The Toronto World

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THURSDAY MORNING, SEPT. 8, 1910.

THE FISHERIES AWARD. * International arbitrations have usuequitable, but perhaps more frequently arranged on grounds of expediency. This was almost inevitable, since boards | publicans, concludes the judge, contend appointed only for one particular pur- and know that the main purpose of pose could scarcely be expected to assume the responsibilities of more permanent tribunals conscious that their decisions would necessarily become precedents for guidance in subsequent cases involving questions of similar or kindred character. It is this element of permanency that has rendered the vice yesterday, in transmitting in full establishment of The Hague Interna- from The Hague to Canada the comtional Court of unusual importance, since it means that as the principle of arbitration becomes of general accept- prise. No other cable service attemptance, there will be gradually built up a canon of interpretation that will do for international law what the ordinary courts do for the country of their ori-

Britain has not had any too satisfactory an experience with the matters it has referred to arbitration. In fact, for Thursday, 8th inst., at 11 a.m.:

1. Frood v. Connell. the decisions on questions submitted have been on the whole adverse, occasionally to a degree which evoked unfavorable comment. It is, therefore, Court motions will be taken at 11 an agreeable surprise to find that substantial success has been gained in the ed yesterday, sustaining the British submitted-that involving the sover- B. Hani to have his name put on the late the use of the fishing grounds, and the name of a nominee of his for a the other regarding the true interpre- certain other number of shares. By tation of the word "bays" in article I. consent motion dismissed without

nized their responsibility as members off pro tanto against plaintiff's judgof a court where rulings must stand ment. the test of legal principle. This is all the more noteworthy since the decresion was practically unanimous, dissent being taken on only one question.

Napoleon Frappier, of Springer Township, Nipissing, is being sued for unstated damages by Lizzie Gauthier, who charges breach of promise to and that by an independent member. marry. The British and United States repre-The British and United States repre-writ against S. A. Weismiller, K. Mac-sentatives agreed in the findings, a fact kenzie and Mackenzie Bros., Ltd., all that will prevent any misconstruction of Toronto, for \$2028.44, which the bank or reflection. Altogether, the nations claims to be due on a promissory note. gratified that the disturbing and even dangerous controversies of the past county court and the non-jury county dangerous controversies of the past court all commence their sittings next have been removed with so little friction. Nothing could have been better than the whole tone and temper of the long debate, in which some of the keenest and most acute legal minds from about forty cases on the sessions list, among the English-speaking peoples ten on the jury civil list and 27 for participated. The slight breezes that the non-jury tribunal. occasionally ruffled the judicial calm PAYING PRICE OF PESSIMISM and fair, as between local and Ameriwere only enough to give a relish to the logomachy.

Cordial acknowledgment, is due the admirable presentation of the British side of the case. Special credit must who acted as agent and upon whom, with Mr. Ewart, the arduous task devolved of collecting the historical and opened for the British states, reached It is estimated that 10,000 men and in a speech full of strength and sound the crops. fully sustained his high reputation.

PROGRESSIVE REPUBLICANISM. In an article contributed to The Manto-Man formerly Westward Ho, magthe standpat policy of parceling out burst. to private interests, without restricroads and the regulation of rates there-on, as opposed to the reactionary policy He pays a fine of \$2 on a charge of of non-interference. Next comes competition in trade as against the machine policy of monopoly, enlarging the scope of the Sherman Anti-Trust law and the powers of the Interstate Com-merce Commission. The appointment girl, formerly with the T. Eaton Com-

cipals as well as their tools and dum-

Progressive Republicanism further favors waterway improvement and the appointment of a permanent tariff ommission with full power to investigate and report all facts necessary for the preparation of an enlightened tariff schedule. It wants a reorganization of the United States Senate, so that the interests and the sections that have so long controlled it shall share their influence with the entire country. It asks that the house of representatives be restored to the position intended by the constitution and made responsive to public opinion. Judge Poindexter declares that fundamentally and generally speaking the difference between the progressives and reactionaries is that the former stand for the American principle of equality, while the ratter stimulated wealth. Progressive Reweak against the strong, and that while all interests should be treated with justice, the central principle of all legislation should be the public good and not private aggrandizement. The Canadian Associated Press ser-

decision, was a stroke of real entered to cover the decision in such a way.

