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TUESDAY MORNING, SEPT. 17, 1912

CANNING THE MELON.

The Goderich Star in its issue of the 13th inst. gives up its entire editorial space to an argument in favor of increasing railway rates in Western Canada. The article is the same one heretofore referred to by The World as having been contributed to The Boston Transcript by Mr. E. W. Thomson. Mr. Thomson informs us that the column and a half excerpt now being published in the Canadian papers does not represent his personal views, but merely assembles the arguments put up by the railway companies. These, we take it, were included for the purpose of presenting both sides of the question. They have, however, been plucked from the parent stem and embalmed in a leaflet issued by the railway companies. This leaflet we find reproduced and prominently displayed in The Peterboro Examiner, The Goderich Star and other newspapers, not as advertising matter or as a special plea put forth by the railways, but rather as an impartial review of the whole question. Thus the Goderich paper prefaces its reprint:

RAILROAD BAITING IN CANADA.

E. W. Thomson in Boston "Transcript."

The following observations on the proposed reduction of freight rates in the west by this noted journalist are of interest just now to Canadians. Mr. Thomson says in part:

This introduction, headlines and all, unless we are greatly mistaken, was bodily taken from the leaflet now being distributed by the railway companies, and might fairly come under the classification of "canned comment." As journalistic housekeepers are now in the midst of the canning season we may expect to see the Thomson article appear and reappear in news columns and editorial columns for some time to come. And there is a real item of news in the following paragraph which we take the liberty of quoting from The Goderich Star:

Canada is fortunate in having three separate, distinct and keenly competing railway systems. Competition between them will insure the best of service, not only in rates, but in facilities. Canada deserves such competition. The Dominion has been liberal in encouragement of the building of railways. Is Canada likely to be so unreasonable as to declare that, now that they are practically completed, they shall not be allowed to share in the general prosperity of the Canada which they have helped to make? Should not railway rates rather ascend with wages and with taxes than go down? It is a mistake to make a "houn' dawg" of the railways.

One might erroneously infer from the above that the keen competition among our railway companies was responsible for their being kicked around, but it appears that these injured innocents are suffering present pangs and future woes from the lack of statesmanship in this country. So we are told:

The railway managers of Canada all agree in one point, at least. They think that somewhere in the Dominion should arise a statesman big and broad and brave enough to urge the same fair, square treatment of the railway that is accorded to other industries. Unless this can be done, unless the railways are given a right to live, it is going to be as difficult to find money to provide railway facilities for the Dominion as it is to obtain means for the railways needed by the rest of the American continent.

We fear that the very last thing the railway companies want is the same kind of treatment as is accorded by the government to other business enterprises. There are few business concerns in this country which would not consider themselves fortunate if they could persuade the government to guarantee their bonds, to guarantee dividends upon their stock, to lend them money and present them with big industrial plants all finished and ready for operation. The Canadian Pacific Railway Company is frequently cited as one in which the stockholders took big chances and earned extraordinary rewards. We are not inclined to depreciate the courage and the ability of the men who assisted the Government of Canada in building our first transcontinental railway. They received, however, vast gifts of money and land outright, they were assisted by loans, they received 700 miles of railway already built and they received dividends from the treasury of the company from the very start. The Winnipeg Free Press is authority for the statement that the stockholders of the Canadian Pacific received in dividends on money actually invested between 1881 and 1884 fifteen per cent. per annum; from 1885 to 1901 twelve per cent. per annum; from 1902 to 1912, eleven per cent. per annum.

The Peterboro Examiner not long ago was busy telling its readers how to put up "brandied peaches"; it was a recipe which did not call for an undue proportion of peaches. Who will give us a recipe for canning the melon? Did the "canned comment," now stacked in many newspaper offices, originate in the Canadian Pacific melon patch?

HELLO! MR. LUCAS.

We trust Hon. I. B. Lucas will have something more definite to say about the telephone system of Ontario than he has already been credited with. The government system in England has scarcely been inaugurated and it can not reasonably be expected to be perfect for some months to come. But there has been a good deal of testimony already to the improvement in the service. And at least the telephone users will have the satisfaction of knowing that they will get the service at cost.

