

The Toronto World

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MAIN 5305

In The World's New Telephone Number.

FRIDAY MORNING, SEPT. 16, 1910.

CITY'S STREET RAILWAY POLICY

Toronto has a clear and definite policy to follow with respect to the street railway. In the first place there can be no new deals or any modification of the existing agreement. On that agreement the city can afford to rest until the franchise is re-acquired either by purchase or lapse.

In the next place, Toronto intends to build surface lines in the newly annexed areas of the city for the benefit of the rapidly increasing population in these districts. These lines must be run as a municipal enterprise at cost until they can be linked up with the coming tube system or the recovered street railway system.

Thirdly, the city intends to begin building a system of tubes for the accommodation of the multitudes of citizens who require rapid transit, and for the necessary expansion and development of the city as a whole.

In connection with these matters the city must go to the legislature for authority to enable it to acquire the rights of any other existing franchises within the city limits. It is generally regarded as essential that there shall be no clash of franchise privileges in the operation of a unified city street railway system. In the long run all parties will be better satisfied if this policy is settled at the start. The corporations will find citizens easier to deal with at the beginning of the consolidation than after a period of legal warfare.

There is no real difference of opinion among men of experience about the best way of conducting the operation of public utilities. Wherever the policy has been adopted with success some form of commission has had charge of affairs. Administration by commission, to adopt the phrase of a member of the board of control, has everywhere been a success. To say the contrary is to admit ignorance of the results attained in all parts of the world. Toronto must get power from the legislature to create a public utilities commission. Such a commission can handle a public service like the street railway in a more satisfactory way, and with a more settled, definite and continuous policy than could be expected from a constantly changing council.

JUST BUSINESS.

People seem to forget that business is business when they are discussing the purchase of the street railway. There is no miracle about such operations, and no thaumaturgy. Everything in this material world is up for sale, and the basis of sale is dividends. The capitalist does not care where his money is invested if he gets as good returns and as safe security in one as in another. There is a contingency in the Toronto Street Railway depending on the joint ownership of the radial lines, but even this is not insurmountable.

If the Street Railway Company can get enough for the system as on re-investment will make a return equal to the present, and enough over to make the trouble of changing the investment worth while, there need be no anticipation of objection to selling on the part of the owners.

FATHER VAUGHAN'S DISTINCTION.

Father Vaughan has explained everything. When he said that Protestantism was a religion without a soul he merely meant that Protestantism is without the mass, which he considers the soul of religion. Protestants consider that the mass is merely the symbol of the reality, which they regard as the soul of religion. It is all in the point of view.

Father Vaughan said: "I think that Protestants are infinitely superior to the religion which they profess. I admire them, their zeal, their energy, enterprise, their philanthropy, their extraordinary generosity, but I can't admire their religion." And the average Protestant will use exactly the same language to give his opinion of Romanism. Honors are about even.

Father Vaughan has reduced the difference between Protestantism and Romanism to a major and minor premise. Nothing like logic.

HAUGHTINESS AND NAUGHTINESS.

Montreal Star: The far-reaching influence of the eucharistic congress has already been felt in Toronto the good. Even The World of that city is showing an exceptional interest in the flesh and the devil of Montreal. Our highly esteemed contemporary expresses the opinion that Montreal has made the greatest public profession of faith ever made by a community, and it argues that there must needs follow a widespread improvement in the lives of our people, an elevation of public

morals, less drinking, less immorality and a clearing up of any municipal and public corruption. This is a natural and logical deduction, and we are all grateful for the suggestion. Unfortunately, our contemporary goes a step further, and a step too far, by declaring that "in no city in Canada do municipal affairs need so much of a purging. In no city is there such a call for a reduction in the number of places licensed to sell intoxicants. In no city in Canada is there so much compounding of bogus liquors and wines, so much dishonest labeling and so much use of adulterants as in the city on the St. Lawrence."

Most of the Toronto papers heard as long ago as last February that we had had a general municipal clean-up in Montreal. If any Toronto man, and especially any Toronto journalist, has judged by their writings, what they don't know upon these questions can hardly be worth knowing.

