

The Toronto World

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WEDNESDAY MORNING, JUNE 21, 1912.

THE ONTARIO RAILWAY BOARD AND THE PUBLIC.

We do not think it is necessary to assume that the Ontario Railway Board will act in hostility to the interests of the citizens, before the board takes some action to justify such an assumption. The public has come to regard the railway board as a body that might be expected to act for the expedition of public business, relying on the precedents set by the Dominion Railway Board, the New York Public Service Commission and other similar bodies. The act constituting the Ontario Railway Board imposes certain disabilities upon it, under which the other bodies do not labor. If the board does not act as radically as might sometimes be desired, these statutory limitations are to be considered to be the cause rather than the personal disposition of the members of the board.

The World, however, believes that the board will make no mistake in expressing the belief of its members with regard to any necessary public policy, and making clear what is their own judgment and common sense in the matter, and what the letter of the law prevents them from achieving. If this were done public opinion would see that the necessary powers be given the board by the legislature, so that mere technicalities and other excuses for delay, dependent purely on the letter as distinct from the spirit of what public business requires, may not be permitted to obstruct municipal measures.

On the other hand, as we have frequently pointed out, the city hall is often responsible for vexatious delays. Last winter the annexation of North Toronto was quite as urgent a matter as at present, but Mayor Geary allowed it to be side-tracked. The result was the delay in settling the Metropolitan Railway switch proposals, in connection with which an order was made by the Ontario Railway Board last September. This order is still pending, awaiting the action of the city. Fortunately, the board of control has passed a resolution which the Ontario Railway Board may accept to-day as an earnest of immediate action on this matter. It would be a public misfortune if the franchises of North Toronto were to be dealt with independently of this annexation, and we feel confident the board will bear this in mind.

Nor can we believe the board will take any action likely to embarrass the city or jeopardize its interests in the matter of the proposed electric railway lines. It is obvious that full and complete plans cannot be furnished until the board authorizes, one policy or another, whether in connection with the street railway lines and running rights thereon, or by independent underground and surface lines. Whatever may lead to a settlement of the principle of public ownership of the city street car lines, which is the whole object of the city's policy, we believe the board may be counted upon to forward. In fact, any other action would be opposed to the aims for which the board exists. Matters of detail may have to be adjusted, but the interest of the public is paramount.

ONTARIO HONORED.

Ontario will be better honored by the modest decoration accorded to Mr. C. C. James, the deputy minister of agriculture, than by anything that has been so far gazetted among the coronation honors. Mr. James is more honored perhaps in Washington than in Toronto, but wherever agriculturists congregate his reputation is secure. Mr. James has also a fine literary taste, and his collection of Tennysoniana is one of the finest in existence.

OTHER GOLD FIELDS.

Perthshire is not the only gold field in Ontario. The Grand Trunk Pacific line from Port William to Winnipeg has revived interest in the gold fields of Sturgeon Lake. We reprint on another page a full account of recent work on the St. Anthony mine. There is likely to be a fresh investigation of the showings of gold in Northern Ontario.

MEXICAN AFFAIRS.

Scarcely has the expulsion of Diaz been accomplished and the new Mexican government assumed the reins of office when notice is served that the natural resources of the country will be withdrawn from foreign exploitation. "For years," says Governor Gonzalez, "Mexico has been exploited by foreigners till the great body of the people have nothing. We were on the verge of becoming a nation of

paupers. Now all special privileges shall cease if we can accomplish it."

The announcement will not be welcomed by the financial adventurers, who were rapidly despoiling the Mexican people of their national birthright. Foreign capital legitimately invested at a reasonable rate of interest has been and is of enormous advantage to young countries. But money employed to buy concessions and franchises from a corrupt government is not a blessing, but a curse to any community. Under the system permitted by Diaz many unscrupulous capitalists have laid the foundation for huge fortunes at the expense of the Mexican peasantry and workers. No fault could be found or protest raised were the Mexican government to institute a searching investigation into all concessions and franchise grants and recall those improperly obtained and not in the hands of legitimate investors.