It is true that a monopoly of telephone service is essential for satisfactory results in any one community. The effort to make progress in telephone business in Ontario has been held up by changes rung on this point. But the great change and the one most needed in the present system is one of consolidation, and this the present corporation monopoly does what it can to prevent. The Bell Co. argues for monopoly when the principle favors its own case. But it refuses to practice monopoly methods when that would favor the public.

Toronto may not yet be ready to take over the city telephone system, but Toronto needs, and every other local system in Ontario needs, better and closer long distance line connections. The Bell monopoly has no proper sense of its relation and responsibility to the public in this matter. Difficulties are made rather than efforts put forth to remove difficulties in establishing communication between local systems on trunk lines.

The only remedy for this is public ownership of the trunk lines. The Bell Co. need not be disturbed in its local business, but the province should take over the trunk lines and give the people of Ontario an opportunity to do business with one another. This seems a tremendous innovation to some of the old mossbacks, but even they ought to realize that the province now owns hundreds of miles of telephone system in connection with the T. & N. O. Railway and the Hydro-Electric Power Commission. It would be a simple and easy matter to add a trunk line service thruout the province to the hydro-electric activities.

If Mr. Lucas wants to assist Sir James Whitney by giving him the most popular policy he is likely to discover in the next twenty years, he will get ready a plan which will put all the farmers' telephone companies in Ontario in touch with all the big centres and with one another, without the trouble and annoyance which now exist where trunk line connection is at all possible, and by establishing it where it is not.

DOMINION AND COMMONWEALTH IMMIGRATION.

As The World many months ago pointed out, Canada would do well to regard the extraordinary activity shown by the great sister commonwealth of Australia in the encouragement of British emigration to that vast island continent. Australia has always been regarded as a negligible quantity compared with the attraction Canada affords, but this assumption of superiority is no longer justified. As compared with the first seven months of 1911, British emigration to Canada decreased during the corresponding period this year by nearly 7000, while the flow to Australia increased from 23,187 to 36 361.

The commonwealth is building magnificent offices between Aldwych and The Strand in the very heart of London. Its government has always been inclined to prefer quality in immigration rather than quantity, and more than that, the Australasian states are tempting British agriculturists and agricultural laborers by affording facilities for settlement and opportunities of training in Australian conditions and methods far beyond what any Canadian province has provided. Indeed it is curious that the aggressive efforts to attract settlers now made by these states are eliciting more comment in Britain than ever accompanied the Canadian propaganda. If Canada does not wake up, the tide is likely to turn decisively in favor of the lands of the Southern Cross.

SUCCESS OF LAND VALUE TAXATION.

In view of the large measure of attention aroused in Great Britain over the new land tax proposals advanced by the Radical section of the Liberal party, with the approval of Mr. Lloyd George, it is noteworthy to find a highly appreciative article on Edmonton's tax system in a recent number of "Canada," an illustrated weekly published in London, England. The capital of Alberta, as is generally known in the east of the Dominion, is one of the most progressive of western municipalities, owning and operating all its public services and utilities. Not only this, but with Vancouver it has led the way in taxation reform, not as a hasty experiment, but as the result of the observed benefit accruing from the progressive exemption of improvements from taxation. Edmonton, too, has another claim to notice in that it is under the modified form of commission government, which The World holds to promise most in the way of efficient administration. Its commissioners and council were convinced that the best way to encourage building improvement and discourage the holding of land unused for speculative profit was to tax land at its true value and not to tax the legitimate enterprise of its owners.

Edmonton, however, has not adopted the principle of the "single tax," for it also assesses businesses and special franchises and exempts crown, religious, educational and city properties. It has done away with income tax and poll tax, and last year remitted one-third of its business tax. This year another third will, it is hoped, be remitted, and the intention is ultimately to discard the business tax altogether. The special franchise tax is not levied in respect of the business, but is based on the actual cost of the plant and equipment, less a reasonable deduction for depreciation. Special assessments are made for local improvements. Last year the general tax rate was 16½ mills on the dollar. Edmonton has succeeded by its policy of land value taxation in compelling land held for speculative profit to be opened up for building purposes and its experience, as well as that of Vancouver, fully bears out the proposition that the system is that best calculated to serve the general interests of the city, and, far from imposing an undue burden on the land owner, is distinctly for his advantage.

