SATURDAY MORNING

### THE TORONTO WORLD

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SATURDAY MORNING, NOV. 2, 1912 or reactionary party of the country.

LOOKING TO SIR JAMES WHITNEY The appointment of Chairman Leitch to the bench gives Sir James Whitney the opportunity of increasing the judiciary. That which most intimatestrength of the Ontario Railway and ly concerns the interests, which are dis-Municipal Board, if only by increasing tinctly public in the community is the its hold upon the confidence of the peo- elevation of Chairman Leitch of the ple. The new chairman should be a Ontario Railway Board to the court of big man, a progressive and one devoted to the public interest. At the Mr. Leitch was unfortunate in giving same time much might be done, and the impression that he did not exercise should be done, to enlarge the powers all the power that his position was of the board and to widen its jurisdic- understood to give him, and there was

When the Whitney government the railway board was expected to provincial jurisdiction in virtue of its on the bench. additional charter from the Dominion.

ties were represented at Ottawa by a field in which he is to rule. deputation pleading with the Dominion Government for control of their might give the board a proper housown highways.

up is Ontario's fight and the spokes- for the accommodation of the railway man for Ontario should be Sir James | board, the T. & N. O. Railway and Whitney. Sir James and this province the Hydro-Electric Commission?

It is idle to ask us not to exercise the power of the gov-ernment when only by the power of the government can we curb the greed that sits in high places, when only by the exer-cise of government can we ex-alt the lowly and give heart to the humble and the down-trodden.

There will undoubtedly be a party f progress and a party of reaction in the United States. But the Democratic party will never be the party of progressive ideas. Its platform adopted at Baltimore in 1912 differs little from its platform adopted at Baltimore in 1852. It prates of state rights but has nothing to say about the rights of humanity. The Democratic and Republican parties are as like as two peas in a pod, but the Democratic party may survive as the conservative Otherwise it will cease to exist.

THE ONTARIO RAILWAY BOARD. There will be few differences, of opinion over the promotions in the appeals. As chairman of the board, a belief that the technicalities which

When the Whitney government brought down its bill revising the On-tario Railway Act and creating a board his hands. The facts were and are to deal with municipalities and public that the board has not as much power service corporations, there was a rush as it is supposed to have. Chairman to Ottawa for Dominion charters by Leitch was unable to go against the Ontario companies. Now there is law, and he suffered accordingly. But scarcely a public service corporation, his law has not been impugned nor enfranchised by the Province of On- his decisions reversed on appeal. His tario, which does not evade and defy experience should ensure his success

The new chairman of the Ontario Traction companies, power companies, Railway Board should have a freer lighting companies and nearly every hand and legislation should be passed private corporation which has occasion with this object. The importance of to use the streets of our municipalities the board should be more fully recogride roughshod over the rights of these nized and Premier Whitney canno select too big a man nor endow him Only yesterday Ontario municipali- with too liberal an authority in the

And when Sir James is about it h ing. Why not erect a proper provin-The fight this deputation is putting cial building in the new federal square

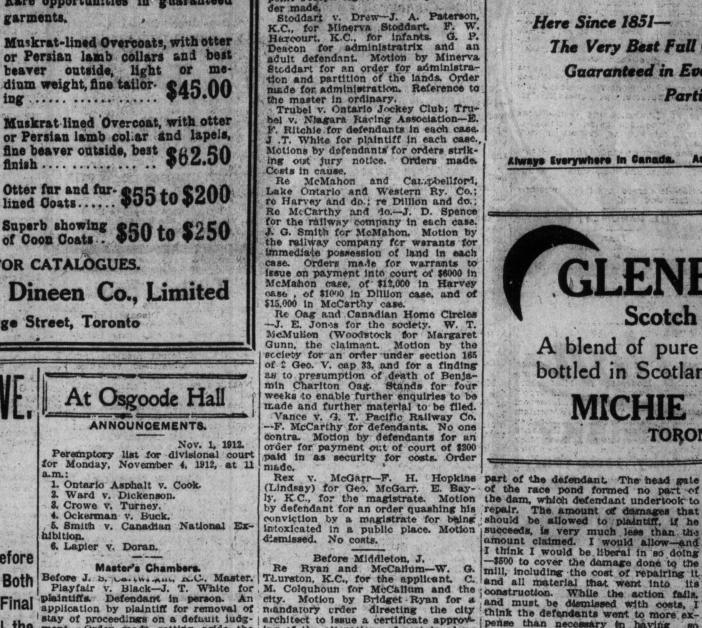
subject to the laws and public policy by Sir James Whitney touching The Globe in its publication of liquor adof that province. But the legislation vertising. How that paper, as a per-