Diaz has been posing in Spain as the victim of public indignation. It is hard to conceive how he can labor under that illusion or be ignorant of the gross abuses perpetrated or winked at by the members of his government. Under the guise of a patriotic leader of his country, Diaz authorized or permitted the national capital to be fleeced from his fellow-countrymen and not content with that allowed them to be sold into slavery in order that the profits of foreign investors might be swelled. It rests on the revolutionary leaders to revert to the sound principles of democratic government and administer the state for the general good.

Vast numbers of aldermen all over the empire will be given the order of N. G. to which they are truly entitled.

These are the days a man's under-shirt keeps creeping, creeping up the small of his back. But the doctor says better let it creep than have a chill.

The man who eats a box of strawberries every day now as the chief article of his diet feels so healthy and happy he does not care who is crowned while the berries keep on ripening.

ANOTHER CONVERT TO GOVERNMENT BY COMMISSION.

Toronto Mail and Empire: Seldom has there been so little time lost in the carrying out of an important enterprise as in the building of the branch of the T. and N. O. Railway into the Porcupine district. No obstacle was allowed to stand in the way. Operations were begun well before the snow was off the ground, and though the region to be traversed was far from a commercial centre, work was pushed along with such rapidity that in a few months the rails were laid to the camp. If Toronto's affairs were in the hands of such a board as the T. and N. O. Railway Commission, there would be no excuse here of lingering misery over the construction of the plant, and the tinkering with the intake.

NORTH YORK PICNIC.

The great North York Conservative (or better known as the Lennox) picnic, will be held at Jackson's Point on Thursday, the 20th of July. The following amongst other speakers will be present, namely: Hon. J. H. Hanley, M.L.A.; Hon. F. Cochrane, M.L.A.; Hon. Dr. Reaume, M.L.A.; R. R. Ganney, M.L.A.; Dr. R. F. Preston, M.L.A.; E. Col. Goodrich, M.L.A.; M.L.A.; Col. Clark, M.L.A.; W. H. Hoyle, M.L.A.; and Dr. Godfrey. M.L.A. In addition to the above there will also be present a number of other public men. Should the weather be favorable this picnic will be bigger and greater than ever. Arrangements are being made for special trains from Toronto and other points through the province.

Special Seaside Service, R. & O. Navigation Company.

In addition to the regular steamer service of the Richelieu & Ontario Navigation Co., leaving Quebec for Murray's Bay, Tadoussac and Lower St. Lawrence, the company will have in commission their new steamer "Saguenay," leaving Montreal Tuesday and Friday evenings at 7:30 o'clock, reaching Murray's Bay and Tadoussac about 4:30 p.m. day after leaving Montreal. This service will be in effect until July, and will be no doubt be fully appreciated by patrons of the line. The Montreal Hotel at Murray's Bay, and the Tadoussac Hotel at Tadoussac, will leave Toronto at 2:00 p.m. daily, except Sunday, during June and daily after July 1st for all St. Lawrence points. For further information as to rates, etc., apply at ticket office, 46 Yonge-street.

Don't Throw Grass on Pavements.

Citizens are warned that it is illegal to throw grass on the pavements. A number of people have been moving their lawns and doing this, with the result that gratings and manholes are being clogged up. Employees of the street department are taking the number of lawns where grass is found on the pavement and prosecutions are likely to follow.

Resigned His Position.

KINGSTON, June 20.—(Special.)—Thomas Hewitt, superintendent of the waterworks department, for many years, has resigned owing to ill health. He resigned some time ago, but as there is such an able man for the position the council would not accept it and got him to hold on longer.

Killed by a Bull.

KINGSTON, June 20.—(Special.)—James T. Miller, a farmer of Seelyville, was attacked by a bull while he was leading the animal into the barn, and instantly killed. Miller was one of the best known farmers in that district.

