The Toronto World

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FRIDAY MORNING, MAY 30

NEWMARKET'S OPPORTUNITY.

Newmarket has a chance today that will never occur again to get in on the ground floor with the hydro-electric power. The voters should reject the bylaw prepared by the council without giving them the alternative of publicly-owned power. The bylaw will tie them up for five years with the Metropolitan Co. at prices which are only lowered to meet hydro-electric competition, and which will never be lowered again, if the bylaw is passed. The hydro-electric prices, on the other hand, are based on actual cost, and as consumption increases, not only locally, but thruout the power union, prices are constantly being lowered to all the members of the union. Newmarket would get the advantage of increased power consumption, not only in Cooksville, but in Hamilton, in Toronto, or in Windsor.

The people of Newmarket will surely have more sense than to repeat the mistake that the people of Brantford and Hamilton have already repented of.

Hon. E. J. Davis strongly recommended the ratepayers to vote for the bylaw which will place Newmarket in the power of the company which his government, when in office, endowed with a franchise which prevents hydro power being sold at even cheaper rates than it is. Mr. Davis has always been with the corporations against the people, and when he recommends the people to vote for the corporation against themselves he is giving advice which every self-respecting Newmarket man will feel bound to reject.

PITY 'TIS, 'TIS TRUE.

The Telegram is really very funny. "The World," it declares, "is an object of pity, rather than of anger in the coarse, clumsy, stupid, untruthfulness of an utterance that ignores the unanswerable evidence of the following division list in the private bills committee." And then The Telegram quotes the division list, which, as we stated, in what The Telegram calls "coarse, clumsy, stupid untruthfulness," placed the purchase of the Toronto Electric Light Co. under the provisions of the act of 1911. For The Telegram's purposes this may be coarse, clumsy, and stupid. Anything that disagrees with The Telegram is subject to such classification.

With the exception of this separation of the Toronto Electric Light purchase from the Street Railway purchase, no change was made in the bill as Mr. McNaught brought it into committee, and when that change was made, the committee was unanimous in reporting the bill, and Hon. Adam Beck declared he was perfectly satisfied with it.

Mr. McNaught certainly voted against separating the vote on two questions that are tied together, and must be accepted together or not at all. Everybody understands that. Even The Telegram understands it. And when the two questions are voted on together and carried under the two acts, the effect will be exactly the same as if they had been voted on and carried under a single act. Hon. Mr. Beck explained in committee that it would be better to follow the precedent already set, and have two acts. But the provisions introduced by Mr. McNaught for safeguarding the city, the hydro-electric and the power union were accepted by everybody.

We have taken for granted that the two purchases will be voted on and carried, and perhaps we have as good grounds for expecting this as The Telegram has for hoping to defeat the extinction of the two franchises. The business men of the city are favorably disposed towards it; the Hydro-Electric Commission will pronounce upon its desirability; the negotiators know that it is useless to submit an unfavorable agreement; they are sanguine apparently that a favorable one is possible; the ratepayers are unlikely to reject a favorable agreement. Still, in the view of The Telegram, the World is an object of pity rather than anger. We trust it will stick to pity and not give way to the grosser emotion. We would regret to see The Telegram descending to anything coarse or clumsy or stupid. It would be so alien to its usual kind, gentle ways. And it would be such a bad example for the Two Tommies.

VICTORIA STATE FINANCES.

During his visit to London the Hon. W. A. Watt, premier of Victoria, was tendered a luncheon by the London managers of various Australian banks. In his address on the financial and commercial conditions of the state he presented the latest statistics relating to its trade, banking, manufactures, railways, public debt and other affairs. The figures are surprising when it is remembered that Victoria is the smallest state of the commonwealth, with an area of only 87,884 square miles and a population of about 1,350,000. This little British community has a debt of roundly $300,000,000, an amount which on the surface looks like a heavy incumbrance until the real facts are disclosed.

Victoria's borrowings represent mainly investments in land, public works and public services, all reproductive undertakings. Railways absorbed $220,000,000, water supply works $45,000,000, estates for closer settlement $18,800,000, the other coal mine $715,000 and other public works and buildings $18,600,000. Last year the net earnings of the state investments, by which the premier explained, he meant the net receipts after paying all working expenses, pensions, and providing for replacement, totaled $10,505,000, while the interest on the debt was $10,240,000, thus leaving a surplus of $265,000 which was passed into revenue. This meant, he commented, that Victoria had practically no public debt.

