The Toronto World

A Morning Newspaper Published Every Day in the Year.

TAXATION OF BILLBOARDS.

In the good old days before civilization moved across the Atlantic, it used to be the custom for merchants to advertise their wares, to use the Mackenzie River phrase, by the power of man. The lungs of the apprentice were developed and the ears of the passers-by deafened by the varying cries of the different trades and craftsmen. With the development of social and economic conditions the yell of the 'prentice boy has given way to the bill-board and the sandwich man. While the ear is now relieved, the eye suffers grievously.

The question of taxing and regulating the bill-board has already been discussed, but a great deal more remains to be said about taxing and regulating the man who is largely responsible for making the bill-board possible. He is the man with the vacant lot, who won't spend his money on improvements and objects to pay taxes because his land is vacant, but who encourages the next man to build and develop the neighborhood so that his own vacant lot will increase in value. In order to pay whatever taxes he cannot manage to evade, he then seeks to have a bill-board set up on his property. Out of this he derives a rental, assists the spread of ophthalmia, and the dissemination of loose morals, and increases the hideousness of his neighborhood. While others beautify, he debases, and he does it sordidly and selfishly.

But the assessment department can only consider him economically, and he ought to be taxed the limit on his advertising business the same as newspapers are. The revenues derived from bill-boards are much more considerable than is generally known, and if a man is taxed for putting up a house, which is of value to the community, much more should he be taxed for erecting a bill-board, whose value at the best is dubious, and whose influence is often injurious to public morals.

TAKING THOUGHT.

Congratulations are in order for the board of control over the sensible view they have taken with regard to the eastern "midway" annexation. A little reflection is a good thing, and only very foolish men fail to arrive at a common sense decision after having taken thought. The incitement to an adverse attitude was studied, but has not availed. In fact, the reaction against the counsel of opposition was so great that the controllers cast their gaze westwards and perceived a niche in the regular outline of the northern boundary of the city in that direction. This is the Dovercourt District, a western "midway" between the city and West Toronto that was. The desirability of making Sinclair-avenue the northern boundary thruout commended itself to the board of control, and after the usual formalities it may be expected that the city will "square" itself in this particular.

A CHICAGO PIONEER.

A Chicago man has been killed for objecting to the sort of pie he had been served. Our civilization is becoming too complex. This particular unfortunate had the alternative of eating the pie, and dying in agony, or eschewing the pie to meet a summary fate at the hands of the pieman. Men who have hitherto taken refuge from the pie domestic in the haunts of the pie commercial will be given pause. Whether to eat the pies they have or fly to others that they know not of, thereby perhaps incurring the enmity of pie-makers jealous of their reputation, will be a grave problem.

It has long been held that pie is the staple food of the American continent. If the populace were trained to adhere to pie alone and abhor all other diet, all would be well. But long before the advent of pie, evil dietetic habits had been formed, and people are so addicted to other viands that they cannot abandon them. As a result the stomach is overloaded long before the luscious and succulent pie is reached. Unreasoning and hasty to jump to conclusions as men are, when the pains of indigestion take hold upon them they attribute the pangs to pie instead of to the provocatives previously swallowed.

Doubtless the Chicago man was experienced in pie and critical in his tastes. Too keen a sensibility has often proved to be a man's undoing. His pioneer effort towards raising the standard of pie was a noble thing. Nothing like it has ever been recorded before. It is true that open protest was made by a high financial magnate last summer, or on his behalf, in respect of the quantity of pie sold as a standard portion in the ordinary course of business. But the Chicago victim aimed, not at quantity, his aspiration was for higher quality. He sought excellence. Excelsior was his motto.

Some may be prone to regard him as a visionary, a dreamer, and his views as impracticable and academic, but he had the courage of his opinions. He was a noble soul. Who that reads this tribute to his memory would have the daring to ask for better pie on the next occasion such a demand is possible? Moral assertion of this kind is worthy of all honor, and the emulation of the young. This Chicagoan was the first martyr to pie. He deserves a martyr's monument. His fate will be unavenged, and posterity owes him recognition. His assassin will escape the clutches of the law, for no jury will believe in the sanity of a man who would murder another for finding fault with Chicago pie.

