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EIGHTEEN PAGES—SATURDAY MORNING, DECEMBER 14, 1907—EIGHTEEN PAGES.

27TH YEAR

"Carry the Power Bylaw"—A Benefit to Every Householder

SUPREME COURT UPHOLDS COMMISSION THIRD-CLASS TRAIN BETWEEN TORONTO AND MONTREAL ORDERS A 2 CENT FARE ON G. T. R.

Justice Idington Delivers Judgment
in Famous Case, Upholding the
Contention that the Old Statute
Governs.

COMMISSION CAN CONTROL THE CLASS OF CARRIAGES

Yesterday the traveling public of
Toronto, Montreal and intervening
points were accorded by the supreme
court of Canada the right to travel in
third-class carriages at the rate of
two cents for each mile traveled. It
is the first step in the onward march
for a general two cent fare.

The decision was given in the ap-
peal taken by the Grand Trunk Rail-
way Company against the order issued
by the board of railway commis-
sioners, in July last. The victory
is a sweeping one and justifies the
commissioners at all points.

The judgment.
Justice Idington in giving judgment
said he agreed with the reasoning of
the chief commissioner (Justice Kil-
lam), which seemed to him to be im-
pregnable. Proceeding he said:

"It is claimed that 18 Vic, chap. 29
of the Province of Canada, and not 39
Vic, chap. 37, is to be looked to as the
incorporating act of the appellant com-
pany. It is said section 4 of the In-
corporated Railway Clauses Consoli-
dation Act is part and parcel of the act
making this last incorporation, and
that thus the special tariff of passen-
ger tolls fixed by 18 Vic, chap. 37, sec-
tion 3, is not of force."

"The general scope and purpose of
the act later was to amalgamate a great
many lines with the main Grand Trunk
line and the respective companies own-
ing them with the G. T. R. Co. of Can-
ada."

"The old order of things remains in
all other respects unchanged. There is
the old corporate body, the old corpo-
rate name, the old main line extended
and all under the same old charter,
with more new powers and propert-
ies, but with the old right to provincial
subsidy and the corresponding duty to
discharge, which was imposed as con-
sideration for granting the subsidy."
Again it is contended here that the
board of railway commissioners have
by virtue of the Railway Act of 1903
obtained powers over the railways
that had the governor-in-council un-
der the General Railway Clauses Con-
solidation Act, 18 Vic, chap. 37, sec-
tion 3, in force when the appellants became
incorporated.

"There is not much ground for this
contention. Even if clearly so, as I
think it is not, what would there be in
such a state of things, so inconsistent
with them as to repeal the obligation
created by 18 Vic, chap. 37, section 3,
on which the board has proceeded to
make the order complained of?"

"Still less argument, if possible, as
against the order in question, is there
in the new powers of the board over
the kind of cars and the routes, gen-
erally to be furnished by the com-
pany in operating its lines. Is it to
be supposed the company, if free from
any supervision whatever, would have
persisted to the present hour in using
only tallow dips, such as obtained in
1852 and would have insisted on carry-
ing third-class cars of all the necessary
utilities for preserving some of the de-
cencies of life in traveling?"

"If such be the case, the company to
be part of its inalienable right, I fear
it cannot maintain that previous right
in the face of this new statute, but all
the same I have no doubt the com-
missioners can and will, if it becomes
clearly part of their duty to give di-
rections as to third-class cars, properly
discriminate between the several
classes of cars, each class of fare may
entail a passenger to enter."

"They may possibly insist that all
a bit, as compared with 1852, without
hurting anyone, or even the company."
"The appeal is dismissed with costs."

"History of the Case."
Thus ends, so far as the Canadian
tribunals are concerned, the agitation
begun by W. P. Maclean, M.P., in
1903 for enforcement of what was called
the Grand Trunk Railway Company's
charter prescribing a third-class car-
riage rate of two cents between Tor-
onto and Montreal. For years the
company had failed to comply with
the requirement and the fact that it
existed had evidently been forgotten.
From the first the greatest possible
difficulties were found to lie in the
way of obtaining information, and
only by persistent questioning was it
elicited that the clause had never been
repealed. As the responsible authori-
ties would not take action, steps were
taken by Mr. Maclean to test the point
in the courts. W. N. Robertson, a
reporter on The World, established a
ground of action which was followed
by the prosecution of Mr. Hays, the
general manager of the Grand Trunk
Railway Company. Found guilty by
Police Magistrate Denison, the verdict
was later reversed on appeal. An ap-
plication for a mandamus was also
refused by the courts on the ground
that a remedy should be asked at the
hands of the railway board.
Complaint was then laid before the
railway commissioners, who on July
20, issued the decision now upheld by
the supreme court.

