

The Toronto World

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TUESDAY MORNING, FEB. 24. OPENING THEIR EYES. About thirty prominent business men of the city, including Sir Edmund Walker, President of the Board of Trade, Mr. J. W. Flavelle, and Mr. W. K. George, had the opportunity of hearing a debate led by Controller Church and his chief disciple, Ald. Maguire, yesterday, on an obstructive motion of the character that has occupied so much of the time of the council since the proposal to purchase the street railway was brought forward.

It is stated that many of the business men of the city are opposed to the purchase proposals, and Ald. Maguire said that the purchase agreement would be defeated eight to one. One of the business men present, whose name we have not mentioned, said to The World afterwards, that the debate had opened his eyes.

Controller Church merely wished to add to the double fare conditions in the city, and to the annual deficits which the civic car lines are now piling up, which have to be paid for directly out of the pockets of the taxpayers. This is their alternative to purchasing the street railway for a sum which will be paid for entirely out of the conductors' fare boxes.

son's will do much to take away the reproach that has frequently been hurled at the socialist, and it may help to remind many, who often forget the fact, that the world of art is a commonwealth.

THE ADVANCE OF INTERNATIONAL ARBITRATION. No generation is without men charged with the responsibility of administering public affairs, who have not been strong enough and brave enough to recognize that the clamor of the few does not really represent the true sentiment of an overwhelming majority of the nation. Such an executive President Wilson of the United States has proved himself to be, and his refusal to countenance the efforts of the United States to play fast and loose with its treaty obligations at once discloses the high quality of his mind and purpose. Neither in the home nor the foreign field is the president prepared to depart from the straight road and the recognition by his party of the highest standard of national honor.

Nearly two and a half years have passed since the United States Senate shelved the arbitration treaties negotiated under President Taft's administration, because the terms proposed were wide enough to include the dispute over the action of congress in exempting the coastwise shipping of the United States from Panama Canal dues. The right to make that exemption turned on the construction of the treaty negotiated by Mr. John Hay, the United States secretary of state, and Lord Pauncefote, the British ambassador, superseding the older Clayton-Bulwer treaty, under which the British Government held a much more commanding position than that defined by the latter agreement. But congress, in defiance of all abstract right, assumed an attitude that struck the foundations of all international understandings.

President Wilson has brought congress back to the stronghold of moral principle. He has insisted that the mere fact that a question of interpretation can be honestly raised is enough to require the United States to recede from the ground it had occupied. With a readiness that testifies to the authority the president has gained in less than his first year of office the senate has ratified the arbitration treaty with Britain, held up since August, 1911, and in so doing has indicated that it is prepared to ratify either the withdrawal of the exemption protested against or the reference of the construction of the Hay-Pauncefote treaty to arbitration.

President Wilson has not only won a striking personal victory, but has restored to the United States the prestige attaching to a strict observance of international agreements. The new treaty provides that all differences which cannot be settled by negotiation and which are justiciable in their nature by reason of being susceptible of decision by the principles of law or equity, shall be submitted to The Hague court of arbitration, or to such other tribunal as may be decided by separate agreement. As regards the United States any such agreement is to be made by the president, with consent of the senate, while as regards the United Kingdom, the right is reserved of obtaining the concurrence of any self-governing dominion in a matter affecting its interests. Article II provides for the institution of a joint high commission of enquiry composed of three nationals from each of the countries concerned, to which any controversy may be referred before being submitted to arbitration. By article III, the commission is to elucidate the facts, define the issues and make recommendations, and then follow the clause which caused the United States Senate to refuse ratification: "if all, or all but one, of the members of the commission agree and report that such difference is within the scope of article I, it shall be referred to arbitration in accordance with the provisions of the treaty." This provision, it was contended, infringed upon the senate's constitutional prerogatives. Under President Wilson's guidance the senate has departed from that contention and has ratified a marked advance in the direction of arbitration as a remedy for war.

The Telegram has not yet found anything in Controller McCarthy's missing papers to hang a campaign argument upon. Now that The Telegram has learned the difference between earned and unearned increment, it is going to take a night school course and find out what is the meaning of intangible assets. It has hitherto been of the opinion that "there ain't no such thing."