AT OSGOODE HALL

ANNOUNCEMENTS.

September 7, 1910. Motions set down for single court

3. Mercantile v. Niagara. 4. McLean v. Sault Ste. Marie. lusion of court

Before Middleton, J.
Re Farah Mining Co.—Grayson
Smith, for N. B. Hani. Motion by N.

Stavert v. Holdcroft.-W. J. Boland, five points, where the United States' for plaintiff. Grayson Smith, for decontentions were conceded, are rela-fendant. Motion by plaintiff, a judgment creditor, for a receiver of de-The Hague tribunal evidently recos- Motion dismissed with costs to be set

Writs Issued.

The Metropolitan Bank has issu

City Hall Courts.

Western Farmers Should Have Called for More Help.

WINNIPEG, Sept. 7 .- Up to the present 9500 farm laborers have been brought into the west from eastern time last year the number exceeded the treaty and not in violation thereof. attributed by the C.P.R. officials to the fact that farmers, during the early thereafter was left to the ordinary means of diplomatic intercourse by counsel would not have been able to part of the season, estimated that their stand up as they did against the heavy- crops this year would not be up to the weights of the United States. By com- standard of last year. On these grounds mon consent Sir Robert Finlay, who opened for the British states are also in the season for men.

the high water mark of his distinguish-ed career. Mr. Fwart supported him wheat growers may have sufficient ed career. Mr. Ewart supported him help in completing the harvesting of

Systematic Thieving Punished. Sir William S. Robson, one of the finest debaters in the imperial parliament, the cuisine of the R. & O. steamer Toronto, Fred Fenn and Fritz Hess, butfully sustained his high reputation. cher and cook on the steamer, were Canada and Newfoundland were well sent to the Central for six months, and served thruout by all concerned in this Dennis Hollows, ship's baker, to jail historic arbitration, before a board of for 60 days. Latter is married and was dudges who have set a splendid ex- Dalrymple, a chef, takes a jury trial, ample to succeeding Hague tribunals, and so do Charles Lewis and Andrew

Thirteen Were Drowned COMANCHE, Texas, Sept. 7.—Communication with the flood-swept disazino, Judge Miles Poindexter, one of trict near here was restored this afterthe insurgent leaders in congress, exthat 13 persons were drowned in their plains what progressive Republicanism that 13 persons were drewned in their homes along the South Leon River, 13 stands for. He puts in the first place miles east, when a wall of water 25 the conservation of the natural resour-ces of the federal domain as opposed to

A Costly Drive.

W. J. Elliott owns a farm near East tion, these vast possessions of the peo- Toronto and had a dozen head of celple. Continuing, he names strong and ery to deliver a mile away, within the effective government control of raildelivering within the city limits without a permit.

Was a Toronto Girl. WINNIPEG, Sept. 7 .- Miss Henrietta Valentine, who, was drowned at of impartial and unbiased federal judges is favored as is the dealing with wealthy criminals the same as with pany, and moved to the store here in the cash sales department. Her body will be shipped direct to Toronto for interment. Miss Valentine was to noor men and the nunishment of prin- have been married shortly.

THE ENSIGN

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ALSO AT QUEBEC, MONTREAL, OTTAWA.

TEXT OF THE FISHERIES AWARD

tribunal's award: QUESTION 1 .- To what extent are the following contentions or either of them just justified?

It is contended on the part of Great Britain that the exercise of the liberty

to take fish, referred to in the treaty (of 1818) which the inhabitants of the United States have forever mon with the subjects of his Britannic sent of Newfoundland in the form of municipal laws, ordinances or rules, as for example, the regulation in respect of (1) the hours, days or seasons when fish may be taken on the treaty coasts. (2) The methods, means and implements to be used in the tak-ing of fish or in the carrying on of fishing operations on such coasts. (3), any other matters of similar character relating to fishing such regulations be-

ing reasonable. It is contended on the part of the United States that the exercise of such liberty is not subject to limitations or restraint by Great Britain, Canada or Newfoundland unless they are appropriate and necessary for the protection and preservation of the common rights in such fisheries, and the and fair as between local fishermen and fishermen coming from the United States and not so framed as to give an advantage to the former over the latter, and unless their appropriateness, necessity, reasonableness and fairness be determined by the United States and Great Britain by common accord and the United States concurs in their en-

forcement. of Great Britain to make regulations without the consent of the United States as to the exercise of the liberty to take fish referred to in article 1 of the treaty of October 20, 1818, in the form of municipal laws, ordinances or rules of Great Britain, Canada or Newfoundland is inherent to the sover-

Limited by Treaty.