STRIKE DARKENS BORDEAUX.

BORDEAUX, Dec. 13.—(Special.)—The city
is in darkness to-night, as the result
of a strike of gas men and employees of
the electric light company, who are
demanding an increase in pay.
All business houses were compelled
to close at midnight.

The Most Dangerous Ring in Canada

The World makes bold to say that the two most dangerous
rings to all the people of Ontario at this moment are: (1) the elec-
tric ring, which has its headquarters in Toronto, and (2) the Stand-
ard Oil ring of the United States.

The Globe has for many a year warned the farmers and citi-
zens of Canada that they were being bled white by the manufac-
turers' ring, who sought to impose a tariff on our people as high as
Haman's gallows.

If any newspaper in this country has waxed eloquent, and waxed
fiercely, against rings it has been this Globe newspaper.

And yet it is this same Globe newspaper that is the chief organ
of the electric ring aforesaid, in fighting the Whitney public-power
policy! And when it is fighting for the Nicholls-Pellatt-Jaffray
power ring, it is fighting, also, for the Standard Oil ring, that now
controls the price of all the coal oil used in Canada.

Robert Jaffray, president and power editor of The Globe, is
a director of one or more of the electric companies.

Robert Jaffray, power editor of The Globe, is the Robert Jaf-
fray, Niagara Falls Park Commissioner, who signed, as such, a
concession giving the Electrical Development Co. (owned by his
friends and associates) 125,000 horsepower additional, thus doub-
ling their first concession, and which Mr. Whitney promptly re-
fused to ratify, notwithstanding that he was urged to do so in a most
impressive way by an editorial in The Globe, inspired by this same
Robert Jaffray.

Behold Jaffray, power commissioner, giving away concessions
to Jaffray, director of the power ring, and Jaffray, power editor
of The Globe, urging the legislature to hurry up and ratify the
grant!

And behold the same Jaffray now telling the people of Toronto
that Manager Wright (of Director Jaffray's light and power com-
pany) will give them cheaper power and light than can a public-
owned system that is based on service, and not on profit, and on
investment, interest on the bonds actually expended in the work, and
not on exorbitant dividends on millions and millions of bonds, sold at
extravagant terms, and on other millions and millions of watered
stock, and of still other millions of water that will be injected into
the ring's propositions if they once get the cities of Ontario in their
power.

We have seen many instances of public depravity in this country,
but never such a glaring instance as that of Robert Jaffray, as above
set out, and of The Globe newspaper preaching against rings, and,
at the same time, being the organ and mouthpiece of the two worst
rings that ever came to Canada.

G. T. R. Fights Four Years To Void \$1500 Judgment

And Three Supreme Court Judges
Now Upset Decisions of Two
Juries and Ontario's Court of
Appeal.

After nearly five years of litigation,
the suit of Sims v. the G. T. R. is back
to where it originally was. The amount
at stake is small.

This is by a decision of the supreme
court, given yesterday, sustaining the
appeal of the railway from the decision
of the Ontario Court of Appeal, which
had upheld the second jury trial of the
case, which is one for damages. Sims,
a youth, while bicycling, was
run over by an engine at the Bloor-
street crossing, losing a leg. On the
first jury trial, he was awarded \$2000
damages. The court of appeal gave a
new trial, and the second jury awarded
\$1500.

Yesterday Chief Justice Fitzpatrick,
Justice Duff (British Columbia) and
Justice Groulx (Quebec) awarded the
G. T. R. the right of a third trial. Jus-
tices McLennan and Idington (Ont-
ario) were opposed. Sir Louis Davies
unfortunately was engaged in writing
judgments when the appeal was heard,
and so did not participate, else the re-
sult might have been different. Usual-
ly, the judges representing the provin-
ces concerned write the judgment, the
outside judges concurring. By the de-
cision yesterday, three of the judges
overrode the judgment of two juries, two
trial judges and the judges of the On-
tario Court of Appeal.

"We simply will have to begin at the
beginning," said John McGregor, coun-
sel for Sims, last night. "We shall be
at a great handicap now because some
of our witnesses are dead, and it will
be very difficult for us to get the others.
I think this decision of the supreme
court should be made the subject of an
appeal to the House of Commons."
Sims was only a youth when in-
jured. Two of the counsel for the railway
have since been elevated to the bench,
viz., Riddell and Mabee.