dium weight, fine tailor. \$45.00 Muskrat lined Overcoat, with otter or Persian lamb collar and lapels, fine beaver outside, best \$62.50 Otter fur and fur- \$55 to \$200 Superb showing \$50 to \$250 WRITE FOR CATALOGUES. The W. & D. Dineen Co., Limited 140 Yonge Street, Toronto At Osgoode Hall ANNOUNCEMENTS. DIVERSION Nov. 1, 1912. Peremptory list for divisional court for Monday, November 4, 1912, at 11 1. Ontario Asphalt v. Cook. Ward v. Dickenson.
Crowe v. Turney.
Ockerman v. Buck.
Smith v. Canadian National Ex-6. Lapier v. Doran. **Question Was Brought Before** 

The much-aired Sparkhall and Bain

avenue diversion proposition came be-fore the board of works yesterday af-ternoon, to which it had been referred

President G. F. Beer and Secretary on consent for an order



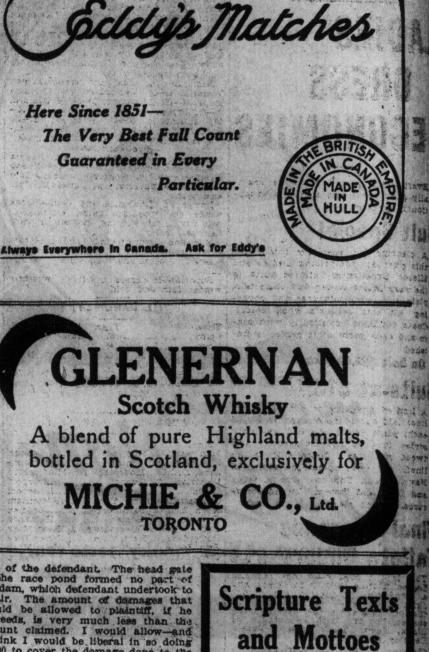
ny, and Judge De

as third arbitrator. a Hough on-E. G. Long for appli-F. W. Harcourt, K.C., for in Motion by administrator for a mathematical action of the second second second Motion for a second second second second second second action of the second seco

fant. Metion by administrator for an order giving leave to pay certain money into court. Order made. Re McManus-W. Proudfoot, K.C., for committee. Motion by committee on consent for an order confirming report of local master at Walkerton, and to change committee from Robert Gillies, who is in ill-health, and ap-point Joseph Agnew in his place. Or-der made.

Rex v. McGarr-F. H. Hopkins part of the defendant. The head gale (Lindsay) for Geo. McGarr. E. Bay- of the race pond formed no part of ly, K.C., for the magistrate. Motion the dam, which defendant undertook to

