city office, corner King and Yonge-street.

Gae Hit by Train.

LACROSSE, Wis., Aug. 27.—A fast passenger train on the Chicago, Milwaukee and St. Paul railway struck a street car filled with passengers, on a street crossing in North Lacrosse, Wis., this morning. Only one man was seriously injured.

Sent Fifth Thru Mails.

PHILADELPHIA, Aug. 27.—Charged by U. S. postal inspectors with the wholesale selling of obscene postal cards, Gustave F. Lang of this city, who traded under the name of the P. C. Novelty Co., was arrested to-day and held in bail for trial.

Peace in Central America.

CITY OF MEXICO, Aug. 27.—It is announced here that peace in Central America is now assured thru the intervention of the United States and Mex-

Political Intelligence

The possibility of Hon. G. P. Graham's receiving a call to the federal cabinet has given the Liberal papers the opportunity for considerable laudation of that gentleman's ability as a leader of men and an organizer. Mr. Graham, declares The Montreal Herald, "is just what the Liberal party in Ontario needs, a capable, fighting Liberal, with a clean record."

There is an impression, however, that Mr. Graham will stay where he is. The leadership of the opposition in the Ontario Legislature is not altogether a "thank you" job. It is understood that a number of Liberals in Ontario, realizing the sacrifice the acceptance of the job of resigning the Liberal party would require of Mr. Graham, have undertaken to pay him this unofficial salary of \$500 a year, which, with the indemnity of \$1000, brings his income almost up to the figure of a federal minister's salary. And besides, the official salary holds is more likely to be permanent. It might be just Mr. Graham's luck to go to Ottawa and lose his portfolio after the next election or the succeeding one, while if he stays with his present salary as opposition leader in Ontario it might hold out for life.

The Montreal Star continues to complain of the appearance of Hon. Geo. E. Borden in the Liberal ranks. Referring to the incident of Mr. Foster picking out an old Liberal in the audience and plying him with questions, The Star says: "What would happen to Mr. Foster if an 'old-time Liberal' picked him out" and asked him to restate former utterances on economic and integrity, and then requested him to say if his handling of Union trust funds were in consonance with the teachings of Mr. Foster's present day prosperity is due to his precept or his example?"

And The Star also prints "an opinion on Mr. Foster" from The North Sydney Herald, as follows: "There is a very much more to be learned in regard to the passing of Mr. Foster. The ex-finance minister is admittedly the most brilliant public speaker in Canada, and in this particular would be a tower of strength to Mr. Borden. His usefulness, however, passes with the exposure of his connection with the western lands transaction. No matter what the political future may have in store for the Conservative party, one fact is pertinent, and that is that George E. Foster is politically dead and buried."

Says The Brantford Expositor: "The suggestion that Mr. W. F. Maclean should be taken into the Laurier cabinet is very much more than the interest of 'the Maclean' than of the Liberal party."

Referring to the Bourassa campaign La Presse of Montreal makes the surprising assertion that Bourassa has a permanent committee in Montreal which actually sends out advance agents to work up enthusiasm and announce the coming of "the new Messiah." In other words, Mr. Bourassa does not neglect the publicity department of his campaign. This plan, however, is not new. The national policy was worked up in much the same way, by the appointment of a committee and the sending out of agents to proclaim the new doctrine, and other tribunes of the people who have something worth while to tell about the new policy.

Among those who will assist Henri Bourassa in his campaign this week are N. K. Laframée, Joseph Rainville, Ernest Tetreau, Oliver Asselin, Armand Levesque, M. P. Lorenson, and M. P. Allen. The latter, Ernest Taschereau, Jules Fournier, Ernest Guimant.

The Globe is apparently paving the way for the re-entry of Hon. Clifford Sifton to the Dominion Cabinet. "If he could be prevailed upon to enter the cabinet he undoubtedly would be a source of strength to the administration," says the paper. "His views on the subject are not obtainable," The Globe observes. "If not Sifton, then it will likely be Mr. Graham, altho it is admitted that his coming to Ottawa will be a great loss to the Liberal party and to the public. As to the vacancy for the maritime provinces it has been pretty well decided that it should go to Dr. Fyfe."

The Edmonton Bulletin (Hon. Frank Oliver's paper) insists that Borden has no authority to announce his platform as the opinions of the rank and file of his party, to whom he has persistently denied the opportunity of expressing an opinion.

Further it says the policy is "as yet one of tampering and construct." Realizing as the opposition leader must realize that he has no mandate from his supporters, he can do as he likes to say what he would like to say, but he cannot expect the party to adopt the suggestion of public credulity to mistake him for the nominal leader, but of which he has never been and is not the dominant force.

The Bulletin adds that the following of Mr. Borden cannot find much to arouse their enthusiasm. Queen's County (P. E. I.) Conservatives have made a tunnel to the mainland a plank in their platform, which they call "The Tunnel Plank."

"I find Cascares so good that I would not be without them. I was troubled a great deal with indigestion and heart-burn, but Cascares Candy Cathartic I feel very much better. I have been using them for some time and I can truly say that they are the best medicine I have ever used." Arkas Baines, Osborn Mill No. 1, Fall River, Mass.