A GOOD SUGGESTION.

The Telegram of last night discussed the proposal to take away the hump on upper Yonge street that will be created by the depression of that thorofare under the crossing of the Canadian Northern and the Canadian Pacific. It will cost something, as The Telegram says, to take away this hump, but once taken away, it will give an even grade from the Brewery Hollow under the railway tracks. And it might be that the ground taken out of the hump could be used to raise the Brewery Hollow some few feet higher, and thus greatly improve all of Yonge street in that quarter.

A STEP FORWARD

The city council has authorized the city solicitor to employ expert assistance in preparing the city's case before the Dominion Railway Commission re suburban train service. This is a step in the right direction and no further time should be lost. Then, too, the experts engaged upon the general transportation problem of Toronto should be able to testify to the necessity for intraurban and interurban service by the steam railways and the practicability of the same. Controller Church has been active in this connection and it seems to be necessary for someone to pay particular attention to this matter, which more than once has been lost sight of in the great press of business by the legal department.

When the application comes to be heard by the commission, the city must have at least one witness of some experience as a traffic man, and some testimony should be available from the Toronto Board of Trade and from our neighboring municipalities. The city should make a strong case on the facts; then if the law be defective, there should be an immediate appeal to the government and to parliament for an appropriate amendment to the Railway Act.

MRS. PANKHURST WILL FIGHT.

NEW YORK, Sept. 16.—A London cable says: In an interview in The Paris Matin, Mrs. Pankhurst today announced her immediate return to England, and promised to keep waging the war of violence. She said: "I am ready to return to prison and am determined not to pay a penny of my fine. We are resolved to fight men as men—by violence."

At Osgoode Hall

ANNOUNCEMENTS.

Sept. 16, 1912.

Judges' Chambers will be held on Tuesday 17th inst. at 11 a.m.

Peremptory list for divisional court for Tuesday, 17th inst., at 11 a.m:

1. Bucknall v. British Canadian Power Co.
2. Queen v. McLean.
3. Martin v. School Trustees.
4. Crowe v. Turney.
5. Toronto v. Foss.
6. Burney v. Moore.

Peremptory list for court of appeal for Tuesday, 17th inst., at 11 a.m.:

1. Reinhardt Brewing Co. v. Nipissing Coca Cola Works (to be continued.)
2. Anderdon Tp. and Malden and Colchester South Tps.
3. Ewing v. Toronto Ry. Co.
4. Kennedy v. Kennedy.
5. Re Turnberry Tp. and North Huron Tel. Co.

Masters' Chambers.

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

Chapman v. McWhinney—J. R. Roaf for defendant; J. P. Crawford for plaintiff. Motion by defendant for an order striking out two of plaintiff's claims in the prayer and the corresponding parts of the statement of claim as being inconsistent with the endorsement on the writ. Judgment—The best disposition of the case seems to be to discuss the motion and let the defendant have full time to plead validating the statement of claim as of this date. The cost should be to the defendant in the cause as the motion was not uncalled for.

Ramsay v. Toronto Ry. Co.—J. P. MacGregor for plaintiff; A. Langmuir (McCarthy and Co.) for defendants. Motion by plaintiff for an order for inspection of car No. 444 of defendants, which caused the death of deceased, to see if it is a modern car, such as are now built, for a better affidavit on production, and for a return of commission. Reserved.

Brown v. Carter—W. H. Barnum (Aylmer) for defendant; J. H. Spence for plaintiff. Motion by defendant for an order striking out paragraphs 8, 9, 10, 11, 12, and part of 13 of statement of claim. Motion dismissed. Costs in the cause. Statement of defence to be delivered in a week.

Single Court.

Before the Chancellor.

G. R. Kappele and B. Collins presented their certificates of fitness and were on the flat of the judge sworn in and enrolled as solicitors of the supreme court of judicature.