WHY IT'S HARD.

How hard it is to vindicate a public right in this country! It has taken six or seven years' fighting to compel the railways to allow independent phone lines into their stations. Why? Largely because the railways and all offending corporations of this nature are encouraged in their defiances of public rights by the opinions of ministers of the crown and public officials. For instance, Sir Charles Fitzpatrick, the minister of justice, when the attention of parliament was called to the arbitrary conduct of the railways, stood up in the house and took their side against the people. And the same was also done by the Hon. Mr. Blair, who was then minister of railways. Both laid great store on the imaginary vested rights of the railways as against the public rights of the people. As a consequence, the railways felt justified in resisting to the last minute and it took all kinds of lawsuits, hammerings and agitations in the house, and amendments to the Railway Act to obtain what has now been secured after seven years of fighting, namely, the right of an independent telephone company to get access to railway stations.

PARLIAMENT AND PROVINCIAL RIGHTS.

Altho the private bill promoted by Mr. James Conmee, M. P., has been improved—probably he would say mutilated—almost beyond recognition by the removal of its most objectionable provisions, the Dominion Parliament is still asked to grant his company power to expropriate lands situated within the Province of Ontario. Now that the clause declaring the undertaking to be for the general advantage of Canada has been deleted, there appears to be absolutely no ground for so serious an invasion of provincial rights as the conceding of this power would necessarily involve. It is contended that Pigeon River is navigable and Sir Wilfrid Laurier for that reason holds that parliament has exclusive jurisdiction. If Pigeon River be navigable in any proper sense, regarding which there seems to be doubt, parliament undoubtedly has the right to regulate navigation and shipping and impose regulations for their safe conduct. But that can scarcely be held to carry with it any implied power to remove from provincial jurisdiction lands not absolutely required for the purposes under the control of parliament.

Mr. Conmee may be entitled to ask for a Dominion charter and to get one, but if his undertaking is not for the general advantage of Canada, parliament has no jurisdiction to do more than grant incorporation. The undertaking itself in that case is local and as such falls exclusively within the provincial jurisdiction and the legislature alone can grant power to expropriate provincial territory. The point raised is one of very great importance, and if parliament grants power to expropriate merely because a Dominion charter has been applied for, it will invade provincial rights in a manner and to an extent never before attempted. So serious indeed is the situation that the Provincial Government should offer the most strenuous opposition to the granting of power to expropriate, and if necessary have the constitutional objection adjudicated by the imperial court of appeal.

This is the position in a nutshell. If the Dominion owns or controls the land Mr. Conmee's company wants, why does parliament not give it to the company? Power to expropriate in that case is absurd. But if the Dominion does not own or control the land, then it belongs to Ontario, and the proposal is that parliament authorize the promoters of a local undertaking to expropriate provincial property. For this there is no constitutional warrant.

Underwood

It may be mentioned in passing that the Underwood has been awarded the highest honors by 17 international juries; that all the typewriting speed contests of recent years have been won on the Underwood; that all the expert typists use it. And there is nothing in the claim that these experts could do as well on another machine. Some have tried it—have used other makes for years, and now operate the Underwood as the only means of getting "inside the money."

It has been operated at rates of over 120 words a minute—from 10 to 14 strokes a second. Whi'e that may be considered the practical limit of an operator's speed, it does not represent the limit of the speed possibilities of the machine—they have not been determined.

Such achievements are possible only on a typewriter that comes clos? to mechanical perfection.

United Typewriter Co., Limited, in all Canad an cities, selling Underwoods.

Time and Tide

Won't Wait

We are in a period of quick action. Men buy goods and want them when they want them.

Our system of tailoring is perfection in a wholesale way, and besides quick action there is a saving of money.

Our

$20.00

business suit is fit for any man and every inch reliable.