Our esteemed contemporary concludes with the statement that St. Francis Xavier-street is in need of cleansing (which is, prima facie, libelous), and that the Montreal press can stand the delicate subject of racketeering gambling. Ever since Toronto, in spite of The World, got religion, and the Woodbine ceased to twine as continuously as formerly, Montreal has felt at a disadvantage in the domain of morals. The thought that a good Toronto deacon, part of the time, when mentioning the subject of racketeering, would not back his opinion in "a trial of speed" (not a horse race, has to come to Montreal and be at the mercy of bogus liars and dishonest labels is profoundly humiliating.

TRIED TO BURN DORMITORY

The Matron Knocked Unconscious by the Incendiary.

ANDOVER, N.H., Sept. 15.—An attempt to burn the girls' dormitory at Proctor Academy last night, was frustrated after a blaze had been started. Mrs. Eugene Sawyer, the matron, is in danger of death to-day from a blow delivered by the incendiary, in making his escape. Mrs. Sawyer, on entering the basement suddenly at about 8 o'clock, discovered a strange man in the act of applying a match to a pile of wood.

AN ENTERPRISING PHILATELIST.

BALTIMORE, Md., Sept. 15.—Swooping down suddenly on a truck which was carrying \$2500 worth of postage stamps from one section of the post-office to another this morning, a well dressed elderly man grabbed a package containing 50,000 two-cent stamps and made a dash for the street. He was arrested.

HUCKSTERS ARE DRIVEN FURTHER FROM MARKET

Civic Property Committee Extends the Zone For Farmers—Power Transmission Right of Way.

With a view to preventing hucksters from coming into competition with the farmers in selling their produce, the property committee yesterday recommended that the limited area of the St. Lawrence Market be extended from King to Front-streets between Jarvis and West Market, and also from Jarvis to West Market between the north side of King and the south side of the Esplanade.

The subcommittee, appointed to obtain the necessary information with regard to establishing a fair farm in Toronto, submitted their report on the visit made to the Cooley Industrial farm at Warrenville, near Cleveland. The institution would undoubtedly be a success in Toronto, since, as Controller Spence observed, political influence had no part in its municipality to impair its efficiency. Aid O'Neill and the property commissioner will endeavor to pick a number of locations next week.

The route of the transmission line for the city's distribution of power was decided upon yesterday as a compromise of the board of control, H. L. Drayton, K.C., corporation counsel; City Engineer Rust, assessment commissioner; and General Manager Sweeney of the electrical department. W. K. McNaught, M.L.A., and Engineer Schuman, a special meeting of council will be called for next Monday to approve the route which will follow the lake shore from Indian-road to Strachan-avenue, thence to the transformer station on Strachan-avenue but where it might interfere with residential property will go out into the lake about 100 feet. The towers will be 71 feet high. The hydro-electric commission will do the necessary excavating for the right-of-way and will put up the towers.

It is expected that the water lines should not cost more than about \$10 per foot, as this was the price the city paid for other water lines adjoining the ones to be expropriated. The water lots needed are: Properties on Lake Shore-road—W. Dean, 25 ft.; N. Devins, 150 ft.; Mrs. Maw, 100 ft.; Mrs. Meyers, 53 ft. 9 in.; total 425 ft. 9 in. Properties on Parkville—P. Magram, 43 ft.; K. Clark, 25 ft.; G. A. Kemmerer, 123 ft.; total 291 ft. 1 in. M. E. Gall, 141 ft. 11 in. M. E. O'Connell, 35 ft.; E. M. Foy, 25 ft.; A. T. Howe, 40 ft.; G. A. Jones, 40 ft.; R. H. Holmes, 61 ft.; total 1008 ft. 61 ft. Water is Good.

Samples of the civic street lighting service will be shown shortly on Kings-street between Yonge and York-streets, when poles placed 32 feet apart will be capped with five lights on each one, thus giving the street the appearance of a "Great White Way."

