The Toronto World know about it in the past and what

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THE GLOBE SHOULD TELL MORE

The Toronto Globe is authority for the statement sthat the Grand Trunk contract with the government in re- Day. spect to the leasing and operation of the National Transcontinental Railway

The company has, it is under-stood, already intimated its unwil-lingness to lease the eastern section of the National Transcontinental Railway when completed, AND IT IS SAID ITS REFUSAL TO LEASE CAN BE SUPPORTED IN THE COURTS, especially in view of the recent changes in the standard of construction on the government

Now, if this means anything it means

Has The Globe any information upon this point and did it in 1903 know of oned as a formidable foe. contention that the company can refuse man and in any event will not be easily

Let us try to make this plain. There is no statutory requirement that the National Transcontinental Railway in the east, or in the west, shall conform to any specific grade or standard beyond the direction that the western section between Winnipeg and the Rocky Mountains shall approximate the standard of the Grand Trunk Railway between Montreal and Toronto The eastern section-the government section and the one now under discussion-was to be built according to between the government and the Grand Trunk Pacific Company, the contract providing that:

The said work shall be done according to the said specifications and shall be subject to the joint supervision, inspection and acceptance of the chief engineer appointed by the government and the chief engineer of the company.

The company cannot wait until the road is finished and then pass judgment upon it. It jointly supervises all construction; the contractors must have the certificate of the company's engineer, as well as the certificate of the government's engineer, before they can have a mile of construction accepted or be paid for their labor and material. Were the government, thru Mr. Cochrane, Major Leonard or any- action in 1885. Order made, one else, to change the plans and specifications, the entire work could be halted by the railway company until its complaint had been investigated and der made.

No change can be made in the plans letter to him at his address, as well in and specifications without the know- Montreal as in Toronto. Order made. ledge of the Grand Trunk Pacific, and assuredly no change made with its acquiescence could relieve that company from its obligation to lease and operate without costs. Order made. the line between Winnipeg and Monc-

The World may have a good deal to say from time to time about the big national railway, especially about the problems involved in its future opera- -E. F. Raney for defendants. O. H. tion, and the scandals lurking along its right of way, from the land purchased for the terminal facilities at St. Boniface to the water supply for the car Napanee. Costs in cause. Shantz v. Clarkson—R. H. Parmenter chops at Moncton. Just now we are interested in knowing what The Globe Shantz v. Clarkson—R. H. Parmenter for defendant Clarkson. H. S. White for plaintiff. Motion by defendant for knows about any "joker" in the Grand an order dismissing action for want of Trunk Pacific contract of 1903. It is prosecution. Order that plaintiff desaid "Its refusal [the refusal of the Grand Trunk Pacific Railway Company] to lease [the National Transcon- further notice. Costs of motion to detinental Railway] can be supported in the courts." So The Globe te'ls us, and plaintiff. Motion by plaintiff for an many others are saying the same thing. How can it be supported? The Globe is saying too much or too little. Is there to be another "joker" sprung Co.) for defendant. Motion by defendupon us by that merry corporation, the ant on consent for an order vacating Grand Trunk Pacific? What did Sir | certificate of lis pendens. Order made. Grand Trunk Pacific? What did Sir Delap v. C. P. Ry. Co.-A. Mac-Wilfrid Laurier and The Toronto Globe Murchy, K.C., for defendant. F. Ar-

do they know about it now?

Manager Sweany of the city hydroelectric staff, will undertake to supply electric power of the proper phase and voltage within a week to the civic car lines. There is no need to create or imagine difficulties beyond the actual one of overcoming the natural reluctance of the city council to get a move on. The completion of the civic lines in the east, and the pressure of public opinion down there behind the necessity of furnishing transportation before the close season for blizzards cxpires, ought to stir the city hall ma-

Once the word is given to Commissioner Harris to go ahead and provide us promptly of any irregularity or a service, with full powers and responsibility, we believe he can beat Manager Fleming in getting the satis-SATURDAY MORNING, OCT. 26, 1912 faction and gratitude of the public. The aldermen who attempt to hinder or obstruct the operation of the civic car lines ought to be as active as possible between now and Christmas, so that the people can get a clear view of them, Pacific Company desires to avoid its and render judgment on New Year's

There are no difficulties to be overcome which any railway or steamship between Moncton and Winnipeg, and or electric company would not grapple that it can do so with impunity. Thus with readily. No departmental store, even, would boggle over the things that scare some of the little aldermen of this big city.