an order allowing service out of the jurisdiction of originating notice of motion and of service of two parties for others in same interest. Order made. Hamilton Pressed Brick Co. v. Gib-son-E. C. Ironside for defendant. Motion by defendant on consent for an order diminute out of the validity of the building bylaw. Johnston v. Clark-D. Robertson, R. C., for plaintiff. W. H. Wright (Owen Sound) for Clark. G. G. Albery (Mea-ford) for Power Company. G. Osler and J. S. Wilson (Meaford) for Mea-ford. The plaintiff sued to recover Whitney. Sir James and this province should know and act upon the fact that there has been a change of gov-ernment at Ottawa. The Dominion Government should not license a cor-poration to enter a province except subject to the laws and public policy if the transformed law which are subject to the laws and public policy if the subject in refusion of liquor ad damages, under Lord Campbell's act; for the death of his son on July 18. 1912. Judgment—Upon the facts, those responsible might well have been pro-secuted for manslaughter. The jury the permit sought under either bylaw 6023 or bylaw 606J. If I am right in have and negligence against Clark the view I have indicated, that the or byla Reider v. Dods-McNally (Mills & Co.) for defendant Dods. Finberg (Heyd & Co.) for plaintiff. Motion by secure foundations. and working it so as to come in contact with the electric wires, and in not having it properly guyed or weighted. They have assessed the damages at \$500. Upon these findings, judgment must go against the defendants, Cark & Son, for that amount. As to the de-fendants, the electric company, I think the action fails and should be dismissdefendant Dods for an order dismissing action as against him for want of pros-ecution. Order made dismissing action against Dods with costs. Hudson v. Smith's Falls Electric Co. Hudson v. Smith's falls Electric Co. ture of the present application, not being open for consideration, I can see no reason for withholding costs. ed with costs. The action ea with costs. The action also fails as against the town and should be dis-missed as against the municipality with costs. After some hesitation, I conclude I should certify to allow the



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Retail and Wholesale Large and varied assortn containing many unique designs. Colors perfectly blending and harmonizing with subject. harmonizing with subject. For beautifying your home and deco-rating the Sunday Schools they are hard to equal. They also make suitable Christmas Gifts. Prices from 5c to 50c each. Large Commission to Agents. Enjoy-able occupation for beth sexes, old or young. Large Profits. Outlet Reduces ld or young. W. SCOTT POTTER

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ticulars, then such corporations should be dissolved by the local courts and its property and franchise within the province should be administered by a. Hourdator subject always to the right of the province to take them over at a dealer. There will be no two opinions

to provincial law as respects all busi- with the liquor business and thereby mess begun and ended within the province? Have we not surrendered entirely too much to the Dominion Government, much more than the British North America Act requires?

In any event we look to Sir James to speak for Ontario and the municipalities of Ontario at Ottawa. We there are so few of them in the Dominlook to him for a revision of the Mu- | ion with a conscience or a clear vision nicipal Act, greatly enfranchising the in this matter. The Globe has all-toomunicipalities and protecting public rights from invasion by private corporationa ure.

Every corporation in Ontario, no matter by what government created. should be subect to the exclusive con- and for any paper with a conscience it trol of the province so far as all traffic and business done by such corpora-

tions within the province is concerned. The individual doing business in Ontario must submit to Ontario laws, no matter what his citizenship. A corporation should be treated in the same way. A Dominion charter should be of no avail against provincial regulations except as to international or interprovincial business.

### DOCTOR ON PROFESSOR.

Fantastic to many will appear the suggestion by Rev. J. A. Macdonald in The Globe to the effect that Woodrow Wilson may, after all, be the great Progressive instead of Col. Roosevelt, and that in the party realignment, now inevitable, the Democratic is to become the Progressive party. Professor

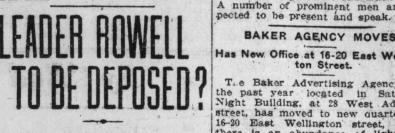
by stock watering and the like, with-out at least the consent of the province and the municipality concerned. Should it offend in any of these par-ticulars, then such corporations should be dissolved by the local courts and its property, and franchize with the state of liquor will not be clear, we think, to any fair-minded man. As to the other matter to which Sir James referred, namely, Mr. Rowell's respon-sibility for The Globe's liquor adver-tising, no off-hand answer should be accepted. But this much can be said, cousidering Mr. Rowell's intimate reby taking out a federal charter, by consistency throw open its advertising the residents who claim two frontages

liquidator, subject always to the right and advocate of the liquor maker and they of the province to take them over at a fair valuation. Should not all corporations, even the should not all corporations, even the should not all corporations, even the is well advised it will do, as many of its best friends for years have urged on the street will allow them to erect 100 perfect houses, which will not all connection and carrying its best friends for years have urged on the street will allow them to erect 100 perfect houses, which will not all connection and carrying its best friends for years have urged it to do, cut its financial connection and thereby the perfect houses, which will not all connection and carrying its best friends for years have urged it to do, cut its financial connection and thereby the perfect houses, which will not all connection and thereby the perfect houses and thereby the perfect house and thereby thereby the perfect house and thereby the perfect house and ther