Dr. Sheard, medical health officer.

gives the assurance that there is really no foundation for the statement that typhoid fever is epidemic in Toronto. Regarding the cause of any typhoid cases, he says: "There is no question of doubt about the cause of typhoid—the water. There is increased sewage gathering around the pool, and we are sucking the water from the edge of the pool. Beyond peradventure the water is the cause of the typhoid. The water is good now, but it was not good in January, February and March, when there were 65 deaths from typhoid, and it will not stay good. When the equinoctial storms come we will get bad water. At present there is no special need for the citizens to boil the water."

City Engineer Rust asks permission to attend the convention of the American Society of Municipal Improvement, in Erie, Pa., in October. Referring to the paving of Yonge-street from Summerville-avenue north, he recommends that no action be taken until the railway commission decides what form the crossing of the C.P.R. tracks will take.

Regarding the reclamation of Ashbridge's Bay, Mr. Rust reports that the amount already spent is \$138,000, a balance of \$61,000. He also says: "In reference to the question of submitting a new bylaw, the work of course can be distributed over a series of years, unless the council thinks that the improvement is of sufficient importance to have it pushed thru more rapidly, but as the council have decided to construct a new dock, I would suggest that if a bylaw is submitted to the people this year, the amount should be \$500,000."

New Pavements. He has recommended the construction of the following asphalt pavements: Givens-street, from Queen to Argyle, 8750 ft.; Newham-street, from Brock to east end, 1922 ft.; Indian-grove, from Howard Park-avenue, 110 feet north, 1260 ft.; Galt-avenue, from Gerard to Damar, 3590 ft.; Huron-street, from Bernard to Dupont, 8614 ft. At present Toronto has, according to the city engineer's annual report, 13.44 miles of asphalt pavements, 45 miles of brick and 17.71 miles of cedar block pavement. Altogether the city has 407.57 miles of streets, of which 262.13 miles are paved and 145.44 miles unpaved. The area of the city is 28 square miles, not including land covered by water.

With the idea of taking every precaution against fire in the city hall, the authorities have given instructions that every civic employee entering the attic must register the time he enters and the time he leaves.

Must Suffer In Silence.

The Natural Resources Co., Ltd., yesterday applied to Justice Middleton for an injunction to restrain "Saturday Night" from publishing articles reflecting on the company pending trial of an action for libel. The company is interested in land at Fort George, B. C. Whether or not the G. T. P. has located there is the point to be decided as between the two parties. Noting in the company's literature that the articles complained of were being replied to, his lordship remarked: "If parties reply to attacks by counter publication, they cannot then apply to the court for an injunction." Judgment, however, was reserved.

AT OSGOOD HALL ANNOUNCEMENTS.

Sept. 15, 1910.
At the meeting of convocation to-day Frank E. Hodgins, K.C., was elected a member in the place of John Hobbin, K.C., LL.D., who has removed to England, who, however, still remains an ex officio member.

Lady Jane Vankoughnet, widow of Captain Robert Vankoughnet, son of the late Chancellor Vankoughnet, has made a gift of \$2000 to the Law Society for the purpose of founding a scholarship to be known as the Chancellor Vankoughnet Scholarship. The benchers have invested the fund and have decided to give the scholarship to the third-year student who in due course heads the examination of his year for call.

Mr. Justice Sir William Grantham, the senior judge in matter of appointment of the judges of the high court of justice, England, paid a visit to Osgood Hall to-day, and luncheon with the benchers, when he entertained the many interesting anecdotes of the British bench and bar.

Judges Chambers will be held at 11 a.m. on Friday, 16th inst.

Master's Chambers.
Before Cartwright, K.C., Master.
N. E. Crown Bank v. Taylor—Craigs (Arnold & Co.) for plaintiff. Motion by plaintiff for leave to serve an absent defendant substitutionally. Order made.

Turvey v. Dwyer, Engle Works—Maughaugh (F. E. Brown), for plaintiff. Motion by plaintiff for leave to deliver statement of claim without prejudice to pending motion for judgment. Order made as asked.

