

## The Toronto World

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Main 800-Private Exchange Connecting all Departments.

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### NOT IN DEMAS' WAY.

Every now and then something happens to keep the faith of humankind fresh and sweet; a woman marries for love; a poet ignores every claim but that of art; a politician denounces the errors of his party; a person scorns the lure of mammon.

There are ascending degrees of virtue and it is but rarely that history records the misdeeds of a preacher refusing to accept a call with a bigger salary than he has already.

The miracle has happened, however, and Rev. A. J. Vining, with \$2000 a year in Talbot-street Baptist Church, London, has refused to go to James-street Church, Hamilton, with \$3000 a year. Some ill-natured people may say that it is worth more than \$1000 a year to move to Hamilton, but we cannot accept this view, and give Mr. Vining full credit for his action.

Indeed, those who know Mr. Vining are aware that his decision is a consideration of his duty as a Christian man, and his responsibilities to his flock would never receive second place in his decisions.

### THE NEW RELIEF FOR CITIES.

One of the remarkable things of very recent days is the marvelous and sudden development of rapid transit in underground tubes in London, New York, Paris, Boston and other great cities. For years London put up with underground railways that were run by steam, badly ventilated and otherwise inconvenient; but with electricity for motive power, and with the improved system of construction that has been followed in the new tubes in London and New York, great improvements have been effected, and the consequence is that millions of people are now moved daily in these tubes at double the speed of either the elevated or surface lines, without any inconvenience, in a clean, clear atmosphere, without any weather exposure, and to the great relief of an already congested street traffic. The tubes as planned for Paris, now under construction, and soon to be completed, are ahead of anything in the other cities. They are all under one management; are owned by the municipality, and are so extensive and expansive that the streets of Paris will be comparatively unencumbered by street cars or other vehicles for passengers. The tubes pay well—except in New York, where hundreds of millions of watered stock was sold to the public.

So pronounced a success have these properties been that the second-class cities, say cities in the neighborhood of half a million, are beginning to look to tubes. First of all, because it has been found out that they can be cheaply enough built to make them a success in cities of second-class size; next, because they give wonderfully improved service; lastly, and paramountly, for the reason that they promise to relieve the cities of the United States and Canada from the horrible infiltration they have all brought upon themselves in the way of surface car franchises. Many of these franchises in the United States are perpetual; others are for fifty years, and as a consequence companies that control these franchises lord it over the cities, interfere with municipal politics and do as they please in regard to the public, giving what service they like, and, as a rule, ride rough-shod over the people. Civic reformers how see that if the tube franchises can be held by the cities themselves, and the tubes constructed by the cities, all this arrogant conduct of the surface line companies may be put an end to.

This is why the cities of Cleveland, Toronto and others are now looking to tubes, and The World predicts that within the next six months every city of the half million class, or neighborhood, will be looking into the tube question as a source of relief, and as a source of much improved local transit.

But the danger of the situation is that the surface people are even more active, and they are already beginning to organize to forestall municipal action and to grab the franchises and charters themselves. This very thing is to-day under way in Toronto, where a so-called terminal railway is seeking powers at Ottawa to build tubes under Toronto the same thing is under way in Montreal; a local company is trying to get the franchises in Cleveland; and so it will be in every other city. But now is the time for the people to become wise to the situation, and to adopt measures that will forever prevent these underground franchises from passing into the hands of private companies. Let Toronto be warned in time. There are newspapers in Toronto to-day saying that we are not up to the same line yet, while, as a matter of fact, these same newspapers

are busy selling the franchise grabbers to get a franchise for tubes in this city.

### A DEDICATED LIFE.

Knox College has been distinguished for some years for the brilliance of the members of its faculty. It is but a little while since Prof. Ballantyne was tempted back to Scotland to fill a notable position in that theological land of promise. Another of the great ornaments of Knox College is now about to succeed, Prof. G. A. Smith, recently appointed principal of Aberdeen University, in the chair he has rendered so distinguished in Glasgow Free Church College.

Prof. McFadyen, who is thus honored, and whose honor is reflected upon Toronto, is one of the saintly scholars of Christendom. Those who have had the privilege of hearing him as he dwelt upon the spiritual beauty of the Psalmist, or caught some of the shining fervor of the prophets, know what it is to respond to the living fire upon the altar.