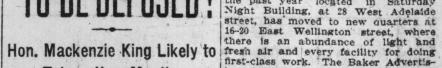
only mean a great deal of benefit to with the liquor business and thereby mightly strengthen its influence on the side of real reform. In these days, i when many papers are refusing liquor advertisements merely for Luiness, reasons, this is not more than can quite reasonably be asked. And in view of the fact that there are so many inversion on bind and another out people who cannot purchase their own homes, but will mean a general boost in the relative value of the vicinity within half a mile, and the residents' C. R. ostensible loss of a double frontage, to cause. which the company claims to have an equal right—that is, a frontage on the north side of Sparkhall avenue, caused journals of one kind and another out-side of Canada refusing liquor adverby the deversion-will be made up by the increased value of of their existing City Solicitor Johnston gives an opin-

many to keep it company, even among journals that pose as the friends of every good and worthy reform meas-But we make bold to say that for any paper with a reputation to main tain the free admission of liquor ad-

vertising is not today good business, Liberal-Conservative Association is called for Monday night in the Orange i. not satisfactory ethics .- Christian Guardian.



business. It has over forty customers, for whom it is doing good work.



Take Up Mantle. Says Galt

Paper.

OTTAWA, Nov. 1.-(Special.)-A change in leadership of the Ontario Liberal party is confidently predicted Wilson, during the last year or two, by The Galt Reporter (Conservative) by The Galt Reporter (Conservative) has been quite ready to subscribe to tonight in an editorial. The Reporter many reforms and doctrines favored sees in Mr. Rowell "an able man of by the Progressive party, but he dif-fers from all true Progressives on a clares that "the light of the party favital point. He is an individualist vor now encircles the head of Hon. who declares that the struggle for Mackenzie King," of whom it says: human liberty is a struggle to deprive "The ex-minister of labor may get on the nerves of older politicians, who governments of their powers. The think his rise in public life has been "The ex-minister of labor may get on Progressives, on the other hand, are too rapid, but it is undeniable that he insisting that the hands of the gov-ernment must be strengthened and ture he would bring to bear upon disthat social justice can only be brought about by a strong government which in the bouse a varied experi-ence at Ottawa, and it is certain that he would not put all his eggs into one will limit the freedom of the indi- basket. In his plan of attack the exvidual sufficiently to protect the weak M P. for North Waterloo would draw from oppression and the poor from the upon the resources of the astute politi-dire effects of their poverty. Thus, at weapons."

is also needed here. No corporation sistent advocate of temperance reform Armstrong appeared on behalf of the enfranchised by Ontario authorities in its editorial columns, and the chief Housing Company, and Mr. Hamilton, a resident of Ablemarie avenue, was abolish-the-bar policy, can with any again on the scene in the interests of

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ton Street.

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every one.

Hudson v. Smith's Falls Electric Co. -F. Aylesworth for defendants. Sin-clair (Kingstone & Co.) for third party. F. McCarthy for plaintiff. Motion by defendants for directions for trial of third party potics. Enlarged until third party notice. Enlarged until November 5 next, but trial not to be

have purchased the one foot reserve, they have a frontage on the rear of their lots, and should necessity arise their lots, and should necessity arise there are a for defendant in the state of the sta delayed. Motion by defendants in each action

for an order setting aside statement of claim on ground of res judicata. Motions enlarged until November 6 next.