Best for The Bowels Candy Cathartic THEY WORK WHILE YOU SLEEP

Pleasant, Palatable, Potent, Taste Good, No Food, Never Sickens, Weakens or Grips, etc. No. 100,000 Guaranteed to cure or your money back. Write for Remedy, Chicago or N.Y. 600

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Canada's metropolis, is reached quickly over the only double tracked line—the Grand Trunk Railway system. Trains at 9 a. m., 9 p. m., and 10:15 p. m. All carry modern Pullmans, and the train has cafe parlor car also. City office, corner King and Yonge-street.

EATON'S DAILY STORE NEWS

Last Great Carpet Day

THURSDAY "winds up" the special Three Days' Unloading of floor covering, and, incidentally, the greatest Carpet event of years.

If you have a carpet need, or if you will have during the next six months, now is the time to buy while we are unloading this manufacturer's stock at cost.

Heavy Wilton and Axminster Carpet — 27 inches wide, a strong range of choice, new, tasteful designs that will meet with universal approval. Handsome chintz, floral, scroll effects in fawn, brown, blue, red, and green. Rich Oriental effects, 5-8 border to match. Thursday, yard 1.29

Heavy Extra Super Quality Brussels Carpet — 27 inches wide, an extensive range of the highest grade, in choice rich colorings, in new and well-arranged combinations of red, green, fawn, blue, etc., 5-8 border to match, Thursday, yard 1.19

Heavy 5 Frame Brussels Carpet — 27 inches wide, one that commends itself to all; a large and choice range of our famous chintz effects, in floral and scroll designs, in green, blue, tan, ecru, fawn and red, 5-8 border to match, Thursday, a yard93

2000 Yards Heavy Printed Linoleum, 2 yards wide only, well seasoned designs, unusually well printed, clear-cut and bright in colors. Good styles of floral, block, and tile effect. Great good value, square yard 35

—a relish for luncheon —an appetizer for dinner —good with meals —good between meals —good for everybody

O'Keefe's Pilsener Lager "The Light Beer in the Light Bottle"

Money cannot buy better Coffee than Michie's finest blend Java and Mocha, 45c lb.

Michie & Co., Limited

AT OSGOOD HALL

Town Site of Latchford.

The Temiskaming and Northern Ontario Railway Commission have begun an action against J. J. McNeil of Latchford to recover possession of a portion of the town site of the Town of Latchford, known as "The Park."

Goods Sold and Delivered.

A. E. Mark of Gravenhurst is being sued by the Toronto Type Foundry Co. for \$61.18, being amount of certain goods sold and delivered by the company to him.

Breach of Contract.

Alfred E. Rudd and Thornton Huyek of Toronto have issued a writ against Bartholomew Sproule claiming \$500 damages for breach of contract.

Slender.

George Vine and Eva Vine have issued a writ of summons against William Kinnell claiming unstated damages for slander.

Labor Day Outings.

On account of Labor Day the Richelieu and Ontario Navigation Company have extended the limit of their Saturday to Monday tickets to permit passengers to return, leaving destination Monday, Sept. 3, arriving in Toronto Tuesday morning, Sept. 3. Usual low rates will be in effect to Chertsey (port of Rochester), 1000 Island ports, Brockville and Prescott. Full information regarding same can be obtained at ticket office, 2 East King-st., Toronto.

Had Arm Gashed.

While Samuel Bright, of 96 Sydenham-street, was working on a hoist at the Gray Carriage Works, the chain broke, gashing him in the right arm near the elbow. He was taken to St. Michael's hospital where the gash was sewed up. A similar accident happened to Bright a short time ago.

Laurier Will Not Attend.

At the opening of the King Edward Hospital for Consumptives at Weston to-day, Sir Wilfrid Laurier has wired his inability to be present. The governor-general it is understood will attend the function.

Great Clay Belt Arable.

T. B. Speight, O.L.S. reports to the department of lands and mines from Kabinagami in the Algoma district that the great clay belt may contain as much as ten million acres. About 75 per cent of the land traversed by his party is arable. It is expected that the provincial survey will be completed westward to the boundary line of the Thunder Bay and Algoma districts and northward along this line to the northern limits of the province by October.

At the opening of the King Edward Hospital for Consumptives at Weston to-day, Sir Wilfrid Laurier has wired his inability to be present. The governor-general it is understood will attend the function.

Several other amendments to the constitution affecting the sick and death benefit were carried.

OBITUARY.

J. D. Thomson.

The funeral of John Davidson Thomson will take place this afternoon from his residence, 13 Farley-avenue.

The deceased was for many years connected with the railway mail service, retiring about a year ago. Some eighteen months ago he was injured in a wreck on Hamilton, from the effects of which he never fully recovered. He was in his 72nd year, and was a brother of the late Wm. Thomson of Rathfriland-avenue. One daughter, Miss Mabel, of Hamilton, survives.

Montreal.

Canada's metropolis, is reached quickly over the only double tracked line—the Grand Trunk Railway system. Trains at 9 a. m., 9 p. m., and 10:15 p. m. All carry modern Pullmans, and the train has cafe parlor car also. City office, corner King and Yonge-street.

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The new styles for the season are in BLACK—

The proper way to wear black is in ordinary dress.

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AND G

Suitings are many new and able blending.

ORDE... TUMING

should be placed and possible.

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we will send on request.

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We are now receiving coll to wear. Cloak must be returned to their intending to be pleased to N.B.—NEW catalogue out in quest.

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