ESTATE IS RE-DISTRIBUTED. An estate of \$13,000, left by the late Mrs. Rhoda Bryant Palmer of Grimsby, Ont., to the family of her brother Josiah, will be diverted for distribution among all her relatives as the result of a decision by Justice Middleton yesterday. The estate was originally left to Mrs. Palmer by her husband, who died intestate, and as the direction in Mrs. Palmer's will is not explicit enough, his lordship decided that all the relatives should get a share.

AULL CASE IN CAMERA. Behind closed doors the evidence in the case of Doris Reid and her father, G. F. Reid, in the former's action to annul her marriage with Robert Aull, the young man from St. Louis, who spent part of the summer at Cobourg, was heard at Osgoode Hall yesterday. Aull was not represented in court,

News From The Parliament Buildings

WHITNEY MAY TAKE HIS FORMER PLACE

Speaker Hoyle is optimistic as to Condition of Premier's Health.

REDISTRIBUTION BILL Down as Soon as Possible, is Foy's Answer to Rowell.

It is not unlikely that the premier of Ontario will yet take his seat in the house at the present session. Speaker Hoyle, at the opening of yesterday's session, stated that following a wonderful show of strength the hope was that Sir James will be able to see the members from his accustomed place before adjournment of the business for the year.

The sitting in view of the debate to follow on Tuesday, was brief in nature and confined to the answering of several questions put by the opposition. By way of reply to Mr. Rowell, the provincial treasurer stated that the public accounts would appear in part during the week and the financial statement early in the following week. Hon. Mr. Foy, as acting premier, was unable to give a definite reply to Mr. Rowell as to the date at which the redistribution bill would come down. The government was working on it and as soon as possible the members would have it for discussion.

FURTHER CENSURE FOR BRITISH WAR OFFICE

LONDON, Feb. 23.—The military correspondent of The Mail, discussing the Bliley dispute, says: "There is a growing feeling among the public that the recent action of the war office is absolutely unjustified. Why, it is asked, should a government department which grants amounts to the value of £4000 annually, be allowed to dictate to the National Association, incorporated under the royal charter, members of which at their own expense, possess skill with the rifle throat the empire?"

COLORED WIGS APPEAR IN GOTHAM'S SMART SET

NEW YORK, Feb. 23.—Colored wigs match the gowns they were introduced in New York yesterday by two actresses. The appearance of the latest fad from Paris created a sensation in the fashionable world, and there was some comment and some remarks. Under the latter heading, Dr. Anna Howard Shaw, the suffrage leader, and a philosophical view. "To the mother who wears the wig," she said, "they do not pretend to be what they are not."

NEVER THOUGHT OF PURCHASING C. N. R.

MONTREAL, Feb. 23.—"The directors of the Canadian Pacific Railway Company have never discussed or, indeed, given a thought to the acquisition of the Canadian Northern Railway by purchase, lease or otherwise," said Sir Thomas Shaughnessy, president of the C.P.R., this morning, when asked for a statement in regard to the rumors now being circulated in London and on the continent, to the effect that the C.P.R. was to be forced to take over the C.N.R., which stories are blamed for the weakness of C.P.R. stock.

NORTH GREY QUERY GETS SHARP REPLY

No Seizure of Liquor During Month Before Election, Says Hanna.

PRICE PAID FOR FUEL During Past Two Years is Question Raised by Liberal Whip Bowman.

J. C. Elliott of West Middlesex is apparently determined to stir up some of the atmosphere that grew so electric in the public account committee at the last session. The point where the opposition probe into government contracts in connection with prisons and public institutions stopped last year is the point where Mr. Elliott desires to start in once more.

An innocent-appearing little question submitted by J. G. Anderson of Essex and designed to have a bearing on the North Grey temperance situation during the year was quashed by an emphatic "No" from the Hon. W. Hanna during yesterday's session. The question was: "Did the month preceding the by-election of July spoiled a whole series of questions."

REMOVES GIRL FROM UNWHOLESOME HOME

Acting Commissioner Graham of Juvenile Court Looks Into Moral Surroundings.

Little Gladys gave her evidence in such a straightforward manner that the commissioner Graham, in the juvenile court yesterday, dealt sternly with a man and woman who caused her to be kept in an unwholesome home. The mother was charged with the girl to a boarding house, where she was kept in a room with a man and woman who were engaged in a disreputable business.

AND HE DID

ILL BET I CAN GET A GOOD HANDOUT AT DIS HOUSE. A man who was seen yesterday at the door of a house in the city, was seen to enter the house and was seen to emerge with a large bundle of goods.