sing ac-

next. Playfair v. Goude-O. H. King for plaintiffs. J. M. Clark for defendant. Motion by plaintiff for judgment under C. R. 603. Motion dismissed. Costs in Hancock v. Parry-W. J. McLarty

for defendant. Motion by defendant on consent for an order dismissing 30by the deversion—will be made up by the increased value of of their existing property fronting the south side of Ablemarle avenue. The question was referred back until City Solicitor Johnston gives an opin— under C. R. 602. Motion dismissed.

ward Five Tories. WARD Five Tories.

action for want of prosecution. At The annual meeting of the Ward 5 plaintiff's request motion adjourned until 5th inst. peremptorily. Meore v. Thrasher-D. J. O'Donog-

hue for plaintiff. F. Aylesworth for defendant. Motion by plaintiff for an Hall, at College street and Euclid ave. aber of prominent men are exorder setting aside a praecipe order for security for costs on the ground of assets within the jurisdiction.

tion enlarged until November 7 to allas New Office at 16-20 East Wellinglow of further material. Woodruff v. Woodruff-Wood (Mc-Carthy & Co.) for defendant. Motion

T.e Baker Advertising Agency, for defendant on consent for an order the past year located in Saturday Night Building, at 28 West Adelaide by defendant on consent for an order dismissing action without costs. Order made. Rogers v. National Portland Cament

Co.-J. G. Smith for defendant com-pany. F. R. Mackelcan for plaintiff. Motion by defendant company for an irst-class work. The Baker Advertisorder dismissing action for non-attendance of plaintiff for examination for discovery under C. R. 454. Reserved. ing Agency has made good progress, during the year that it has been in

Canadian Carbon Co. v. Panlawerke -E. H. Sedgwick for plaintiffs. Mo-tion by plaintiffs for an order for the issue of a writ and for service of no-

issue of a writ and for service of not on (Owen Sound) for defendant. An action to recover damages sustained by plaintiff thru the breaking of a dam on the sauble River, whereby plaintiff to the sauble River, whereby plaintiff on list for Tuesday, November 5. National v. Brantford Street Ry. Co.

# Judges' Chambers.

Charlebois v. Martin-H. Ferguson for plaintiff. A. J. R. Snow, K.C., for defendant. Motion by plaintiff for an order committing defendant to jall for unsatisfactory answers on his exam-ination as a judgment debtor. Enlarg-ed at defendant's request until Nov. 5 Under the circumstances disclosed. I

next peremptorily. Re Tay-G. R. Roach for Thomas W. F. W. Harcourt, K.C., for in-Tay. fants. Motion by Thomas W. Tay for

an order for payment out of certain moneys in court. Motion refused. No wats

Dr. Chase's Ointment will relieve you at once ind as certainly cure you. 60c. a box: all icalers, or Edmanson. Bates & Co., Limited. Re Garde and Canadian Northern Keilway Co,-W. Proudfoot, K.C., for owner. A. J. Reid for the railway company. Motion by the land owner for an order appointing arbitrators. Order l'oronto. Sample box free if paper and enclose 2c. stamp t made appointing J. D. Tisdale arbitra-

Single Court. Before Latchford, J.' Jamieson v. Gourlay-J. R. Osborne (Ottawa) for plaintiff: R. J. Slattery (Arnprior) for defendant. An appeal by plaintiff and cross-appeal by de-fendant from the report of the master at Ottawa upon a reference by the trial judge to ascertain what damages if plaintiff county court costs without set-off. I refuse the set-off because of the gross misconduct of Clark & Son, which disentities them to any kind of consideration.

judge to ascertain what damages, if any, the plaintiff had suffered by any Divisional Court. Before Mulock. C.J., Sutherland, J. breach by the defendant of the con-Middleton, J. ract between the parties as construed

iract between the parties as construed by the court. Judgment: I can see no ground for disturbing the master's conclusions upon matters of fact. I think the plaintiff should have the costs of ref-erence. As success at the trial was divided there should be no costs of the action to either party. Toronto and Niagara Power Co. v. City of Toronto-D. L. McCarthy, K.C., for plaintiffs; I. S. Fairty for an order restraining defendants from interfering or obstructing plaintiffs in erecting poles and stringing wires on their line on Bathurst street. Order made restraining defendants as asked until the trial. Costs in cause unless trial judge otherwise orders. trial judge otherwise orders. either party to restore if negotiations fall without fee.