Thief Goes to Penitentiary.

Sydney Wright went to the penitentiary for the theft of a bicycle and breaking into the house of W. R. Smythe at 490 Huron-street, and stealing silverware. He said he found the stuff, but that tale did not wash.

AT OSGOOD HALL

Motions set down for Single Court for Wednesday, 21st inst., at 11 a.m.:  
1. Livingston v. Livingston (two motions).  
2. Re Donnelly Estate.  
3. Re Leadley Estate.  
4. Re Zuber & Hollinger.  
5. Hodgeman v. Fuller.  
6. Re Hillman.  
7. Marshall v. Calhoun (two motions).  
8. and 9. Farmers Bank v. Todd.  
10. Cantelon v. Cantelon.  
11. Re Lovell Estate.  
12. Kelly v. Mutual Life.  
13. Wilson v. Sills.

Peremptory list for Divisional Court for Wednesday, 21st inst.:

1. Rex v. Mitchell.

High Court of Justice

Fall Sittings and Winter Assizes.  
The Hon. the Chief Justice of the King's Bench—1. Toronto (civil jury), 1st week, Monday, 25th September; 2. Barrie (jury), Tuesday, 10th October; 3. Belleville (jury), Tuesday, 17th October; 4. Sound (non-jury), Tuesday, 21st October; 5. Sound (jury and non-jury), Tuesday, 21st November; 6. Woodstock (jury), Tuesday, 21st November; 7. Chatham (non-jury), Tuesday, 21st November; 8. Sarnia (non-jury), Tuesday, 21st December.

The Hon. the Chief Justice of the Common Pleas—1. Toronto (civil jury), 2nd week, Monday, 2nd October; 2. Toronto (non-jury), 7th week, Monday, 10th October; 3. Toronto (non-jury), 10th week, Monday, 17th October; 4. Toronto (non-jury), 12th week, Monday, 4th December; 5. Toronto (winter assizes), 1st week, Monday, 22nd January, 1912; 6. Toronto (winter assizes), 6th week, Monday, 22nd February, 1912.

The Hon. the Chief Justice of the King's Bench—1. Sudbury (jury), Monday, 18th September; 2. Chatham (jury), Monday, 18th September; 3. Stratford (jury), Tuesday, 17th October; 4. Stratford (civil jury), 5th week, Monday, 2nd October; 5. Toronto Criminal, 2nd week, Monday, 11th November; 6. Hamilton (non-jury), Monday, 11th November; 7. Cayuga (jury and non-jury), Tuesday, 25th November; 8. St. Thomas (non-jury), Monday, 4th December; 9. Peterborough (non-jury), Monday, 4th December.

The Hon. the Chief Justice of the Exchequer Division—1. Port Arthur (non-jury), Monday, 18th September; 2. Brantford (jury), Tuesday, 3rd October; 3. Kingston (jury), Tuesday, 24th October; 4. Orangeburg (jury), Tuesday, 31st October; 5. Orangeburg (non-jury), Tuesday, 14th November; 6. Sudbury (non-jury), Tuesday, 21st November; 7. Guelph (non-jury), Tuesday, 28th November; 8. London (non-jury), 13th week, Monday, 11th December; 9. Toronto (non-jury), 14th week, Monday, 18th December.

The Hon. Mr. Justice Teetzel—1. Sault Ste. Marie (non-jury), Tuesday, 25th September; 2. Woodstock (jury), Tuesday, 25th September; 3. Guelph (jury), Tuesday, 2nd October; 4. Lindsay (jury), Monday, 30th October; 5. St. Thomas (jury), Monday, 6th November; 6. Toronto (non-jury), Tuesday, 21st November; 7. Toronto (non-jury), 11th week, Monday, 27th November; 8. North Bay (non-jury), Monday, 11th December; 9. Hamilton Winter Assizes, Tuesday, 9th January, 1912.