SENT DOWN FOR THEFT.

Ellen Glendon was given 60 days for stealing a gold watch and chain from a man in the city. The watch was worth \$10 and the chain was worth \$5.

BRANTFORD WANTS NO LAND BUTCHERY

Special Taxation Decreed by Railway Board Respecting Twenty Acre Parcel.

ANNEXATION APPROVED

The Ratepayers Are Unwilling Because Upkeep of Big School is Involved. Brantford Township stands strongly against the rapid annexation of land and the cutting up of the new land into subdivisions for money-making purposes. This attitude developed from a case before the Ontario Railway Board yesterday, in which the township argued against the bringing in to the city of twenty acres belonging to a party named Ryerson.

It appeared from the argument that Ryerson was anxious for the annexation to take place, but because of the taxes required, the ratepayers were unwilling. If this land were taken in and other lying adjacent there would be a valuable school suffering from the want of a site. Chairman McIntyre granted the application, but withheld the order until January, 1915, with special reservations as to taxes.

AT OSGOODE HALL

Feb. 23, 1914. Judge's chambers will be held on Tuesday, 24th inst., at 11 a.m.

Peremptory list for appellate division for Tuesday, 24th inst., at 11 a.m.: 1. Rechner v. Employers' Liability (to be continued). 2. Billings v. C. N. R. Co. 3. Whitney v. Small. 4. Leonard v. Cushing. 5. The Ontario Driving and Athletic Association. 6. Robinson v. Booth. 7. Hill v. Aman.

Master's Chambers. Before J. A. C. Cameron, Master. Jackson v. Thiel—A. D. Armour, for defendant, moved to set aside statement of claim as irregular. G. W. Adams for plaintiff. Order made vacating claim. Costs to defendant in any event. Halley v. Toronto General Trusts Corporation—McG. Aylesworth, for defendant, obtained order, on consent, dismissing action without costs and vacating his pendens. Milligan v. Thorne—E. L. Paterson, for defendant, moved for order dismissing action, on consent, of writ of summons and writ of execution. Judgment. Appeal allowed and action dismissed with costs.

Judge's Chambers. Before Britton, J. Snider v. Snider—G. H. Watson, K. C., and Irwin K. C., for plaintiffs, appealed from order of master in chambers of Jan. 3, striking out paragraphs 2, 3, 4, 5, 6 and 7 of reply, as embarrassing. W. J. Elliott for two defendants. F. C. Snider for Canadian executor. Judgment: The clauses objected to were pleaded in the statement of claim and struck out by order of the chancellor's judgment as against the appeal. I do not see the reasons for that judgment. The chancellor held that the proper course was to wait until defendants had pleaded their defence and then let the plaintiff meet it by appropriate pleading. The objection, if raised, to paragraph 2 of the statement of claim, is that it is irrelevant and superfluous and would compel the plaintiff to state more conclusively what is the substance of the replication, but as I said, the objection is not to form but to substance and that is not entitled to prevail. The appeal will be allowed and the replication restored. Costs in the cause.

Single Court. Before Latchford, J. Reid v. Aull—G. H. Watson, K.C., for plaintiff, moved upon notice for an order for a trial of this action in camera. No one contra. Reserved. Forster v. Terry—H. V. Loughton, for plaintiff, on motion for order rescinding agreement, etc. H. J. Macdonell for defendant. At request of parties motion enlarged one week. Downey v. Burney—N. W. Rowell, K.C., for plaintiff, on motion for order striking out of the defendant's statement of claim, and for an order committing defendant to jail for contempt of court. J. E. Jones for defendant. At request of parties motion enlarged one week. McDowell v. Beaverton Brick and Tile Co.—H. J. Macdonell, for plaintiff, on motion for injunction. M. H. Roach for defendant. At request of parties motion enlarged one week. McCarthy for plaintiff, moved for injunction restraining defendants from passing and submitting a bill to the People's (Beaverton) for the defendant of the manufacture and sale of artificial ice, as being in competition with plaintiff's business, claimed to be already established in Windsor. S. Cuddy (Windsor) for defendant. Reserved.