Give Commissioner Harris a free hand and see him do things. He can make R. J.'s service look like a funeral

THE BALKAN WAR

As no special correspondents have been permitted to accompany the arthe contract between the government | mies now engaged in the Balkans and and the Grand Trunk Pacific contains independent and reliable accounts of the a "joker" of some kind. The Dartmouth progress of the campaign cannot be Patriot charges that the "joker" was obtained, the reports emanating from inserted with the connivance of the the nations engaged must be received Laurier government, it having been with the proverbial grain of salt. It is secretly understood from the start that quite possible that the allies have the company would not be required to gained important advantages, since in live up to its contract. But we do not the initial stages of the war they would need to go this far; what The World be superior in number to the Turkish has to say about this matter is, that garrisons in the immediate field of the company cannot avoid its contract operations. The Bulgarian forces espewith the government because of the cially were in a superior state of readisileged "recent changes in the standard ness and their efficiency has been genof construction on the government erally conceded by European experts. line." If it can get out of its contract A brave and well-disciplined army of it must be thru some big mesh in the approximately 300,000 infantry, 5000 cavalry, with 500 guns, and behind it a reserve of 75,000 men, must be reck-

or suspect the presence of a "joker"? Much will depend on the calibre of Unless there is some such "joker," we the Turkish commanders. Competently can find no ground for The Globe's led, the Turk is a splendid fighting to lease the line between Winnipeg and overcome. But the Turkish troops in Moncton, or any part thereof, when Thrace were known to be in a poor position when the advance of the allies began and it is quite possible that even a concentration of the main army round Adrianople will prove to be beyond the power of the Porte. The investment of that strategic centre, protected by modern fortifications, will weaken the offensive strength of the Bulgarian army and afford time for the arrival of Turkish reinforcements from the east. What adds to the difficulty attending the movements of the Turkish troops, particularly in Macedonia, is the presence of many fanatiplans and specifications agreed upon their flanks. Altho Austro-German excal bands waging guerilla warfare on perts look for the ultimate defeat of the allies, the outlook for them cannot be described as hopeless.

At Osgoode Hall

ANNOUNCEMENTS.

Monday, 28th inst. (Thanksgiving Day) being a dies non, there will be no sittings of single or divisional court that day.

Master's Chambers. Before J. S. Cartwright, K.C., Master. Smith v. Wright-Latimer (Proudfoot & Co.) for owner. Motion by owner for an order vacating certificate of lis pendens filed in a mechanics' lien Rundle v. Chapin-Macdonell (Rowell

& Co.) for plaintiff. Motion by plaintiff for an order for substitutional service of writ of summons herein. Orredressed by an arbitrator satisfactory for plaintiff. Motion by plaintiff for an order for service of motion of motion by plaintiff for an order for service of motion of motio tion to add one Wood as a defendant herein by mailing same by registered

Driscoll v. Cobalt Townsite Mining Co.-Guilfoyle (Parker & Co.) for defendant. Motion by defendant on consent for an order dismissing action

son, Ltd.-Burden (Cochrane & Shaver) event. for plaintiff. W. J. McLarty for aefendant. Motion by plaintiff for judg-ment under C. R. 603. On consent, motion dismissed. Costs in the cause. Wade v. Metropolitan Fire Ins.

King, for plaintiff. Motion by defendants for an order changing venue fran Toronto to Napanee. Order made transfering case to non-jury sittings at liver statement of claim or discontinue on or before November 1, and in de-fault, action to stand dismissed without fendant in any event order for issue of writ for service on

action. Order made. Fuller v. Maynard-Dyke (Beaty &

Doyle in Nova Scotia in an alimony

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noldi, K.C., for plaintiff. Motion by defendant for an order extending time for delivery of statement of defence to Nov. 22, owing to lapse of time and voluminous documentary evidence. Re-

Curtis v. McNab-Latimer (Proudfoot & Co.) for owner. Motion by owner for an order vacating certificate of lis pendens. Order made.

Gatto v. City of Toronto-J. P. Crawford for plaintiff. Motion by plaintiff consent for an order for the examination of an officer of defendant corporation. Order made. Costs of motion Imperial Motor Car Co. v. Wm. Neil- and examination to defendants in any

Smith v. Smith-Shaver (F. E. Brown

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Toronto's Oldest Jewellers 402 Yonge St., Toronto tiff for an order vacating certificate of lis pendens. Order made. York Lumber Co. v. Allison—Bell (Ryckman & Co.) for plaintiff. Motion by plaintiff for an order for substitu-tional service of notice of motion to fix date of trial and of further proceedings (unless otherwise directed by official referee.) Order made. Costs in cause. Pallandt v. Flynn-J. Jennings for

plaintiff. Ex parte motion by plaintiff, a judgment creditor, under C. R. 910, for an order for examination of certain of-ficials of companies in which defendant is said to be interested. Order

Lynes v. Boulton-Macdonnell (Rowell & Co.) for owner. Motion by owner

Judges' Chambers. Before Clute, J.
Ralyea v. Mickle—H. E. Rose, K.C.,
for plaintiff, Defendant in person. Motion by plaintiff for an order to commit defendant to jail because of his failure

ing his property and transactions, Motion dismissed without costs. Before Middleton, J. Attorney-General for Ontario v. Page

W. J. McLarty for defendant. W. J. McWhinney, K.C., for plaintiff. Motion by defendant under 10 Edward VII., section 20, sub-section 5, for an order transferring action from the county court of York to the high court. Order made. Property in question to be transferred to the custody of the high

to make satisfactory answers respect-

court. Costs in cause.