PAID IN REAL MONEY.

ST. THOMAS, Dec. 13.—(Special.)—For
the first time in its history the
M.C.R. has paid all its employees in On-
tario, in New York, Indiana and Illi-
nois in Canadian money, totalling
\$300,000.

AUSTRALIA IS TO BUILD UP A NAVY

MELBOURNE, Australia,
Dec. 15.—(C. A. P. Cable.)—Premier
Deakin states that the government
proposes to purchase three submarines
and two torpedo boats annually for
three years, the vessels to be
altogether Australian in cost
and political control.
The government's military
scheme provides the compulsory
training of all youths
over sixteen years of age
sixteen days yearly for three
years.

A QUEEN DYING.

Widow of King Albert of Saxony in a
Hopeless Condition.

DRESDEN, Dec. 13.—The condition
of Queen Carola, widow of King Al-
bert of Saxony, who is suffering from
nephritis, is hopeless.

The last sacraments were adminis-
tered to-day and the queen is not ex-
pected to live through the night.

LIBRARY ATTENDANTS GET 10 PER CENT. BONUS

At the public library board yesterday
afternoon, on the recommendation of the
finance committee, a 10 per cent. bonus
on their year's salaries was granted to
the employees, and Miss Elford was en-
gaged as a permanent assistant in the
central library. The bonus probably
means in the aggregate some \$1500.

Mr. Toronto May Be "Easy" Sometimes



But he knows enough to get in out of the wet.

HON. S. H. BLAKE REBUKES "IDOLATRY" OF TORONTO

Addresses at Massey Hall Meeting
in Furtherance of the Laymen's
Missionary Movement.

Premier Whitney took the chair at
Massey Hall last night and conduct-
ed the laymen's mission meeting in
praiseworthy business-like style.

He expressed his pleasure in a few
words in being able to assist anything
that was for the good of the world,
and called on His Grace the Arch-
bishop of Toronto to lead the devo-
tional exercises. Hon. Sam. Blake
made a telling speech, and Rev. F.
Brookman, a worker in China.

Among those on the platform were
Judge Oler, Mr. Speaker Crawford, J.
R. R. Cockburn, Joseph Tait, M. Park-
inson, C. D. Massey, J. D. Lake,
Canon Dixon, Canon Welch, Canon
McNab, Rev. John Somerville, etc.

The main floor and first gallery were
full, and the second gallery partially
filled.

Rev. Mr. Brookman displayed an
intimate acquaintance with the topo-
graphy of the far east, indicating
the scope of the eastern development.

Time for a Halt.

Hon. Samuel Blake bore a message
of cordial good will from the lieuten-
ant-governor, who was unable to be
present, and expressed his pleasure in
having Mr. Whitney in the chair. He
acknowledged the subscription of \$500
during the day from a gentleman and
his family, and thought the time the
most opportune in ten years to start
such a movement. God had called a
halt in the mad race for making
money and many would be thankful
that God had pulled them up.

He had been reading the newspapers
and saw there accounts of railway
kings, coal kings, silver kings, lum-
ber kings, pulpwood kings, baseball
kings, kings of the ring, kings of
pleasure, kings of the hunt, kings of
kings of the race course, until he
thought the city was wholly given
to idolatry.

There was no lack of money in the
country, for in two bank statements
last week he found one had \$87,000-
000 on deposit, and in the other \$23-
000,000. The bank returns for the Do-
minion showed \$700,000,000 deposits.

"If you go to some of these people
who have a good deal of the devil in
them and nothing else, also they sit
in the front seats of the churches,
they will say to you that it is the
sine for the widow's mite. They never
flash the verse—which was all her
living. Do you know how many auto-
mobiles there are in Toronto? There
are \$2,250,000 invested in automobiles
alone—kicking up such a dust.
(Laughter.) It is the most unchristian
form of locomotion there is. (Renewed
laughter.) It makes me tired to
hear these dear good unchristian
friends talk of the widow's mite," de-
clared the speaker.

He concluded with a request for a
\$1500 collection to defray the expenses
of the meetings.

Call for Missionaries.
Campbell White expressed the con-
viction that all that was necessary
to make the gospel universal was for

the church to undertake the enterprise.
They had a great Canadian mis-
sionary problem, but there was a ten times
greater outside their border among
those who would never be reached if
they did not reach them. At least 27-
000 more missionaries were needed, in
addition to the 13,000 now at work.
Toronto had one-tenth of the giving
capacity of Canada. An annual ex-
penditure of \$400,000 by Toronto would
carry the gospel to 200,000 people, and
at the end of 25 years to 5,000,000.