The exercise of that right by Great
Britain, is, however, limited by the
said treaty in respect of the said liberties therein granted to the inhabitants of the United States in that such regulations must be made bonafide and nust not be in violation of the said treaty regulations which are (1) appropriate or necessary for the protection and preservation of such fisheries. or (2) desirable or necessary on grounds of public order and morals, without unnecessarily interfering with the fishery itself, and in both cases equitable can fishermen, and not so framed as to give unfairly an advantage to the forover the latter class, are not inconsistent with the obligation to exeoute treaty in good faith, and are therefore reasonable and not in viola-tion of the treaty for the decision of the question whether a regulation or is not reasonable, as being or not in accordance with the dispositions of the treaty of 1818 contains no special provision. The settlement of differences in this respect that might arise reason however of the form in question one is put, and by further reason of the admission of Great Britain, by her counsel before thos trithat it is not now for either of the parties to the treaty to determine the reasonableness of any regulations made by Great Britain, Canada

of Newfoundland. The reasonableness of any such regulation, if contested, must be decided, not by either of the parties, but by im-In virtue of article 4 of the agreearticle 4 of the agreement is as stated

The following is the text of the of the general arbitration treaty of 1818 States.

QUESTION 2—Have the inhabitants of the United States a right to employ as members of the fishing crews of their vessels persons not inhabitants of the United States?

Now, therefore, in view of the preeding considerations, this tribunal is of the opinion that the inbahitants of the United States, while exercising the iberties referred to in the said articles have a right to employ as members of the fishing crews of their vessels per-sons not inhabitants of the United States, but in view of the preceding any misunderstanding as to the effect of its award, expresses the opinion that non-inhabitants employed as members of the fishing crews on United States from the treaty, and it is so decided

Customs Requirements.

QUESTION 3—Can the exercise by common rights in such fisheries, and the inhabitants of the United State; of the liberties referred to be subjected, without the consent of the United States, to the requirements of entry report at custom houses or the pay ment of light and harbor or other dues or to any other similar requirement of condition or exaction?

Answer to question No. 3:
The requirement that an American ishing vessel should report, if proper to question 1: The right to make regulations is not reasonable, for the reasons stated in the foregoing opinion. There should be no such requirements, how- is of the opinion that American inhabishould be no such requirements, however, unless there be reasonably convenient opportunity afforded to report, in person or by telegraph, either at a customs house or to a customs official, but the exercise of the fishing liberty by the inhabitants of the United States should not be subjected to the purely commercial formalities of a report of entry and clearance at a customs house, nor to light, harbor or other duties not imposed upon Newfoundland fishermen.

Lackson that the opinion that American inhabitants are entitled to fish in the bays, creeks and harbors of the treaty coasts of Newfoundland and the Magdalen Islands, and if it is so decided and awarded.

QUESTION 7—Are the inhabitants of the United States, whose vessels resort to the treaty coasts, entitled to have for those vessels when duly authorized by the United States on that behalf, the commercial privileges on treaty coast accorded by agreement or otherwise to United States trading

QUESTION 4—Under the provision vessels generally?

ANSWER 7—For these reasons this fishermen shall be admitted to enter certain bays or harbors for shelter, re-pairs, wood or water, and for no other

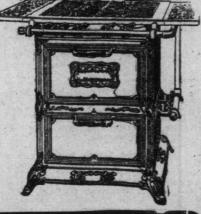
other manner whatever abusing the privilege thereby reserved to them, is it permissible to impose restrictions conditional upon the payment of light or harbor or other dues, or entering or reporting at custom houses or any similar conditions? Answer to question 4: And it is decided and awarded that

such restrictions are not permissible unless American fishermen entering such bays for any of the four purposes such bays for any of the four purposes aforesaid and remaining more than is hours herein should be required, if Forest presided. thought necessary by Great Britain or the colonial government, to report discussion took place of the advisaeither in person or by telegraph at a bility of insuring fairs against loss of custom house or to a customs official. gate receipts thru wet weather. at reasonably convenient opportunity A plan will be submitted at therefor is afforded, and it is so decided and awarded.