The Hon. Mr. Justice Latchford—1. Ontario (non-jury), Tuesday, 19th September; 2. Walkerton (jury), Monday, 25th September; 3. Port Brainerd (non-jury), Monday, 9th week, Monday, 10th October; 4. Napanee (jury), Monday, 23rd October; 5. Napanee (non-jury), 9th week, Monday, 15th November; 6. Toronto (non-jury), 10th week, Monday, 20th November; 7. Brampton (jury and non-jury), Tuesday, 28th November; 8. Sault Ste. Marie (non-jury), Monday, 11th December; 9. Barrie (non-jury), Monday, 18th December.

The Hon. Mr. Justice Riddell—1. Catharines (jury), Monday, 18th September; 2. Toronto (civil jury), third week, Monday, Oct. 9; 3. Goderich (jury), Tuesday, Oct. 17; 4. Perth (jury and non-jury), Monday, Oct. 23; 5. Toronto (criminal), second week, Monday, Nov. 13; 6. Milton (jury and non-jury), Monday, Nov. 20; 7. Brockville (non-jury), Thursday, Nov. 20; 8. Walkerton (non-jury), Monday, Dec. 18; 9. Kingston (non-jury), Monday, Dec. 18.

The Hon. Mr. Justice Sutherland—1. Toronto (non-jury), third week, Monday, Oct. 2; 2. Toronto (non-jury), fourth week, Monday, Oct. 9; 3. Cornwall (jury), Tuesday, Oct. 24; 4. Welland (non-jury), Monday, Nov. 20; 5. Ottawa (non-jury), Monday, Dec. 11; 6. Berlin (non-jury), Monday, Dec. 15; 7. Simcoe (non-jury), Thursday, Dec. 21; 8. Toronto (winter assizes), second week, Monday, Jan. 15, 1912.

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9. Toronto (winter assizes), fourth week, Monday, Jan. 29, 1912.

The Hon. Mr. Justice Middleton—1. Toronto (non-jury), first week, Monday, Sept. 18; 2. Toronto (non-jury), second week, Monday, Sept. 25; 3. Welland (jury), Monday, Oct. 2; 4. Sandwich (jury), Monday, Oct. 15; 5. Brantford (non-jury), Tuesday, Nov. 14; 6. Belleville (non-jury), Tuesday, Dec. 5; 7. Cobourg (non-jury), Monday, Dec. 18; 8. Lindsay (non-jury), Thursday, Dec. 21; 9. Toronto (winter assizes), fifth week, Monday, Feb. 5, 1912.

The Hon. Mr. Justice

1. North Bay (jury), Monday, Sept. 25; 2. Berlin (jury), Tuesday, Oct. 2; 3. Toronto (civil jury), fourth week, Monday, Oct. 15; 4. Kenora (jury and non-jury), Monday, Oct. 23; 5. Picton (jury and non-jury), Monday, Nov. 6; 6. London (non-jury), Monday, Nov. 20; 7. Cornwall (non-jury), Tuesday, Nov. 28; 8. Cornwall (winter assizes), Tuesday, Jan. 9, 1912.

Master's Chambers.

Before Cartwright, K.C., Master.  
Horswell v. Chalmers-Taylor (Upshart & Co.), for plaintiff. Motion for an order for examination of a witness de bene esse before John Brock, special examiner. Order made.  
Re Muriel E. Denton (Trustee Relief Act)—F. Denton, K.C., for executor. Motion by executor of S. P. Denton, for an order for payment into court of \$205.00, subject to provisions of will. Order made for payment in, less \$15 for costs.

Re Falsford v. Plato—M. rant, for purchaser. Motion by purchaser and plaintiff for a vesting order. Order made.  
Marshall v. Calhoun—A. H. F. Lefroy, K.C., for defendants, the foreign railway companies. J. R. Roaf, for plaintiff. Motion by foreign railway companies for leave to enter a conditional appearance. On plaintiff's motion presented on the notice to this motion to raise objection to jurisdiction of court, motion enlarged sine die.