Regarding the public debt itself the figures are no less instructive. But of the total amount of $300,000,000 only $186,000,000 is held in Britain, the balance being held in Victoria itself. During the last seven years only one loan of $7,500,000 had been raised in London for the construction of railways and water supply works. In the same period over $42,500,000 of British indebtedness had been liquidated by moneys raised in Melbourne, so that as a net result in 1912 the Victorian loans outstanding in London had been reduced by $35,000,000. Not only this, but local raisings during the last seven years totalled $43,750,000, showing a total of $86,250,000 which the little Victorian community had given the government for new works and the repayment of old loans abroad. Victoria and its premier have reason to be proud of this record.

SCOTTISH HOME RULE.

Home rule for Scotland has been to some extent an academic question. This not because the majority of the Scottish people were not in favor of the principle, but because no very serious violation of the rights secured by the treaty of union has yet occurred. Nevertheless, the progress of Scotland, particularly with regard to educational affairs and land law improvement, has been held back because the predominant partner in the United Kingdom was not prepared for any advance and feared that a precedent set for Scotland might be made the ground for a demand that England fall into line.

No argument in reason can be advanced why the Scottish people should not manage their own affairs and regulate their own legislation. At the time of the union the idea of a federation between individual sovereign states for common purposes while protecting state rights was unknown. The union brought advantages to both kingdoms, but not so much to either as would have happened had the distinction, well established now between particular and common concerns, been recognized and protected. No country the world over is better able to govern itself than is Scotland, and with a free hand the land of the thistle would blaze a pathway for the nations

LITTLE TO ASK.

An effort is being made to raise $50,000 for the superannuation fund of the diocese of Toronto for the purpose of placing the older clergymen of the Church of England in a position to retire as soon as they might reasonably be expected to be released from duty. Many who have grown gray in the service of the church are unable on account of the very slender rewards of their labors to give way to younger, more active, and abler men.

To remedy this state of affairs, Dr. Worrell and Hon. S. H. Blake introduced a proposal in the synod a year ago and in accordance with the resolution, which was unanimously adopted, the Bishop of Toronto has appointed Rev. A. S. Madill (102 Wells street) to undertake the work of raising the proposed sum. No doubt the laity of the diocese will see their own advantage in building up a fund which will relieve the clergymen of much of that care that saps the mind. Relief from anxiety for the future in temporal matters is little for the clergy to ask from those they serve so faithfully in things spiritual.

The Philosopher of Folly

By Sherwood Hart

SEEING THE GAME.

When the grandstand and the bleachers fill with yelling human creatures when the umpire starts his umping and the batter grabs hisbat, when the players take their places on the old familiar bases and a big stemwinding southpaw starts his antics on the mat, then a happy time's before us, and we join the sounding chorus, then we rise and rend the welkin with a vehemence intense; but for joy beyond expression we should watch a baseball session with a boyish optic fastened to a knothole in the fence. In most everything there's pleasure, but for happiness past measure there is nothing that can touch it in our estimate of joy; there is nought to mortals given that makes life so well worth livin' as an A 1 vacant knothole to a healthy-minded boy. Oh, the minister and doctor and the breakfast food concoctor and the lawyer and the merchant may infest the baseball park; the butcher and the baker and the solemn undertaker may pay to gain admission where their cares forget to cark. They may loose their whoops and chortles when they've passed its happy portals, they may shout in wild abandon till their lungs are full of rents, but for really worthwhile grinning let me watch the home team winning thru a happy youngster's peepers at a knothole in the fence.

REV. W. A. CAMERON AT WOODSTOCK.

WOODSTOCK, Ont., May 29.—(Special).—Rev. W. A. Cameron of Bloor Street Baptist Church, Toronto, preached the annual educational sermon to the students of Woodstock College tonight. The college students attended in a body.

CEILING FELL ON SLEEPERS.

KINGSTON, May 29.—(Special).—While sound asleep in bed, a large portion of the ceiling in a bedroom fell on Mr. and Mrs. Samuel Griffith, Victoria street. Mrs. Griffith suffered several bad cuts, and one eye was injured. Mr. Griffith was badly bruised.

At Osgoode Hall

May 29, 1913.

ANNOUNCEMENTS.

Judge's chambers will be held on Friday, 30th inst., at 11 a.m.

Peremptory list for appellate division for Friday, 30th inst., at 11 a.m.:
1. Traders' Bank v. Wilford.
2. Bindon v. Gorman.
3. Dallontania v. McCormick.

Master's Chambers.