Bank v. Wishart—W. H. Hunter, for plaintiff. Motion by plaintiff for leave to issue a writ for service out of the jurisdiction and permitting service of same and statement of claim. Order made.

Davies v. Tomlin—J. E. Johnston, for defendant. Motion defendant on consent for an order dismissing action without costs. Order made.

Ford—G. M. Gardner, for plaintiff. Motion by plaintiff on consent for an order dismissing action without costs and receding certificate of its pendency. Order made.

Reid v. Coleman—J. T. White for plaintiff. Motion by plaintiff for an attaching order. Order made.

Allen v. Turk—Grayson Smith for defendant. Motion by defendant to change venue from Owen Sound to Toronto on the ground that the plaintiff cannot be heard at Owen Sound. Reserved.

Re Robar and Catholic Mutual Benevolent Association—F. Morison (Hamilton) for the association. Motion for judgment in favor of the association. H. R. Frost for widow, claiming under will of deceased. Motion by association for leave to pay money claimed by the different parties into court. Motion adjourned until 20th inst.

Judge's Chambers.

Before Middleton, J.
Bavington v. Chapman, J. T. Blackstock, K.C., for defendant. A. G. Lawrence for plaintiff. Motion to set aside statement of claim and stay action as frivolous, etc. Reserved.

Re Wm. Johnston—F. V. Harcourt, K.C., for plaintiff. Motion for an order for payment out of court of the balance of money there in accordance with the terms of the mortgage. Order made.

Re James Hume—F. V. Harcourt, K.C., for plaintiff. Motion on behalf of three infants for leave to pay \$2000 into court for credit of infants and for payment out of the fund for the maintenance and education of the infants. Order made.

Re McGuire—F. V. Harcourt, K.C., for infants. Motion on behalf of infants to consent to and for payment out of \$200 for the infants and the balance for the infants. Order made.

Re J. M. and Friends—L. Lee (Hamilton) for the society. F. W. Harcourt, K.C., for the infants. J. A. Rowland for the other parties. Motion by the society for leave to pay \$1000 into court to the credit of the infants, and for payment out for maintenance. Order made for payment in and for payment out to the girl for business education and for payment of \$15 every three months to each of the two infants.

Re McCallum and Chosen Friends—F. V. Harcourt, K.C., for infant. Motion by infant for leave to pay \$250 into court, and for payment out for maintenance with the priority of the official guardian. Order made.

Single Court.

Before Middleton, J.
Frood v. Campbell—H. H. Kelly, K.C., for plaintiff. J. D. Blissett for defendant. Motion by plaintiff to continue injunction enlarged until 28th inst. Injunction continued meantime.

McLean v. Sault Ste. Marie—J. G. Smith for plaintiff. W. E. Raney, K.C., for defendant. Motion by plaintiff to continue an injunction. Enlarged until 28th inst. Injunction continued meantime.

Natural Resources Security Co. v. Saturday Night—G. A. Clark for plaintiff. G. A. Clark for defendant. Motion by plaintiff, a Voucher Co., in a libel action to restrain the defendant from continuing to publish articles in their paper against the plaintiff and which plaintiff alleges to be libelous. Reserved.

Re Henderson and West Missouri—A motion by James Henderson to quash by-law No. 38 of the defendant township to raise money to build a continuation school in said township. No one appearing, motion struck from list.

Trial.

Before Middleton, J.
Endsman v. Rothschild—E. Buchanan (Sudbury) for plaintiff. R. R. McKessock, K.C., for defendant. An action by plaintiff to recover \$2000 for commission on the sale of a certain mine, less a contra account of defendant of \$388.21. Defendant disputed plaintiff's claim and counter claimed for \$23.20.

Judgment: The contract was not in writing and the evidence of each of the parties is to some extent unsatisfactory, but in the result I determine the case more upon my view of the weight to be attached to the evidence of the parties themselves than upon the other evidence. The onus is on the plaintiff, but weighing all matters as best I can I determine the issue of fact in his favor. Judgment for plaintiff for \$2000 and costs of action and for defendant against the plaintiff on the counter claim for \$23.20, with costs fixed at \$25. This to be set off pro tanto against plaintiff's judgment.