Re McCreath, Lunatic—C. L. Dunbar (Guardian), for committee. Motion by committee for an order confirming report. Order made referring report back with instructions to report a new scheme, authorizing the brothers to buy out Lunatic's share of business and to give a mortgage therefor to secure Lunatic's interest. Costs out of estate.  
Webb v. Scott—J. G. Smith for applicant. Motion by plaintiff for an order confirming report and for payment pursuant thereto. Order made.

Re Weston—E. C. Cattaneo for appellants. No one contra. Motion in regard to the continuation school board. Enlarged one week.  
Re McCreath (Dover Act)—H. C. Macdonald for wife. Motion by wife for an order for maintenance for an order for payment of dowry. Enlarged one week.

Re Callender—F. W. Harcourt, K.C., for infant. Motion on behalf of infant for an order for payment out of interest as maintenance. Order made.  
Re Cronin—A. Roy v. Cronin—F. Arnold, K.C., for purchaser. Motion by purchaser for an allowance of \$184.78 for moneys paid by purchaser for taxes, etc., and for a vesting order. Order made.

Re Powers—H. S. White for mother—F. W. Harcourt, K.C., for infant. Motion by mother for an order allowing \$25 per year for educational purposes. Order made.  
Re Geatin—F. W. Harcourt, K.C., for infants. Motion on behalf of infants for an order allowing \$50 per year for each for maintenance. Order made.

Re McCall—F. W. Harcourt, K.C., for infant. Motion on behalf of infant for the allowance of \$50 a year for maintenance. Order made.  
Re Bouter Estate—W. J. Elliott for applicant. An application for leave to file two cautions. Order made.

Re Bouter Estate—F. W. Harcourt, K.C., for infants. Motion on behalf of infants for an order allowing a mortgage of infants' lands for purpose of raising a barn destroyed by fire. Order made allowing mortgage to extent of \$500, for purpose asked.

Re McCracken—F. W. Harcourt, K.C., for infant. Motion on behalf of

infant for an allowance of \$75. Order made.

Single Court.

Re Sutherland Estate—F. Aylesworth, for executor. W. M. Douglas, K.C., for three adult daughters, E. C. Cattaneo, for infant grandchildren. Motion by executor under C. R. 938 for an order construing the will of Jas. Sutherland.  
Judgment: "Decendants" means children and their children, and their children to any degree and is, in most instances and clearly in this equivalent to "issue." The devise to Esther Sutherland and to her descendants gives her an estate tail. The legacy of \$4000 to Ida Sutherland was "the said money to be for her descendants, and if my said daughter should die without leaving any living issue, then her share is to go to my nearest living relatives." Is an ineffectual attempt to make an estate tail of personal estate, with remainder to the nearest relatives. This confers upon the daughter an absolute right to the \$4000. This also applies to the similar legacy of \$4000 to Winifred Sutherland. Costs out of the estate.

Divisional Court.

Before Meredith, C. J., Teetzel, J., Re Quigley and Bastard—J. Hales, for respondent. An appeal by the respondent of Bastard from the order of Sutherland, J., of April 19, 1911. By arrangement between counsel, sanctioned by the court, the argument or the appeal stands until September sittings.

Kerr v. Harper—J. A. McIntosh, for defendant. R. A. Pringle, K.C., for plaintiff. An appeal by defendant from the judgment of the district court of Nipissing, dated April 19, 1911. An action for specific performance of a contract by defendant to purchase from plaintiff eighty acres of land in Township of Lochaber, Co. Simcoe, for \$3300. At trial, judgment was given plaintiff for specific performance of the contract, and for \$300 damages for breach of contract with costs. Appeal dismissed with costs.