"Fashion-Craft"

PETER BELLINGER, Prop.
Manning Arcade,
22 KING STREET WEST, TORONTO

FEAR CANADIAN COMPETITION

American Shoe Manufacturers Exercised Over the Possibility of Canadian Exports.

Charles E. Slater, president of the Slater Shoe Company, recently returned from Boston, where he found many of the shoe manufacturers greatly exercised over the possibility of Canadian shoes being imported into the United States under the proposed new tariff. "I had a very interesting discussion with them on the subject," said Mr. Slater. "They seemed to think our prices were much lower than theirs, and that if the tariff was reduced on shoes coming into the United States, they would be in danger of competition from Canadian manufacturers. This question seems to be in the minds of all the manufacturers whom I met in Massachusetts.

"Of course, under our Canadian tariff, it is utterly impossible for the American shoe to be sold in Canada at anything in keeping with its real monetary worth. Cheap shoes with superficial finish are sometimes sold in Canada, but their sale is a fleeting one."

IN THE LAW COURTS

ANNOUNCEMENTS.

Osgoode Hall, May 7, 1909.

Peremptory list for divisional court for Monday, 10th inst., at 11 a.m.:

1. Delorso v. Macdonell.
2. Rex v. Miller.
3. Pigeon River v. Mooring.
4. North American Tel. Co. v. Bay of Quinte Railway.
5. Thornton-Smith v. Woodruff.
6. Weston v. Perry.

Master's Chambers.

Before Cartwright, K.C., master.

Payne v. Griffiths—Grayson Smith, for judgment creditor, moved for an attaching order. Order made, returnable on 14th inst.

Murray Printing Co. v. Murray—Williams (M. & M.), for plaintiffs, moved for an order amending endorsement on writ of summons. Order made.

Cooke v. Strathy—J. E. Cook, for plaintiffs, moved for an order to add owner of premises as a party defendant. G. Bell, K.C., for defendant, contra. Order made. Costs to defendant in any event.

Re Tomlinson — E. G. Graham (Brampton), for trustees, moved under Trustee Relief Act for an order permitting him to pay the shares of three infants into court. Order made.

Vanderberg v. Township of Markham—T. H. Lennox, K.C., for defendant, moved for leave to amend statement of defence. A. G. F. Lawrence for plaintiff. Order made. Costs to plaintiff in any event.

Golly v. Core—A. R. Clute, for plaintiff, moved for an order for a commission to examine a defendant for discovery and allowing case to go to trial if plaintiff so desire. E. C. Spereman, for defendant, contra. Order made.

Bank of Ottawa v. Law—Bastedo (Hodgins, K.C.), for plaintiffs, moved for an attaching order. Order made.

Re Solicitor—R. S. Robertson (Stratford), for two of the clients, moved for an order setting aside a praecipe order for taxation of bill of costs granted under C.R. 1184. W. N. Ferguson, K.C., for the solicitor, contra Reserved.

Seaforth Milling Co. v. Ontario Seed Co.—H. S. White, for plaintiff, moved for judgment under C. R. 603 F. E. Hodgins, K.C., for defendants, contra. Judgment for amount of draft, with costs, less $60. Plaintiffs to have liberty to proceed for same division court if so advised.

Lindsay v. Currie—J. H. Spence, for plaintiff, moved for an order to strike out statement of defence of defendant McBean for default in not attending for examination. F. E. Hodgins, K.C., for defendant, contra. Order made that defendant attend at Toronto on the 14th inst. at 10 a.m. before John Bruce, special examiner, without further payment, and in default that defence be struck out without further order.

Moore v. Wilson—Bastedo (F. E. H.) moved on consent for an order dismissing action and vacating certificate of lis pendens. Order made.

Kilgour v. Neff—S. H. Bradford, K.C., for defendants, moved for an order for particulars of paragraph 4 of statement of claim. J. H. Spence, for plaintiff, contra. Order made for particulars within two weeks. Costs in the cause.

Judges' Chambers.

Before Meredith, C. J.

Line v. Line—F. W. Harcourt, K.C., moved for an order allowing certain lands to be leased. McNaughton (—) for adults. No order at present.