Before Middleton, J.

Mr. Stanley Howard Slater present-ed his certificate of fitness and was on for defendant. W. E. Raney, K.C., for plaintiff. An appeal by defendant from the judgment of Britton. J. of May 4, 1912. Counsel for defendant stated that owing to the death of Reporter Emerthe flat of the judge sworn in and en-rolled as a solicitor of the supreme court of judicature for Ontario. son the evidence is not obtainable. Order made that case be put on list

Trial. Before Falconbridge, C.J. Pettit v. Barton-E. G. Porter, K.C.,

for Monday, November 4. Pettit v. Barton-E. G. Porter, K.C., for plaintiff; E. M. Young (Picton) for defendant. An action on a promissory note. Judgment: Defendant entirely fails to show absence of consideration. There will be judgment for plaintiff for \$2400 with interest from 11th Aug

There will be judgment for plaintiff stated that where evidence is not ob-for \$2400 with interest from 11th Aug-ust, 1911, and full costs of suit. Thirty days' stay. Before Middleton. J. Before Middleton. J.

Before Middleton. J. Seaman v. Sauble Falls Light and Power Co.-W. S. Middlebro. K.C., for plaintiff. R. McKay and C. S. Camer-An appeal by plaintiff from the judg-ment of Kelly. J. Counsel for defend-ant stated that the evidence was not

-G. F. McFarland for plaintiffs. J. undermined and a quantity of lumber G. Smith for defendants. An appeal by plaintiffs from the judgment of Kelly, J., of July 18, 1912. Order that was, it is said, carried away and lost. Before Latchford. J. Charlebois v. Martin-H. Ferguson at the trial that the floods of 1912 were Judgment-It was abundantly proved case be put on the list when Kelly, J., is not sitting. Pertelance v. Milne-R. McKay, K

C., for defendant. A. G. Browning for plaintiff. An appeal by defendant from the judgment of Kehoe. J. of district court at Sudbury, of June 5, 1912. The am unable to find any liability on the

action was to recover damages in rean accident in a saw mill. At the trial the plaintiff was awarded \$700 Do not suffer another day with Itching, Bleed-

trial the plaintiff was awarded \$700 damages and costs. Appeal argued and judgment reserved. Rex. v. C'ark-J. R. Cartwright, K. C., for the crown. No one for respond-ent. An appeal by the attorney gen-eral for Ontario from the decision of Stone, district judge, at Algoma, of July'11, 1912. The judgment appealed from affirmed the conviction of a matyon mention this to pay postage.

"Why 梁山水南 支包: Man of Today Is Only 50% Efficient" THIS book, written by a well-know physician, is a most interesting treatise on a subject of great import. ance, that of keeping up to "concer pitch" and securing that 100 per cent. of efficiency so necessary to meet successfully business or social requirements of the present age. You will learn something about yourself that you never knew before by reading this book which will be forwarded with cost if you mention The Toronto World. Chas. A. Tyrrell, M. D. 280 College St Room 448 TORONTO, ONT. gistrate refusing to convict defendant

of selling liquor during prohibited hours. It appears that a bottle of li-quor was alleged to have been sold on. Saturday and the purchaser came for same and it was delivered to him on Sunday. Appeal argued and judgment, Moran v. Burroughs-F. Aylesworth,

Improved Train Service. Owing to the increased travel on day trains, Nos. 17 and 18, leaving Toroito 9 a.m. and Montreal 9.05 a.m., and in

order to offer every comfort to passen-gers the Canadian Pacific Railw ' has inaugurated a parlor car service in ad iltion to the standard first-class sleepers between Toronto and Montreal, which should prove popular with the travel-ing public.

Tobacco Habit Banished Elder's Tobacco Boon Banishes Ali Forms of Tobacco Habit in 72 to 120 Hours.



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