Hutton v. City of Peterboro—G. H. Watson, K.C., for defendant. D. O'Connell (Peterboro), for plaintiff. Defendants from the judgment of the County Court of Peterboro of December 27, 1911. This was an action for \$500 damages for injuries received, it is alleged by reason of obstructions placed on Concession-st., one of which being struck by plaintiff's horse caused him to run away, thereby injuring plaintiff. At the trial judgment was given plaintiff for \$450 and costs. Appeal dismissed with costs.

Geller v. Kozlo—G. H. Kilmer, K.C., for plaintiff. No one for defendant appeared. An appeal by defendant from the judgment of the district court of Nipissing, April 13, 1911. An action for \$500 damages for alleged breach of contract by defendant. At trial, judgment was awarded plaintiff for \$200 and costs. Appeal dismissed with costs.

Holdaway v. Perrin—T. G. Meredith, K.C., for defendants. J. M. McEvoy (London) for plaintiff. An appeal by defendants from the judgment of Falsford, J., of April 18, 1911. An action by plaintiff, an employee of defendants in their candy works, for \$1500 damages for injuries caused by a large pot of boiling candy being thrown over him as he tripped over an obstruction in a narrow passage, alleged to have been negligently left in this way. At the trial judgment was awarded plaintiff for \$500 and costs. Defendant's appeal dismissed with costs.

Divisional Court.

Before Meredith, C. J., Teetzel, J.: Pickering v. Thompson—A. St. G. Ellis (Windsor), for defendants. F. D. Davis (Windsor), for plaintiff. An appeal by defendants and a cross appeal by plaintiff from the judgment of the County Court of Essex of 23rd March, 1911. An action for \$500 damage for alleged conversion of certain property of plaintiff's late husband, claimed by plaintiff as his administratrix. At trial judgment was given plaintiff against the Thompsons, for \$100, and the action dismissed as against Defendant Pearson.

Judgment: The one who takes upon himself to deal with the assets of a deceased person is in an exalted sense a trustee, and is rightly treated as an executor "de son tort" because he has no rightful title to the office, from the earliest time that he has been recognized that his acts are not entirely void. The widow was not acting as executor. The defendant obtained from the widow of his deceased husband, certain assets. There is no pretence here for saying that the delivery of the goods in question was in due course of administration by the widow as stated by the delivering these very goods. But to deliver a party to defend the possession of goods, the lawful administrator under a delivery by an executor de son tort, it must have been made at least in the course of administration. The plaintiff's appeal fails.

The plaintiff has been awarded \$100 as the amount allowed under 9 Ed. 7, C. 41, s. 3 f. We do not think this an stand. The plaintiff has sued as administratrix. The right is after death vested in the widow, sec. 6, and in the administrator—in fact the claim of the widow must, in general, be made against the administrator. No selection was made before the sale and a sale having been made a new right intervenes and no claim can be made against a purchaser in good faith. The right to claim \$100 in lieu of tools and implements of trade is a right which the debtor personally. The tools of the debtor's trade

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If You Use an  
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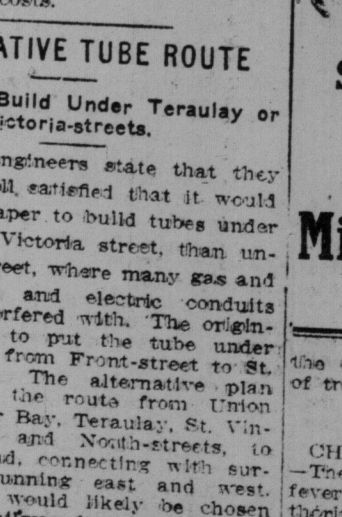
And a good day all through, because the tongue touch of tasty toast furnishes an incentive to sturdy appetite and sends you to your daily task in good form, physically and mentally. Crisped to suit your particular taste, right on the table and kept piping hot until you are ready for it. Could anything serve you better? A telephone message will bring a ready response, and the Summer Comfort number is Main 3975

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