Re Kennedy Estate—W. M. McClemont (Hamilton), for executor, moved for an order permitting him to pay $1919.18 into court for the four infants. F. W. Harcourt, K.C., for the infants. Order made.

Stratford Fuel Co. v. Mooney—R. T. Harding, for plaintiff, moved for an order for the examination of defendant. A. M. Campbell for discovery. Reserved.

Hayter v. Fullerton—J. H. Spence, for defendant Fullerton, moved on consent to strike out jury notice. Order made.

Re McGill—F. W. Harcourt, K.C., moved for an order for payment out of court to nephews and nieces on consent of adults, who have released to them. Order made.

Foster v. Macdonald—N. W. Rowell, K.C., for defendant, appealed from the order of the master in chambers of April 23, 1909, striking out certain paragraphs of the statement of defence, and asked that the paragraphs be restored. I. F. Hellmuth, K.C., for plaintiff, opposed appeal and also appealed from the order, on the ground that it did not strike out enough paragraphs. Judgment: Defendant to be permitted to amend clause 17 of paragraph 6 by giving list of speculative investments, and paragraph 11 to be amended to show that plaintiff is not entitled. Paragraph 7 to be confined to pleading mitigation of damages, and plea of justification to be struck out. Clause 8 of paragraph 7 to become part of paragraph 8 and all words from word "wherefore" to be struck out. Costs in the cause.

Slater v. Runions—J. A. Macintosh, for plaintiff, appealed from the order of the local judge at Cornwall ordering security for costs to be given. H. S. White, for defendants, contra. On defendants paying costs of appeal within 30 days matter may go back for cross-examination of plaintiff. Defendant must elect within ten days.

Broom v. Toronto Junction—F. McCarthy for G. T. Railway moved on consent for an order dismissing the action. Plaintiff in person wishes to withdraw consent. Order that an issue be tried whether the settlement was a good one, the G.T.R. to be plaintiff in the issue. Costs reserved to a judge in chambers.

Stow v. Currie—F. Arnoldi, K.C., for Otisse Mining Co., on motion to commit plaintiff for not answering questions on his examination. F. E. Hodgins, K.C., for plaintiff, contra. Plaintiff to again attend for examination and to answer certain questions indicated by the court

Divisional Court.

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

Hazeltine v. Consolidated Mines—W. E. Middleton, K.C., for the plaintiff, on appeal from the order in chambers of Latchford, J. of April 21, 1909. J. F. Hollis, for defendant, contra. Argument of appeal resumed from yesterday and concluded. Judgment reserved until injunction motion disposed of.

Ranger v. Bigras—J. H. Clary (Sudbury), for the plaintiff, appealed from the judgment of the judge of the district court of Sudbury dismissing this action with costs. C. Millar, for the defendant, contra. The plaintiff, a farmer, sues the defendants for rescission of a sale of a mare made to plaintiff on the alleged guarantee that she was first-class in every way and sound, which plaintiff alleged was not the case; for return of the amount paid and for damages. Appeal dismissed with costs.

OBSTRUCTION ON TRACK BULLET FROM BUSHES.

FORT WILLIAM, May 7.—An attempt was made to wreck a street car at the diamond crossing where the street car tracks are crossed by the C. N. R., situated about midway between the two cities. The motorman saw an obstruction on the track of a plank and rocks. He stopped the car to clear the track and a bullet was fired from amongst bushes at the side, going thru both sides of the car, just missing a passenger.

A Visit TO OUR Showrooms

Will well repay any who are interested in house decorating and furnishing. Fine handmade furniture, high-class wall papers and draperies are here at prices surprisingly reasonable. With well equipped workshops we are able to undertake the whole remodelling of the house where necessary.

Elliott & Son, Ltd.
79 King St. W., Toronto

EATON'S DAILY STORE NEWS

Men! Come To-Day for This Exceptional Boot Offer

You Haven't Been Offered Bigger Shoe Savings This Season

—and you won't find more stylish or better made shoes at any price than most of these show. They're American tan calf and patent calfskin oxfords, including the famous John Mitchell Shoe, made by the M. A. Packard concern of Brockton, Mass.