Bury v. Shields—W. J. Elliott, for plaintiff, obtained an injunction restraining defendants from selling, disposing of, delivering or otherwise dealing with a note for \$2500 made by plaintiff in favor of

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defendants, with liberty to use further material on return of motion. Trial. Before Lennox, J. Campbell v. Irwin—N. W. Rowell, K.C., and G. Kerr for plaintiff, W. N. Tilly and W. N. Ferguson, K.C., for defendant. Action to recover \$85.80, being amount awarded by three valuers to be paid by lessor to lessee for the buildings on leased lands on termination of the lease. Judgment: The court of appeal declared that the leases in question provide for a valuation and not an arbitration, and this clause was questioned. Valuations are not conducted in line with judicial procedure. All parties were agreed to value the buildings as a whole and defendant cannot complain now. The questions asked the plaintiff after the others had gone out will not avoid the valuation. It might be otherwise in case of an award. There will be judgment for the plaintiff for \$85.80 and interest from July 1, 1913, with costs. There will be reference to an account of rent collected if the parties cannot agree. Costs of reference reserved. Thirty days stay.

Appellate Division. Before Meredith, C.J.O.; MacLaren, J.A.; Magee, J.A.; Hodgins, J.A. Town of Arnprior v. U. S. Fidelity Co.—G. H. Watson, K.C., and R. J. Slattery (Arnprior), for defendant, W. M. Douglas, J. E. Thorne (Arnprior) for defendant. Appeal by defendant from judgment of Britton, J., of June 11, 1913. Action by plaintiff to recover \$3000 from defendant on a bond for that amount to answer any loss sustained by one John Mattson, chief of police and tax collector of said town, who is alleged to have appropriated to his own use \$11,245.53 of the town's moneys. At the trial judgment was given plaintiffs for \$3000, interest and costs. Judgment: Appeal allowed and action dismissed with costs.

Before Meredith, C.J.O.; MacLaren, J.A.; Magee, J.A.; Hodgins, J.A. Rex v. Hellwell—E. Bayly, K. C., for the crown. H. E. Ross, K.C., for defendant. A case stated by Kingsford, P.M., as to whether he had power to issue a writ of habeas corpus on a charge of unlawfully engaging in the business of betting and wagering contrary to section 325 of the code, or whether the accused had the right to elect to be tried by a jury. Judgment: The first question is answered in the negative and the conviction quashed. Case remitted to the magistrate.

Before Meredith, C.J.O.; MacLaren, J.A.; Magee, J.A.; Hodgins, J.A. Rex v. Fraser—G. Waldron for private prosecutor. C. H. Ritchie, K.C., for defendant. Motion on behalf of private prosecutor for an order directing E. Morgan, a judge of the County of York, to state a case for the opinion of this court. The private prosecutor to the county judge was instituted to try the question whether the carrying on and operating of pari-mutuel machines as alleged in the indictment, is contrary to the provisions of section 238 of chapter 145 of the revised statutes of Canada for 1906. The question is whether the private prosecutor is entitled to the right of private prosecutor to apply for a stated case was argued. Judgment: Motion dismissed with costs.

Before Meredith, C.J.O.; MacLaren, J.A.; Magee, J.A.; Hodgins, J.A. McClure v. City of Ottawa—A. R. Clute for defendant, moved for order extending time for setting down appeal. G. F. Macdonell (Ottawa) for plaintiff. Costs to respondent in any event. Rex v. McLaughlin—D. O'Connell (Peterborough) for defendant. J. R. Cartwright, K.C., and E. Bayly, K.C., for the crown. A special case stated by the county of County of Peterborough at request of prisoner, who was charged with unlawfully supplying a certain drug contrary to the provisions of the criminal code, s. 205, on three questions, and asking new trial. Judgment: Answering the questions in the affirmative. Appeal allowed. Costs to respondent. Recnitzer v. Employers' Liability—G. C. Gibbons, K.C., and G. S. Gibbons (London) for plaintiff. J. P. Hellumth v. C. Lor for defendant. Action by plaintiff resumed from Dec. 18 for an order for taking further evidence. After argument it was decided to hear argument on the appeal. Appeal by defendants from judgment of the chancellor of Feb. 23, 1913. An action by Einar Recnitzer, carrying on business as the Dominion Dressed Casing Co. to recover \$5000 under a guarantee policy for that amount against loss by reason of fraud or dishonesty of said Munnie, who is alleged to have absconded owing plain-

New York and Return \$1425. Good going March 5th, with return limit up to and including train leaving New York 2 a.m. March 15th. Particulars at all G.T.R., C.P.R., L.A.C. and P.E.C. offices. Lockawanna offices, 143 Yonge Street, Phone Main 3547.

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