Re Higgs.-J. F. Boland for Sarah E. Bradford No one contra. Motion by Sarah E. Bradford for an order declaring Olivia Higgs to be a person of unsound mind. Enlarged sine die to supplement material. Re Mary Brown Estate.-W. B. Milli ken for administrators. F. W. Harministrators of estate of Mary Brown for an order giving leave to pay certain moneys into court and for payment out at majority. Order made.

Re Patrick McAndrew's lunacy.—A. E. Knox for Cecilia Freel. Motion by Cecilia Freel for an order appointing her committee of the person and estate of lunatic in place of declared committee and to pass accounts and cancel bond of deceased committee. Order made. Reference to master at Welland to fix security, pass accounts, etc.

court, K.C., for infants. Motion by ad-ministrators of estate of Mary Brown

Re W. M. Wilson.—Beatty (Kilmer & Co.) for Martha Wilson. No one contra. Motion by Martha A. Wilson widow, and administratrix for an order for an administratrix for an order for an extension moneys. leave to pay into court certain moneys belonging to an absentee and to be relleved of the trust. Order made.

Re Golding.—F. Aylesworth for Mrs. Varey.—Motion by Mrs. Varey for an order barring the claim of William Golding, an absentee, Eularged sine

Gibson v. Verral.—J. MacGregor for plaintiff. J. M. Godfrey for T. N. Phelan. Motion by plaintiff for an order directing T. N. Phelan to attend as witness.

Re Hill—D.D. Grierson for committee—
Motion by committee for an order discharging him as committee and directing bond to be delivered up for
cancellation on passing accounts, etc.
Order made

Order made.

Re Canadian Northern Railway System and Garde.—W. Proudfoot, K.C., for Maria J. Garde. A. J. Reid for the railway company. Motion by the railway company for a warrant for possession. Enlarged one week.

Re Campbellford Lake Ontario Railway Company and Jacques Estate.

way Company and Jacques Estate.— W. Proudfoot, K.C., for Jacques Estate. W. Proudfoot, K.C., for Jacques Estate.
J. D. Spence for the railway company.
Motion by A. R. Jacques Estate for an order for appointment of arbitrators.
Order made appointing.
Re Campbellford Lake Ontario Railway Company and Canada Lime Company.—J. D. Spence for the railway company. Motion by the railway company on consent for a warrant for pos-

company. Motion by the railway company on consent for a warrant for possession. Upon payment of \$1100 into court warrant for possession to go.

Re Susan Lee.—H. S. White for two applicants. No one contra. Motion by Celia H. Lee and William Elie Lee for an order declaring Susan Lee to be a person of unsound mind. Order made. Celia H. Lee appointed committee. Official guardian to approve of con-

reyance of property.

Ryan v. McCallum.—W. G. Thurston,
K.C., for plaintiff. C. M. Colquhoun
for defendant. Motion by plaintiff for
an order compelling defendants to issue
plans for alteration of a certain build-

ng. Reserved.
Re Cope.—W. D. Moorehead for father. J. M. Godfrey for mother of nfants. Motion on return of habeautorpus by father for return of children The parties under direction of court agreed that husband and wife are to select certain household furniture in Toronto which the husband will ship to Los Angeles. The wife to take child-ren back to to the Township of Cardiff, where she is teaching school. The where she is teaching school. The husband to return to Los Angeles and make arrangements for a home apart from either his or here relatives, and if within a year the husband sends sufficient money or tickets and money to take wife and children to Los Angeles, she is to go to Los Angeles with the children and make new home. In meantime, the children are not to live with time the children are not to live with wife's father. Motion adjourned sine dle, to be brought on again in case of wife's default in going to Los Angeles

on five days' notice.

Smyth v. Harris.—F. E. Hodgins,
K.C. for defendant. H. E. Rose, K.C.,
for plaintiff. An appeal by defendant
from the order of the master in chambers of Oct. 24, 1912, dismissing motion to strike out statement of claim. Held that the question of law sought to be by this motion is not within the jurisdiction of the master. I therefore affirm that master's order reserving to defendant the right to raise it in any appropriate way. Costs to plaintiff in

Single Court. Before Middleton, J. Clarkson v. Boyle—W. M. Douglas, K.C., for defendant; J. G. Wallace, K.C., for plaintiff. An appeal by de-fendant from the report of the local master at Woodstock and a motion by plaintiff for judgment on further directions. Appeal allowed in part and the \$750 found due by master reduced to \$145 and judgment for plaintiff on further directions for \$145 and interest. No costs to either party of action, reference or appeal tion, reference or appeal.

tion, reference or appeal.