Prof. McFadyen's new book, "The City with Foundations," has just been reviewed in The British Weekly over the initials "J. O.," familiar in Toronto. The critic says that the book, "like the author's previous devotional writings, will deservedly captivate a wide circle of readers." The chapters, "are brief, but touch on great themes with an artist's power of fine conception and expression, at an elevation where nothing controversial can enter."

Mr. S. H. Blake's eighteenth century sneers at Prof. McFadyen must occur to everyone in this connection as singularly inept, whether as applying to Prof. McFadyen's reputation, his scholarship, or his piety.

Canada can ill afford to lose such a force. The nation greatly needs the highest and purest inspiration in the days of her youth. We hope that Knox College may be able to preserve to the use of the Dominion the services of such a dedicated life.

### CHICAGO TALKS OF SUBWAYS.

In connection with the traction situation in Chicago, The Record-Herald of that city writes editorially under the caption, "Give Us Subways": "The governor suggests legislation to authorize cities to construct, maintain and operate subways and to control and regulate their use."

Conditions in Chicago every day make a most convincing demand for subways. On the day on which the governor's call for a special session of the legislature was published they were at their worst; the need of subways was a common topic of conversation on the city's traction lines.

It is the general feeling that the present situation is intolerable, and

as doubts have been raised concerning the city's power to build subways under the traction ordinances, let us have enabling legislation by all means. Anything any everything to put an end to the choking of traffic that is causing such serious losses and such irritating delays.

### COST OF MANUFACTURED ICE.

Editor World: A statement appearing in one of the Toronto newspapers the other day, to the effect that an ice plant was being installed at Washington, D. C., that would manufacture ice at the rate of 85 cents per ton, was undoubtedly misleading, and in order to forestall any persons who may be disposed to use the misleading report to aid them in the selling of stock in an ice company which it is understood is now being floated in Toronto, I wish to give the facts.

It is evident that the interest on the capital invested and the depreciation of the plant have not been included in the Washington estimate.

The July number of the "Ice and Refrigeration" gives a report of the chief engineer of the water department of the City of Camden, N.J., who, in making his official report to the city council on the cost of a fifty-ton ice plant to be built and operated by the municipality, gave an itemized statement exclusive of the cost of production of 50 tons of ice per day this would mean an actual cost of \$1.46 per ton, the actual cost of the ice produced up to full capacity.

The above figures are authoritative and cost of production in a city say like Chicago, as contrasted with the cost of production in "large centres" in the United States, where the plant is used the year round, would be at a great disadvantage.

We in Toronto have a season of seven months in the year when the plant would be virtually idle. The interest and depreciation of a plant similar to the one we have been considering would amount to 70 cents per ton on the actual number of tons turned out in the running season, bringing the actual cost of the ice produced up to (\$2.16) two dollars and sixteen cents per ton.

We still have to consider the cost of a site for the plant, which in Toronto would be a very large sum, and to all the above we must add the charges resulting from a 35 per cent duty, which has to be paid on all ice machinery entering Canada from the United States. The site would cost, say \$50,000, and the duty on machinery would be approximately \$10,000, making a further expenditure of \$60,000, which would have to be allowed for and added to the former figures before the cost of one ton of ice on the team platform could be fairly shown.

After the ice is on the team platform ready for the wagons the waste and cost of delivery must be added and would range from \$1.00 to \$2.00 per ton and the waste from 10 per cent to 40 per cent. (Signed) Ice Dealer.

A member of the senior class at the Royal Military College, has been suspended for three months, for having returned to the college in the early hours of the morning in a dilapidated condition and precipitated a merry row.

## AT OSGOOD HALL

### ANNOUNCEMENTS.

Judges' chambers will be held on Friday, 10th inst., at 11 a.m.  
Peremptory list for divisional court, for Friday, 10th inst., at 11 a.m.:  
1. McAlpin v. Fleming (to be continued).  
2. Gunn v. Miller.  
3. Crown Art v. Cooper.  
4. Reid v. Toronto Railway Co.  
5. McCall v. Cave.  
6. Letcher v. Toronto Railway.