The All-Important Question. QUESTION 5—From where must be measured the three marine miles of any of the coasts, bays, creeks or harbors referred to in the said article?
The tribunal decides and awards in partial authority in accordance with case of bays, the three marine miles the principles hereinabove laid down, are to be measured from a straight and in the manner proposed in the re-commendations made by the tribunal. at the place where it ceases to have the configuration and characteristics ment, the tribunal further decides that of a bay at all other places; the three marine miles are to be measured folby counsel of the respective parties at lowing the sinuosities of the coast; the argument permanent in its effect, now, this tribunal hereby recommends Tuttle, restaurant keepers, charged and not terminable by the expiration for the consideration and acceptance with receiving stolen provisions.

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of the high contracting parties the following rules and methods of procedure for determining the limits of bays hereinbefore enumerated: (1) In every bay, not hereinafter specifically provided for, the limits of exclusion shall straight line across the bay in the part nearest the entrance at the first point where the width does not exceed ten miles. (2) In the following bays where the configuration of the coast and the local climatic conditions are such that foreign fishermen, when within the geographic headlands, might reasonably and bona fide believe themselves on the high seas, the limits of exclusion shall be drawn in each case between the headlands hereinafter specified as being those at and within which such fishermen might be reasonably expected to recognize the bay under average conditions. For the Baie des Chaleurs the line from the light at Birch Point on Miscou Island to Macquereau Point Light; for the straight line across the bay in the part to Macquereau Point Light; for the Bay of Miramichi, the line from the ight at Point Escuminac to the light on the eastern point of Tabusintac Gully; for Egmont Bay, in Prince Ed-ward Island, the line from the light at Cape Egmont to the light at West Province of Nova Scotia, the line from the light at Point Anconi to the nearest point on the opposite shore of the mainland. For Fortune Bay, in Newfoundland, the line from Connaigre Head to the light on the southeasterly end of Brunet Island, thence to For-tune Head; for or near the following bays, the limits of exclusion shall be three marine miles seawards, from the following lines, namely, for and near Barrington Bay. In Nova Scotia, the line from the light on Stoddart Island to the light on the south point of Cape Sable, thence to the light at Baccaro Point at Chenabucto and St. Peter's Bays, the line from Cranberry Island light to Green Island light, thence to Point Rouge for Mira Bay; the line from the light on the east point of Scatarie Island to the northeasterly point of Cape Morien and at Placentia Bay in Newfoundland. The line between the cape of the cape. tween from Latine Point on the eastern mainland to the most southerly point of Red Island, thence by the most southerly point of Merasheen Island to the mainland. Long Island and Bryer Island, on St. Mary's Bay, in Nova Scotia, shall, for the purpose of delimitation, be taken as the coasts of

such bays. It is understood that nothing in these rules refers either to the Bay of Fundy, considered as a whole apart or Fundy, considered as a whole apart from its bays and creeks, or as to the Innocent Passages thru the Gut of Canso, which were excluded by the agreement made by exchange of notes between Mr. Bacon and Mr. Bryce, dated Feb. 21, 1909, and March 4, 1909, or to Conception Bay, which was pro-vided for by the decision of the privy council in the case of the Direct Unite-du States Cable Co. v. the Anglo-Am-erican Telegraph Co., in which decision the United States have acquiesced.

U. S. Fishermen's Rights. QUESTION 6-Have the inhabitants of the United States the liberty to take fish in the bays, harbors and creeks on that part of the southern coast of Newfoundland which extends from Cape Race to Rameau Islands, or on the western and northern coasts of

ANSWER 6-Therefore, this tribunal

or otherwise to United States trading

tribunal is of the opinion that the in-habitants of the United States are so entitled in so far as concerns this purpose whatever, but that they shall treaty, there being nothing in its probe under such restrictions as may be necessary to prevent their tiding, drying, or curing fish therein, or in any

> INSURANCE AGAINST RAINS Fall Fair Managers Want Protection From Loss.