Cartwright v. Wharton—J. H. Moss.

K.C., for plaintiff; D. T. Symons, K.C.,

for defendant. Motion by plaintiff for
an order to commit defendant to the an order to commit defendant to the common jail for alleged contempt in disobeying the injunction of the court and using material from plaintiff's book in the preparation of defendant's book. Reserved.

Trial. Before Clute, J. Halliday v. C. P. Ry. Co. and James H. Hughes—R. R. McKissock, K.C., for plaintiff; W. H. Williams, K.C., for defendants. Plaintiff, a steam railway conductor of Chapleau, sued to recover \$5000 damages for false arrest and imprisonment and for alleged wrongful dismissal from defendants' employ-

Judgment: A car of defendant company was broken into and a case of liquor taken therefrom. . . . A full bottle and part of another were found by the superintendent in plaintiff's caboose, where, however, a large number of men were coming and going.

The plaintiff was dismissed from defendants' employment the day before he was tried by the judge and to Mary Morrison for maintenance of honorably acquitted. . . . Upon the evi-

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dence before me I was satisfied that plaintiff was not guilty of the theft and did not know that the liquor had been secreted in his caboose. In my opinion, under the evidence disclosed, he was wrongfully dismissed under such circumstances, having regard to his hiring as entitled him to three months' notice. Having regard to plaintiff's earning power while with the defendant company, I assess the damages at \$480, with full costs of action. The issues arising out of the claim for false imprisonment and malicious prosecution are dismissed without costs. Thirty days' stay.

Before Kelly, J.

Morrison v. Hamilton Street Railway Company—W. T. Evans (Hamilton) for plaintiff; M. J. O'Reilly, K.C., for defendants. An action by Mary Morrison, widow, and two children, to recover \$10,000 damages for the death of Duncan Morrison, who was run down by a car of defendants', receiving injuries resulting in his death. Judgment for plaintiff for \$500 and costs, fixed at \$60. Of this \$100 to be paid to Mary Morrison and remaining \$400 to be paid into court, and \$50 to be paid thereout every six months

infant plaintiffs. Robertson v. Canadian Westing-house Co.—J. G. Farmer, K.C., for plaintiff; J. W. Nesbitt, K.C., for derendants. An action by Margaret Robertson to recover \$10,000 damages for the death of Edward Robertson, a plumber and steam fitter in defendants' employment, who was killed by ants' employment, who was killed by a fellow-employe of deceased running a crane into deceased without warning. Judgment in favor of plaintiff for \$1600 and costs, Of this \$250 to be paid now to Margaret Robertson and remaining \$1350 to be paid into court. Further apportionment amongst plaintiff's children reserved.

Divisional Court.
Before Falconbridge, C.J., Britton, J.,
Riddell, J. Bucknall v. British-Canadian Power

Co.—J. Bicknell, K.C., and J. L. Mc-Dougall (Haileybury) for defendants; R. McKay, K.C., for plaintiff. An R. McKay, K.C., for plaintiff. An appeal by defendants from the judgment of Middleton, J., of April 23, 1912. An action by plaintiff for damages for the flooding of mining claims by reason of the water power of the defendant company. At the trial judgment was given plaintiff for \$3627 and costs. and costs.

Judgment: The plaintiff had rights as against the crown and the act of the crown was not ultra vires. The crown had the right to give and did give the defendants the right to

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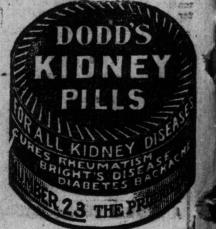
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overflow the claims as they have done. We are of opinion that the appeal should be ollowed with costs and the action dismissed with costs.

Cunard Line to England. of The Cunard Steamship Company, wh

The Cunard Steamship Company, who have for years arranged their sailings at Christmas time so that the big steamers would take Christmas date, have decided to despatch the "Carmania," 20,000 tons, on Dec. 7, the "Carmania," 20,000 tons, Dec. 14, and "Mauretania," 32,500 tons, the fastest steamer in the world, on Dec. 17, all sailing for Liverpool. Judging from the number of people who have already booked, these splendid ships promise to be full up long before they sail. A. F. Webster & Co., the general agents for the Cunard Steamship Company, report a larger demand for accommodation this year than ever before, and are having their troubles trying to satisfy the their troubles trying to satisfy the many applicants.



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