### Master's Chambers.

Before Cartwright, K.C., Master.  
Reid & Brown v. Marsh—Stewart (Curry & Co.), for plaintiff, moved for an order for substitutional service. Order made.

Dunnigan v. Dunnigan—A.C. Heighington, for garnishee, moved for judgment into court. F. C. S. Jones, for certain creditors of judgment debtor, who have served notice on garnishees. Davidson (Aylesworth & Co.), for plaintiff, who claims as assignee, asked enlargement in meantime. Dismissed. Plaintiff to go to trial in January.

Linton v. Dunnigan—G. Grant, for plaintiff, a judgment creditor, moved absolute an attaching order. A.C. Heighington, for garnishee, asked enlargement for judgment creditor. Enlarged for one week.

Tringle v. Hutson—Field (Beaty, S. and N.), for Harry Hutson, moved to discharge stop order. Langs (Arnold & Co.), for plaintiff, contra. Adjudged for a week to allow of cross-examination of applicant.

F. Castle Co. v. Baird—G. H. Kilmer, K.C., for defendant, moved for order for a commission to take evidence at Battlerford. R. H. Parmenter, for plaintiff, contra. Order made. Defendant to expedite execution of sale.

Pringle v. Hutson—Langs (Arnold & Co.), for plaintiff, moved for an order for payment out of their tax and costs of appeal. Field (Beaty & Co.), for defendant, contra. Order made. Costs reserved.

Brethaupt Leather Co. v. Sepuer—G. G. Plaxton, for defendant, moved for order transferring action to county court of Essex, so as to have trial at Sandwich. W. Davidson, K.C., for plaintiff, contra. Motion dismissed.

Costs in cause, without prejudice to motion by defendant if unsuccessful; to apply at trial for taxation of witness' fees as if trial had been at Sandwich.

Dominion Bank v. Delaplane—K. F. Mackenzie, for defendant, moved to transfer action to county court of York. G. Grant, for plaintiff, contra. Order made. Costs in cause. Defendant to agree to go to trial at present county court sittings here.

Re I. O. F. and Mott—A. T. Hunter, for the society, moved for leave to pay \$1000 into court. Order made for payment in, less costs fixed at \$20. Notice to be given to claimants.

### Single Court.

Before Meredith, C.J.  
Magee v. Forster—W. E. Middleton, K.C., for plaintiff, stated that parties had agreed, subject to court approval, to the motion herein being set down for to-day and adjourned until 15th inst. McGregor Young, K.C., for de-

fendant. Leave given to set down and enlarged until Wednesday, 15th inst.  
C. P. R. Co. v. Stockdale—R. J. McGowan, for plaintiff, on motion to continue injunction restraining removal of sand from property alleged to be plaintiff's, asked enlargement. G. H. Kilmer, K.C., for defendant, contra. Enlarged until Monday, Jan. 18 next. Injunction continued meantime.

C. P. R. Co. v. Quinlan—C. P. R. Co. v. Lefleur—C. P. R. Co. v. Marceau—R. J. McGowan, for plaintiffs, in cases similar to above. G. H. Kilmer, K.C., for defendants. Enlarged until Monday, Jan. 18 next. Injunction continued meantime.

Quebec Bank v. Sovereign Bank—D. T. Byrnes, K.C., for plaintiffs, moved to continue injunction to restrain defendants dealing with certain wool. W. J. Boland, for defendants, undetook not to interfere with the 245 cords of spruce, nor with the 633 cords of jack pine, except to the extent of 750 cords to be supplied to Mr. Clarkson for heating purposes pending action. Motion adjourned to trial and injunction in meantime dissolved.

Plaintiffs to go to trial in January. Costs in the cause, unless trial judge otherwise orders.

Paine v. Norfolk Gas Co.—J. Bain, K.C., for plaintiff, moved to continue injunction to restrain defendants other than the company from acting as directors of the company. J. H. Jones, for defendants, contra. Motion adjourned to the trial. Injunction not being continued in meantime, on the terms of undertaking agreed upon between the parties.

Gardner v. King—Motion to continue injunction. No one appearing, case struck from list.