Richards v. Lambert—F. Aylesworth for defendant; F. McCarthy for plaintiff. An appeal by defendant from the report of the local master at Windsor. Enlarged at request of parties sine die.

Boyd v. Leonard—W. E. Raney, K.C., for plaintiff; H. S. White for defendant. Motion by plaintiff for an order continuing an injunction. Enlarged for one week by consent. Injunction continued meantime.

Campbell v. Taxicabs—J. MacGregor for plaintiff; T. N. Phelan for defendant. Motion by plaintiff for an order striking out appearance of defendant. Enlarged at request of defendant until 18th inst.

Gibson v. Taxicabs—J. MacGregor for plaintiff; T. N. Phelan for defendant. A motion by plaintiff for an order striking out defendant's appearance. At defendant's request, enlarged until 18th inst.

Re Cinnamon Estate—J. T. Mulcahy (Orillia) for applicant; A. M. Fulton (Lindsay) for administrator. Motion by Pearl Cinnamon for an order removing administrator. Enlarged for one week.

Re Palmer; Kirk v. Kirk—W. Proudfoot, K.C., for applicant. A motion for judgment under C. R. 938 and for appointment of new executors in place of deceased executors. Enlarged until 19th inst. at counsel's request.

Curry v. Wetlauffer—B. Osler for plaintiff. W. M. Douglas, K.C., for defendants. Motion by plaintiff for an order for mandamus. Enlarged for two weeks at plaintiff's request.

Werry v. Bell—J. E. Day for plaintiff. J. D. Montgomery for defendant. Motion by plaintiff for an injunction. Enlarged one week to allow of cross-examination being completed.

Re William Major—C. C. Ross for Oliver Allan Major. E. C. Cattanach for official guardian. Motion by way of petition by Oliver Allan Major, son of William Major, late of Schuyler, State of Nebraska, for an order approving sale of the land in question and declaring that William Major, son of the late William Major, who has not been heard from since 1895, when he was in the State of Nevada, is dead. Order made confirming the sale of the farm in question for $30,000, but ordering the share of William Major to be paid into court, whom the court declined to declare to be dead on the material before the court.

O'Neil v. Harper—H. Howitt for plaintiff. T. H. Peine for defendant. Motion by plaintiff for an order continuing the injunction herein. Injunction continued to trial. Costs reserved to trial judge.

Leas v. Lea Co.—J. E. Jones for plaintiff. T. J. Agar (Simcoe) for defendant. Motion by plaintiff for an injunction order. Motion enlarged to trial. Defendant to keep an account. Costs reserved to trial judge.

Re Finn Estate—T. F. Slattery for executors. E. C. Cattanach for official guardian. Motion by executors for leave to expend $3500 in repair of premises and to lease same for a period of ten years at $100 per month rental. On applicants putting in an affidavit of Miss Irene Finn, consenting thereto, order to go as asked.

Hayes v. Carrick—E. P. Brown for plaintiff. D. C. Ross for defendant. Motion by plaintiff for an order continuing injunction. Enlarged until 19th inst. Injunction continued meantime.

Re McNeill Estate—J. T. White for executors. J. E. Madden (Napanee) for a beneficiary. Motion for order construing will under C.R. 938. Enlarged until 19th inst.

Divisional Court.

Before Falconbridge, C.J.; Britton, J.; Riddell, J.

Lake Erie Excursion Co. v. Township of Bertie—F. Aylesworth for defendant. An appeal by plaintiff from the judgment of Kelly, J., of May 14, 1912. At request of defendant case put to foot of list.

Sandwich Land Improvement Co. v. Board of Education of Windsor—D. Saunders, K.C., for plaintiff. F. Aylesworth for defendant. An appeal by plaintiff from the judgment of Kelly, J., of April 25, 1912. At request of counsel, appeal put to the foot of the list.

Breault v. Tecumseh Canning Factory—F. E. Hodgins, K.C., for plaintiff. O. H. King for defendants. An appeal by plaintiff from the judgment of the county court of Essex of April 19, 1912. At request of defendants appeal placed at foot of list.