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

Fritz v. Jelfs and Green—L. E. Awrey (Hamilton) for plaintiff. G. H. Sedgewick for defendants. Motion by plaintiff for order striking out third paragraph of statement of defence, and especially certain words, as being likely to prejudice the jury against him. Judgment: It is at all times difficult to strike out part of a pleading. It is especially undesirable to interfere with a statement of defence. The conduct of the plaintiff on the occasion complained of would seem to be very material to the defence, if it can be proved. In any case it must be left to the trial judge to say if evidence can be given on this matter. The plaintiff so far from being in any way put at a disadvantage by the statement of defence is now made aware exactly of what this defendant relies on to escape liability. In fifth paragraph, by an obvious error, defendant asks to have action dismissed as against him without costs. If necessary this should be amended. The motion will then be dismissed with costs in the cause.

Martyn v. Coates—Chitty (Du Vernet & Co.), for defendant, obtained on consent order changing venue from Toronto to Whitby. Costs in cause.

Charlebois v. Sullivan—Wright (Millar & Co.), for plaintiff, obtained attaching order, returnable second of June, and order for substitutional service of same on debtor.

Bruce v. National Trust Co.—S. G. Crowell, for defendants, moved for order setting aside statement of claim. C. M. Garvey for plaintiff. Reserved.

Phillips v. Lawson—C. A. Moss, for defendants other than A. B., moved for leave to amend their statement of defence and that plaintiff may be required to elect against which of the four defendants he will proceed, or to strike out the name of defendant J. B., or for such other order as may seem best. J. P. MacGregor for plaintiff. Judgment: Plaintiff to amend statement of claim as he may be advised declaring against which defendant he is proceeding. Statements of defence should not be amended until statement of claim has been amended. Defendants to be at liberty to amend in eight days thereafter. Costs to plaintiff in the cause. Pleadings and other proceedings may be had in vacation at the will of either party.

Warren v. Forst; Warren v. Hilborn—F. Arnoldi, K.C., for plaintiffs in each action, obtained order for issue of concurrent writs and for service on defendant out of jurisdiction.

Shearer v. Clarkson; McGillivray v. Russell—Sinclair (G. T. Denison, jr.) obtained in each case order discharging lis pendens.

Single Court.

Before Middleton, J.

Re Emmeline Alice Bennett—A. E. Watts (Brantford) for two executrices. E. G. Long for executor. F. W. Harcourt, K.C., for infant. Petition for the removal of executor by consent and vesting property in remaining two. Order made as asked. Costs out of estate.

Rumley v. Moore—G. H. Kilmer, K.C., for plaintiff, moved for judgment pursuant to finding of report. No one contra. Judgment confirming report, and for plaintiff found due him thereby, with costs of action, reference and this motion.

Re Green and Flatt—E. H. Cleaver (Burlington), for vendor, moved for order under Vendors' and Purchasers' Act, declaring that purchasers' objection has been satisfactorily answered and that vendor can make good title. F. McCarthy for purchasers. Reserved.

Stamper v. Ferguson—M. L. Gordon, for plaintiff, moved for order continuing injunction. J. M. Ferguson for defendant. It appearing that the goods covered by chattel mortgage have been seized and are in bailiff's possession, on plaintiff giving a bond for $700 to secure forthcoming of goods, such bond be given within a week, unless otherwise agreed between counsel; injunction continued to trial. Trial to be expedited.

Trial.

Before the Chancellor.

Roach v. Port Colborne—G. F. Shepley, K.C., for plaintiff. M. K. Cowan, K.C., for defendant. Action for damages for injuries received, alleged to have been caused thru negligence of defendants in leaving a pipe projecting over sidewalk. Judgment: The plaintiff's foot caught on the higher part of this pipe and she fell, with serious results. Her leg was fractured at the neck of the femur and she may become a confirmed invalid. Contributory negligence is not pleaded or suggested. It was an unsafe place, to the knowledge of the defendants. The place could have been made safe by the outlay of a mere trifle of money. The plaintiff was 70 years old, hale and hearty, before the accident, and her prospects of life according to papers put in by counsel would be about nine years longer. A fair amount to allow, as I thought at the trial, perhaps erring on the side of insufficiency, would be $2000. Judgment for that amount and costs.

Appellate Division.

Before Mulock C.J.; Clute, J.; Riddell, J.; Sutherland, J.; Leitch J.