Birkett v. General Contracting Co.—J. T. White, for defendants, the City of Ottawa, moved for leave to appeal the divisional court from order of Judge McTavish, refusing to rescind order to amend. W. E. Middleton, K.C., for plaintiff, contra. Motion refused with costs unless Mr. White desires further to argue the motion, in which case they are to stand adjourned until Friday, 10th inst., before the judge in chambers.

Edwards v. General Contracting Co.—J. T. White, for defendants, moved for leave as in above case. W. E. Middleton, K.C., for plaintiff, contra. Order similar to that in Birkett v. General Contracting Co.

Mackenzie v. Lee—Plaintiff in person asked leave to set down motion for an injunction to restrain defendant Lee from supplying to his co-defendant reports of cases in which the plaintiff may be engaged as counsel or solicitor, omitting plaintiff's name as aforesaid, and also moved for leave to amend his proceedings by substituting the name of "The Toronto World Publishing Co., Limited," as a defendant for "The Toronto World." Held that the plaintiff had under his writ absolute cause of action and motion dismissed with costs to defendants in any event.

### Divisional Court.

Before The Chancellor, Magee, J.  
Wood v. Town of Oshawa—E. Armour, for plaintiff, moved for leave to appeal from order of Meredith, C.J., of 8th December, 1909. Leave given to serve notice of motion for leave to returnable Monday, 13th inst.

McAlpin v. Fleming—E. E. A. Du Vernet, K.C., and N. Somersville, for plaintiffs. D. L. McCarthy, K.C., and F. McCarthy, for defendants. Fleming, Strat and Pinchin. No one for the defendant company. Argument resumed from yesterday.

Before Mulock, C.J., Magee, J.

McKinnon v. Spence—E. E. A. Du Vernet, K.C., and F. A. McDermid (Lindsay) for plaintiffs on appeal from judgment of Falconbridge, C.J. (13 O. W. R. 80). E. D. Armour, K.C., for defendant John Spence, senior. Read for the other defendants. Judgment: The action is for construction of the will of John Spence, senior. The will gave and bequeathed to his wife the sole use of his farm, to use as she may think proper until his son (John Spence) has arrived at the full age of twenty-one years. He was then to get the east of the farm and half of all the property on the farm at that time. They may then work the farm together, or if the wife is dead or working the place, John was to have the management of the whole farm and was to support his mother during her widowhood, and his four sisters until they are of age on or married, at which time each of the four girls was to receive ten pounds, etc.

At the trial the chief justice of the king's bench held that the defendant, J. Spence, had been in possession of the farm for thirty years, not accounting for rents and profits, that the widow and Martha were not on the land as claiming ownership, but only as being supported under the will, and dismissed the action with costs. The three sisters having remained out of possession for the statutory period are in our opinion, barred by the statute. The defendant, John Spence, senior, and the plaintiff Martha Spence, are entitled to a two-fifths interest in the whole farm as tenants in common and are joint tenants of a three-fifths interest of the estate pur autre vie of the married sisters. John Spence, senior, is entitled to the remainder in fee. We are further of opinion that any claim which the sisters had to the legacies, given them by the will, is barred by the statute of limitations, as the same was payable when they respectively arrived at the age of 21 years or were married, since which time more than the statutory period has elapsed. The claim for improvements by defendant, John Spence, senior, is dismissed without prejudice to him, if a claim is made against him for occupation rent. Judgment of court below to be modified as above, and to stand as to payment of \$100 each to Christina McKinnon and Martha Spence. Defendant John Spence to pay plaintiff, Martha Spence, \$100 towards her costs of action, and otherwise no costs awarded here or below.

### Jury County Court.

Peremptory list for jury county court before Judge Morgan, Friday, Dec. 10, at city hall:

6. Thompson v. Court Harmony, 7045 A. O. U. W.  
13. Allison v. Proctor.  
14. Goodman v. Caplin.  
15. Sorley v. Farmers' Bank.  
16. Beaton v. Sher.

### Non-Jury County Court.

Peremptory list for non-jury county court before Judge Denton, Friday, Dec. 10, at city hall at 10.30 a.m.:

22. Toronto Waterloo Furniture Co. v. Robt. Stewart, Ltd.  
23. Forsyth v. Lock.  
24. Maynard v. Smith.  
25. Macdonald & Co. v. Whelan.

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