Jarvis v. Hall—J. Fraser (Tottenham) for plaintiff. A. B. Armstrong for defendant George Hall. W. T. J. Lee for defendant Thomas Hall. Motion by defendant, George Hall, for leave to join in appeal with defendant Thomas Hall. Leave to defendant, George Hall, to join in appeal. Notice to be served in one week. Costs of the motion to plaintiff and defendant, Thos. Hall, in any event. Appeal put to foot of list.

Davidson v. Peters Coal Co—T. J. Elain (Brampton) for plaintiff. A. J. Anderson for defendant. An appeal by plaintiff from the judgment of Mulock, C.J., of April 25, 1912. An action by plaintiff, an employe of defendant's, to recover $1500 damages for injuries received while engaged in blasting thru the powder used taking fire and burning plaintiff's clothing and person, alleged to have been caused by defendant's negligence in requesting plaintiff to do this work, to which he was unaccustomed and with defective appliances. At the trial the action was dismissed without costs. Appeal argued and dismissed with costs.

St. David's Mountain Spring Water v Lahey—O. H. King, for tenant. W. M. Douglas, K.C. An appeal by tenant from the judgment of the County Court of Welland of May 21, 1912, whereby he found that the alleged tenancy had been determined by a notice and that everything had transpired which entitled the landlord to take possession of the premises in question. Appeal argued and judgment reserved.

Court of Appeal.

Before Garrow, J. A., Maclaren, J.A., Meredith, J.A., Magee, J.A., Middleton, J.

Re City of Toronto and Toronto and York Radial Ry. Co.—I. S. Fairty, for the city. C. A. Moss, for the railway company. Motion by the city for leave to appeal from the order of the Ontario Railway and Municipal Board, allowing the company to deviate its lines within the city limits. Leave to appeal granted, reserving to the railway company all rights of this date with leave to urge same on the argument of appeal.

Re Waddington and Toronto and York Radial Railway Co. (two cases)—I. F. Hellmuth, K.C., and T. A. Gibson, for North Toronto. R. McKay, K.C., for Waddington and Winter. C. A. Moss, for the railway company. I. S. Fairty, for the city. Appeals by North Toronto and the City of Toronto from paragraphs one and two of the order of the Ontario Railway and Municipal Board of Oct. 2, 1911, declaring that the railway company has the right under the agreement of April 6, 1894, between the County of York and the Metropolitan Railway Co., to construct and put in and maintain such switches and turnouts as may be necessary for operating the line, and that the Ontario Railway and Municipal Board has the right to make such an order. Reserved.

Reinhardt v. Nipissing Coca Cola Co.—C. H. Porter and G. F. McFarland, for defendants. W. R. Smyth, K.C., for plaintiff. An appeal by defendants from the judgment of a divisional court varying the judgment of Riddell, J., at the trial, by which he held that certain goods and chattels taken and held in execution by the sheriff of the District of Nipissing were declared not to be the property of one Abraham David, the execution debtor of plaintiff. The divisional court held that Abraham David was proprietor of the goods and chattels so taken in execution, save and except those goods and chattels which were purchased by one Zahalan at a previous sheriff's sale of the chattels of Abraham David, and by him, the said Zahalan, sold to Albert David and Raschada David, and by them sold to the appellants. Appeal partially argued but not concluded.

GUNMEN ARE REMANDED

"Gyp" and "Lefty Louis" to Appear on September 18.

NEW YORK, Sept. 16.—(Can. Press)—Harry Horowitz, alias "Gyp the Blood" and "Lefty" Louis Rosenzweig, whose arrests on Saturday night completed the round-up of the gunmen indicted for the murder of Herman Rosenthal, were arraigned this morning before Justice Goff in the supreme court.

At the request of counsel for the prisoners pleading was adjourned until September 18th.

The gunmen's counsel asked to enter tentative pleas of not guilty, with leave to withdraw, but decided to wait until next Wednesday before pleading. The wives of the prisoners and Max Kahn, the alleged pickpocket, arrested in the flat occupied by the gunmen, were held in $2500 bail each as material witnesses.

The gunmen were nattily dressed and took a keen interest in the proceedings. They had no statements to make.