At a meeting of the officers and directors of the Ontario Association of

There was a good attendance, and

STRIKE COST \$2,300,000 Philadelphia Rapid Transit Company

Suffered Big Loss,

PHILADELPHIA, Sept. 7 .- According to a report submitted to the direc- front seat. tors of the Philadelphia Rapid Transit Co this afternoon, the strike of the conductors and motormen, in the early part of the present year, cost the com-pany \$2,300,000. A deficit of \$1,300,000 for the last fiscal year is reported. A HEAVY FIRE.

For selling liquor at his home with-Shot the Burglar.

NEW YORK, Sept. 7.—About to clamber thru a window, which he had just opened, into a down town flat early this morning, a burglar was shot and instantly killed, falling part way into the room. John Guarraio who, with his brother-in-law, occupied the flat, handled the gun.

Floods in Japan.
TOKIO, Sept. 7.—Serious floods
hreaten the Cities of Osaka and Kobe on the Island of Hondo. River banks are collapsing, and much damage is probable. High water also is doing serious damage in the northern part

Farmer Fractures His Skull-While driving to the market with a oad of wheat William Huggins of Oakbridge fell, fracturing his skull. He was removed to St. Michael's Hos-

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TENDERS TORONTO GENERAL HOSPITAL COLLEGE STREET

Tenders will be received by the undersigned up till noon, Wednesday, September 7, 1910, for all the various trades required in the erection and completion of the Pathological Building.

Plans and specification and all other information may be obtained at the office of the architects

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GRACE AND COMFORT PERFECTLY COMBINED

Terpedo Bodies on Russell-Knight Cars Are Greatly Admired at the Exhibition.

No improvement in automobile design since the adoption of the side en- de-7 trance tonneau has been so immediately successful as the torpedo body, which so many makers are now fitting on

their cars. Its graceful lines and smooth side walls give a sense of snugness and protection, and the same high doors and hooded dash, which add so much to the appearance, protect the occupants from swirling dust and draughts.

But it is peakage the motorist with

his or anyone's taste is sure to be

suited.

Two models of this car with torped body are to be seen at the exhibition, and they are easily the most striking features of a most attractive display. One, a four-seater, is finished in French gray with striping, gray leather up-holstering, and nickel plated metal work. It has flat sweeping mud guards that enhance the effect of the graceful gunboat lines of the body, and the back sweep of the dash gives comfortable protection to the occupants of the

front seat.

The other is a torpedo roadster, finished in a rich London coach green and the same general design has been adapted to a stylish two-seater. This model is fitted with Rudge-Whitworth demountable wire wheels. A choice of either car is offered for \$3500, and the power plant is the famous Silent Knight motor.

For selling liquor at his stall at the exhibition, W. J. Wright paid a fine of \$150 and costs in police court yesterday morning, where he pleaded guilty to pastor of the fashionable Mill-street Baptist Church of this city, was well out a license on two occasions, a fine of out a license on two occasions, a fine of from the pulpit Mrs. Helen H. Haggart, a wealthy member of his congregart, a wealthy member of his congregart. gation, for permitting her children to dance and play cards, was the decision of the Central Hudson Baptist Associa-

tion to-day. they will withdraw and start another church if the trustees obey the mandate of the Baptist Association.

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Liquor Habit

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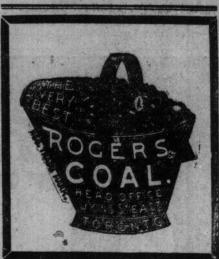
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Not the Man Sought. Not the Man Sought.

DETROIT, Sept. 7.—The search of Miss Ethel S. Scott of Toronto, and three sisters, to locate her father, who disappeared in that city eighteen years ago, received another setback last night, when Waiter Scott, 114 Winderstreet, convinced the police that he was not the man they sought.

A Fine Trip, This. / A visit to the exhibition is not complete without a trip thru the Niagara fruit district to Niagara Falls. Take the steamer "Lakeside" or "Garden City" from fonge-street wharf at 8 teed.
Address or consult Dr. McTaggart, 75 only \$1.00 to Niggara Falls, tickets good three days. Phone Main 2553.