Goodyear welted soles, sizes 6 to 10; also in the lot are Men's High-grade Canadian Sample Pairs, in all styles. On sale at 8 and all day till cleared. Price, per pair, only **2.50**

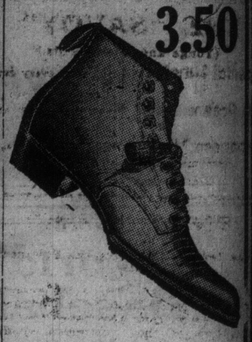
—SECOND FLOOR—QUEEN STREET.

Excelsior Boots For Men

EXCELSIOR boots are made FOR us. We might almost say they're made BY us, for from start to finish the making is under our directions. Excelsiors are made on lasts chosen BY us. Those lasts represent the careful observation and experience of years of shoe fitting, and with those perfect fitting lasts WE combine the best ideas in American styles. WE select the leathers—WE dictate what quality "insides" shall be used, and the result is a boot that WE KNOW to be thoroughly reliable and first-class—they've proven themselves so by test.

3.50

Low Shoes in "Excelsior" Brand — Finest leathers, thorough high grade workmanship are embodied in "Excelsior"—resulting in a shoe that fits perfectly, wears well and looks well. The best styles are shown in vici kid, Blucher cut, Goodyear welted soles of genuine oak tanned stock, all sizes, per pair, **$3.50.**



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The "Excelsior" Shoe we consider the best shoe procurable for the money, neat attractive shapes, in patent colt, tan calf, vici kid, oxblood and velours calf, per pair, **$3.50.**

THE T. EATON CO LIMITED
TORONTO CANADA

THE HOME BANK OF CANADA
SIX OFFICES In Toronto.

QUARTERLY DIVIDEND

Notice is hereby given that a Dividend at the rate of Six Per Cent. per annum upon the paid-up Capital Stock of this Bank has been declared for the three months ending the 31st of May, 1909, and the same will be payable at its Head Office and Branches on and after Tuesday, the 1st day of June next. The transfer books will be closed from the 17th to the 31st of May, both days inclusive.

By order of the Board,
JAMES MASON,
General Manager.
Toronto, April 21st, 1909.

HAS LOST THIRTY MILLIONS.

NEW YORK, May 7.—Charles W. Morse, the former banker, who is now in the Tombs prison under sentence for violation of the National Banking Law, has not a share of stock, a bond or a piece of real estate left of his former estate of an estimated value of $30,000,000.

The Chauffeur's Dress.

Score's, 77 King-street west, are making a feature of suitable dress for the man that drives your car, and for special mention to-day, dust proof coats, nice clean looking buff color and just the weight for summer, $7.00.

Two Years For Burglars.

BROCKVILLE, May 7.—(Special.)—For breaking into cottages on the river between Alexandria Bay and Gananoque, W. Robbins and W. Russell were sent to the Kingston Penitentiary to-day for two years. The judge tempered justice with mercy on account of a largely signed petition, telling of the previous good characters of the prisoners.

NEW MAPLE SYRUP AND MAPLE SUGAR AT MICHIE'S

Michie & Co., Ltd
7 King St. West.

AMERICAN BIBLE SOCIETY APPOINTS NEW PRESIDENT.

NEW YORK, May 7.—The election of Theophilus Anthony Brouwer of this city was president of the American Bible Society as successor to the late Daniel C. Gilman, was announced to-day. Mr. Brouwer has been connected with organized Bible work in New York for 60 years, and has been connected with the American Bible Society for 42 years, and vice-president of the society for 23 years.

The Doctor's First Question

"How are your bowels?" This is generally the first question the doctor asks. He knows what a sluggish liver means. He knows that headaches, bilious attacks, indigestion, impure blood, are often promptly relieved by a good liver pill. Ask him if he approves of Ayer's Pills. Then follow his advice.

J. C. Ayer Co., Lowell, Mass.