First Non-Jury Court.

The non-jury high court fall sittings begin Monday next. The peremptory list of cases is:

Brudie v. Toronto, Chacebrook v. London, Quebec Bank v. Sovereign Bank, Imperial Paper v. Quebec Bank, Murray Printing Co. v. Murray, Owens v. Wigmore.

Writes Issued.
Edward Johnston of the Township of E. Gwillimbury has issued a writ against John M. Kellington, Albert Watson and Thomas Tibbels, trustees of school section No. 10, of the Township of East Gwillimbury, and against the municipal corporation of the township.

Johnston seeks an injunction against the trustees to prohibit them from purchasing a school site and from removing the present school building.

J. J. Hartman of Dawson City, Yukon, is suing the Dawson Lodge Development Company, Limited, of Toronto, for \$14,562.55, due on promissory notes.

Thirty dollars in five-cent pieces—600 of them—constituted the wealth of Nicholas Kuly when he was arrested at Fort Frances by the provincial police.

Neal Institute Company Is Sued—Injunction and \$100,000 Damages Asked

The Neal Institute Company Brings Suit in United States District Court at Phoenix, Arizona.

James E. Bruce of Atlantic, an Iowa State Senator, and Dr. B. E. Neal and Ernest B. Stiles of Des Moines, Iowa, Defendants.

Gatlin Institute Company Alleges Conspiracy on Parts of Defendants to Use Knowledge of Its Secret Method Gained by Neal While Its Confidential Employee.

Asks Court to Stop Neal Institute Forever From Treatment of Drink Habit Patients by Permanent Injunction.

PHOENIX, Arizona, Sept. 11.—In the United States District Court Saturday injunction proceedings were filed against the Neal Institute Company of the United States, an Arizona corporation, supposed to be the "parent" company controlling the Neal Institutes. The suit filed also includes Dr. Benjamin E. Neal and Ernest B. Stiles, both of Des Moines, Iowa, and James E. Bruce of Atlantic, an Iowa State Senator. These men, as well as various other Neal Institutes, are made defendants to the suit. A temporary and permanent injunction is asked restraining the Neal Institute from the further treatment of persons addicted to the liquor habit; also \$100,000 damages.

The suit was brought by the Gatlin Institute Company of America Corporation, a Colorado corporation. Among many other things, the complaint alleges that Dr. Neal never discovered any treatment or cure for alcoholism, and that the treatment being used by the Neal Institutes is substantially the Gatlin treatment, the secret and method of which was learned by Dr. Neal while acting as confidential employee of the Gatlin Institute during a period of seven years.

THE COMPLAINT.

The essence of the complaint is as follows: That in or about the month of November, 1903, Dr. Benjamin E. Neal was employed by the general manager of the Gatlin Institute to act as physician in charge of that institution at Denver. That he remained in the employ of the Gatlin Institute as its manager until the month of April, 1909. That during all the time of said employment of Benjamin E. Neal, and at the consideration of such employment, it was understood and agreed that any and all knowledge or information received or obtained by him during such employment, either directly or indirectly, as to the secret formula from which the Gatlin treatment was compounded, or as to the ingredients or proportions of the same, or as to the method or system of preparation, or the use and application of the same, or any other secret in connection therewith, would be kept a secret by him, the said Benjamin E. Neal, and would not be divulged or communicated by him to any other person or persons, or used by him in any manner other than for the benefit of the Gatlin Institute.

LEAVES GATLIN INSTITUTE TERRITORY.

The complaint goes on to say that in February, 1909, the Gatlin Institute leased the right to use the Gatlin name and the Gatlin treatment as administered by the Gatlin Institute, for the State of Minnesota, to Ernest B. Stiles, who in turn sold his lease to the Neal Institute Company of Minnesota. In or about the month of April, 1909, Benjamin E. Neal became the president of the Neal Institute Company of Minnesota, and thereafter continued to operate and manage a Gatlin Institute in Minneapolis until about the month of July, 1910.