Scully v. Ryckman.—I. F. Hellmuth, K.C., and C. C. Robinson for defendant. J. P. MacGregor for plaintiff. Appeal by defendant from judgment of Lennox, J. Action to recover $2700, amount alleged to have been lent by plaintiff to defendant on various occasions. At the trial judgment was awarded plaintiff for $2000 and interest from Dec. 29, 1909, with costs. Judgment: Appeal dismissed with costs, Clute, J., dissenting, and thinking amount should be reduced to $1000.

Blekman v. Wallace.—F. J. Hughes for plaintiff. C. S. MacInnes, K.C., for defendant. Appeal by plaintiff from judgment of Falconbridge, C. J., of March 15, 1913. Action for specific performance by defendant of an agreement for sale of land known as 197 Major street for the sum of $3400. At trial action was dismissed with costs. Judgment: Appeal dismissed. The chief justice of king's bench relieved the plaintiffs of payment of defendant's costs and plaintiff might well have been content. They should pay the costs of this appeal. The defendant may apply upon these costs the $50 paid and interest.

Cartwright v. City of Toronto.—G. Bell, K.C., for plaintiff. G. R. Geary, K.C., and C. M. Colquhoun for defendants. Appeal by plaintiffs from the judgment of Middleton, J., of Feb. 25, 1913. Action to set aside tax sale of certain lands, to have tax deed declared a cloud in plaintiff's title, to have registration of deed vacated and discharged, etc. At trial the action was dismissed with costs. Judgment: Appeal dismissed with costs.

Corby v. Foster.—W. E. Raney, K.C., for defendant. G. M. Vance, K.C., and C. R. McKeown, K.C., for plaintiff. Appealed by defendant from judgment of the chancellor of March 18, 1913. Action to recover $1000 damages for assault on plaintiff's son by son of defendant. At trial judgment was awarded plaintiff for $200 and costs on lower scale and set off. Judgment: Appeal allowed with costs and action dismissed with costs.

Scobie v. Wallace.—G. F. Henderson, K.C., for defendant. A. E. Fripp, K.C., for plaintiff. Appeal by defendant from judgment of Lennox, J., of Februray 26, 1913. Action for a declaration that agreement to purchase "Gleneim Park" lots near Regina for $3675 is null and void and should be delivered up to be canceled and for a return of $1225 paid on account on the ground that same was obtained by false and fraudulent representations. At the trial judgment was awarded plaintiff as prayed. Judgment: The question at issue is purely one of fact. A perusal of the evidence satisfied us that it amply supports the findings of the trial judge, and there is no reason, so far as we can see, for this court to interfere. The appeal should be dismissed with costs.

Badenach v. Inglis.—G. H. Watson, K.C., and C. H. Porter for plaintiff. A. F. Lobb, K.C., for defendant. Appeal by plaintiff from judgment of Falconbridge, C.J., of Jan. 30, 1913. Argument of appeal resumed from yesterday and concluded. Judgment reserved.

Patterson v. Township of Aldborough. C. St. C. Leitch (St. Thomas) for defendants. J. D. Shaw (St. Thomas) for plaintiff. Appeal by defendant from the judgment of Magee, J., of June 4, 1910. Action to recover $1000 damages for injuries alleged to have been received by plaintiff by falling into an unguarded excavation on the public highway in the ninth concession of Aldborough, where defendants were building a bridge. At the trial judgment was awarded plaintiff for $300 and costs. Judgment: Appeal allowed and judgment appealed from vacated and new trial ordered. Costs of former trial and appeal to abide result of new trial.

Before Mulock, C.J.; Clute, J.; Sutherland, J.; Leitch, J.

Sheardown v. Good.—C. W. Plaxton for plaintiff. L. V. McBrady, K.C., for defendant. Appeal by plaintiff from judgment of Latchford, J., of March 18, 1913. Action for specific performance of agreement for sale of land in Richmond Hill and damages for breach of agreement. At trial action was dismissed with costs, but allowing costs of former trial to plaintiff. Judgment: In view of the findings of the trial judge we think the judgment cannot be disturbed and that the appeal should be dismissed with costs.

FIFTY-FIVE YEARS IN MINISTRY.

KINGSTON, May 29.—(Special).—Rev. Canon Loucks, canon of St. George's Cathedral, has completed 55 years in ministry. He is 85 years old. For 39 years he was rector at Picton, and was ordained in Quebec in 1855. He has been with the diocese of Ontario since its formation.

MARTIAL GLORY DOESN'T APPEAL.

KINGSTON, May 29.—(Special).—Men are so scarce for Barriefield camp in June that County of Prince Edward has added another inducement to recruits. The county will pay 25 cents a day per man for twelve days under canvas in addition to regular pay.