Mr. White, adopting the Torrey-
Alexander methods, asked for student
volunteers to rise in the audience, and
two rows stood up in the ground floor
front seats. These young men and
women could be persuaded to go to
India and China for amounts which
would not attract them to business
enterprises, so that they had the
cheapest labor in the world at their
disposal.

Was it not possible for Canada to
give 2000 people for this purpose?

Mr. White described Pugsley as a man
of "brags, bluff and bluster," who sat
silent in his seat afraid to substantiate
the charges he made on the public
platform.

Pugsley again "refused to be drawn
out." He did, however, sit up and
take notice and, wounded by the taunts
of the opposition, he at length got
on his feet to say that he would choose
his own time and place to further en-
lighten the country.

Bennett was criticizing in case of
restitution of money by an officer of
the department, when Mr. Pugsley, re-
sponding the charge made, observed that
Mr. Bennett's reputation in the coun-
try was that of a man not over care-
ful of his statements. "I am surpris-
ed," Bennett retorted, "that this min-
ister who was so judicious the other
day, who was so thoughtful to keep
out of the storm, should have rushed
in to-night. It is true there is a re-
ward offered for his discovery. The
hon. gentleman has gone from one
end of the country to the other chair-
ing any man in this house to make
a certain statement about the expendi-
ture in a New Brunswick election,
but when the hon. gentleman is chal-
lenged he sits there as dumb as the
oldest Egyptian mummy that was ever
embalmed. You cannot drag a word
out of him. Yesterday he was slapped
in the face in his own caucus for mak-
ing charges and not being able to sub-
stantiate them."

Officials in Elections.
The first hour at the evening ses-
sion was given up to private bills.
Among those given a second reading
was the bill declaring the Hamilton
Radial Electric Railway to be a work
for the general advantage of Cana-
da.

When the estimates of the depart-
ment of trade and commerce were
reached Uriah Wilson attacked the
government for allowing its employes
to take part in election contests. In
his riding J. L. Haycock had taken
the platform against him at the last
election, and he asked for a ministerial
declaration as to how far public offi-
cials could go. Mr. Fielding thought

Continued on Page 7.

WON'T RELY ON WITNESS.

Sensational Turn is Given in the
Druce Trial.

LONDON, Dec. 13.—A sensational
turn was given to the hearing of the
Druce case to-day, when Mr. Ath-
erley-Jones announced that the pros-
ecution had decided not to rely upon
the evidence given by Robert C. Cald-
well, the American witness, who de-
clared, among other things, that he
had arranged the mock funeral of T.
C. Druce.

The defence will open Dec. 16.

SIFTON TO RETIRE.

OTTAWA, Dec. 13.—(Special.)—It is
stated here that Hon. Clifford Sifton
is to retire from politics altogether, and
will refuse renomination in Brandon.

PUGSLEY WILL BIDE HIS TIME

Bennett Manages to Get
Dr. Pugsley on His
Feet—Some
Interesting
Debates.

OTTAWA, Dec. 13.—(Special.)—A car-
toon in a Montreal paper picturing the
new minister of public works in the
act of executing a swift movement
under the barn, was seized upon by
Bennett of East Simcoe to-night as a
proper medium through which to flibe
the author of the allegations of a Conser-
vative campaign fund.

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of "brags, bluff and bluster," who sat
silent in his seat afraid to substantiate
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in the face in his own caucus for mak-
ing charges and not being able to sub-
stantiate them."

Continued on Page 14.

Will Increase Salaries.
University Board of Governors to Re-
ward the Staff.

The board of governors of Toronto
University held a meeting Thursday
when a report dealing with the ques-
tion of salaries for the staff was re-
ceived and considered.

It was decided to adopt the report,
which means the salaries of the staff
will be increased.

MUST KEEP THE RULE.

Notwithstanding the fact that this
is a big day in the Christmas rush for
furs, Dineen's will, as per custom, stick
to Saturday as a special day for men's
hats and are prepared to suit their
patrons as well as they always do. It
does not follow, however, that the fur
department will be in the least ne-
glected. Both branches of the big
business will receive the best atten-
tion, so don't be diffident about call-
ing at Dineen's to-day.

If You Cannot
Buy The World
from
Your Newsdealer,
Telephone
Main 252 and
Order It Delivered
at Your Home.