COMPLAINT ALLEGES STATEMENTS.

The complaint states that Benjamin E. Neal has given out that he knows the secret of the remedy and treatment as prepared and administered by the Gatlin Institute Company, and has also given out that he has a secret formula, or remedy, or cure for the liquor habit, or the Neal 3-Day Liquor Habit Cure, was discovered by him ten (10) years ago, and that he has compounded and administered the same during the period of ten years since its discovery in Denver, Minneapolis and elsewhere.

SAYS NEAL DISCOVERED NO LIQUOR HABIT TREATMENT.

In section sixteen of the complaint, which is a very long one, the plaintiff, the Gatlin Institute Company of America Corporation, alleges that neither the defendant Neal, nor the various defendants (Bruce, Stiles and the various Neal Institutes), nor any of their officers or associates, nor any of their remedies or cures for the liquor habit, said thatless and known to the plaintiff, were obtained by Benjamin E. Neal as to any remedy or treatment for the liquor habit, was obtained by him while in the employ of the Gatlin Institute, and while holding confidential relations with the Gatlin Institute and its officers and while under instruction of the Gatlin Institute Company and its manager, David P. Gatlin, to keep the same a secret and to administer the same and administration of the remedy.

ORGANIZED THE NEAL INSTITUTE.

That to the great and irreparable damage and injury of the Gatlin Institute Company, the Neal Institute Company of the United States, and the various other Neal Institutes, and the various other defendants, together with one James E. Bruce of the State of Iowa, and Andrew P. Macol of Colorado have entered into a conspiracy, wrongfully and fraudulently to use said Benjamin E. Neal, and the Neal of the Gatlin Institute's secret

IN THE SESSIONS COURT

Three Convictions Registered—Accittal on Shooting Charge.

William P. Riddell pleaded guilty in the sessions to three charges of "false pretences." His counsel explained that he had given cheques in payment for goods believing that he would have money in the bank to meet them. As he has already served three months in jail waiting for trial, Judge Denton sentenced him to seven days on each charge, to run concurrently.

Percy L. Bernard pleaded guilty to stealing \$20 from the City Dairy Co. Carman Montone, an 18-year-old Italian, was found guilty of incest. His 15-year-old sister was complainant.

James E. Crawford (colored) was acquitted of a charge of shooting at William M. Davis (also colored) with intent to maim. J. Walter Curry, K.C., defended and contended that although Crawford did shoot Davis, he was not the latter was climbing into a back window at 156 1-2 York-street, on the night of July 2, he had only fired with the idea of frightening away an intruder.

Judge Denton held in his charge under any circumstances unless he had first warned the other party.

Tried to Cheat the Customs.

NEW YORK, Sept. 15.—Mrs. Betty Faulkner Chapman, divorced wife of T. Irvin Chapman of Brookline, Mass., the representative in Japan of the Standard Oil Company, and who was reported to be engaged to J. Crummond de Rothschild, youngest son of Baron de Rothschild, was detained to-day by customs officials who claim that Mrs. Chapman tried to smuggle over \$25,000 worth of foreign gowns and jewelry into this country.

HASSALL

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The Oriental Smoke

TEN FOR 10 CTS.

MICHIE'S

Finest blend Java and Mocha Coffee at 45c lb. is in a class by itself. It is a breakfast necessity.

Michie & Co., Ltd.

7 King St. West

MEDICAL

DR. BRUCE RIORDAN has removed to new residence, No. 20 Roxborough street E., corner Yonge street. Telephone 1122. Office, 152 Bay street. Telephone 1124.

Taking Weapons From Italians. A large seizure of revolvers and guns has been made by the provincial police from Italian laborers working on the line of the Algoma Central Railway. These men have become destructive, shooting everything in the way of birds and animals that they see.

TO-NIGHT

They Work While You Sleep