

The Toronto World

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THURSDAY MORNING, SEPT. 8, 1910.

THE FISHERIES AWARD.

International arbitrations have usually ended in compromises more or less equitable, but perhaps more frequently arranged on grounds of expediency. This was almost inevitable, since boards appointed only for one particular purpose 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 establishment of The Hague International Court of Arbitration, since it means that as the principle of arbitration becomes of general acceptance, 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 origin.

Britain has not had any too satisfactory an experience with the matters it has referred to arbitration. In fact, the decisions on questions submitted have been on the whole adverse, occasionally to a degree which evoked unfavorable comment. It is, therefore, an agreeable surprise to find that substantial success has been gained in the fisheries case. Judgment was pronounced yesterday, sustaining the British case in the two most important points submitted—that involving the sovereign power of Great Britain to regulate the use of the fishing grounds, and the other regarding the true interpretation of the word "bays" in article I. of the treaty of 1818. The remaining five points, where the United States' contentions were conceded, are relatively of much less account.

The Hague tribunal evidently recognized their responsibility as members of a court where rulings must stand the test of legal principle. This is all the more noteworthy since the decision was practically unanimous, dissent being taken on only one question, and that by an independent member. The British and United States representatives agreed in the findings, a fact that will prevent any misconception or reflection. Altogether, the nations concerned have every reason to feel gratified that the disturbing and even dangerous controversies of the past 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 among the English-speaking peoples participated. The slight breeze that occasionally ruffled the judicial calm were 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 be given the Hon. A. B. Aylesworth, who acted as agent and upon whom, with Mr. Ewart, the arduous task devolved of collecting the historical and other data which formed the basis of the argument. Without this assistance counsel would not have been able to stand up as they did against the heavyweights of the United States. By common consent Sir Robert Finlay, who opened for the British states, reached the high water mark of his distinguished career. Mr. Ewart supported him in a speech full of strength and sound reasoning, and the attorney-general, Sir William S. Robson, one of the finest debaters in the imperial parliament, fully sustained his high reputation. Canada and Newfoundland were well served throughout by all concerned in this historic arbitration, before a board of judges who have set a splendid example to succeeding Hague tribunals.

PROGRESSIVE REPUBLICANISM.

In an article contributed to The Man-to-Man, formerly Westward Ho, magazine, Judge Miles Polindexter, one of the insurgent leaders in congress, explains what progressive Republicanism stands for. He puts in the first place the conservation of the natural resources of the federal domain as opposed to the standpoint policy of parceling out to private interests, without restriction and without adequate compensation, these vast possessions of the people. Continuing, he names strong and effective government control of railroads and the regulation of rates thereon, as opposed to the reactionary policy 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 Commerce Commission. The appointment of impartial and unbiased federal judges is favored as is the dealing with wealthy criminals the same as with poor men and the punishment of bribe

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AT OSGOOD HALL.

September 7, 1910.
Motions set down for single court for Thursday, 8th inst., at 11 a.m.:
1. Flood v. Connell.
2. Smith v. Durham.
3. Mercantile v. Niagara.
4. McLean v. Sault Ste. Marie.
Court motions will be taken at 11 a.m. and juries chambers held immediately at conclusion of court.

Single Court.

Before Middleton, J.
Re Farnell & A. Weisman, Co.-Grayson Smith, for N. B. Hall. Motion by N. B. Hall to have his name put on the books of the company as a shareholder for a certain number of shares, and the name of a nominee of his for a certain number of shares. By consent motion dismissed without costs.

Write Issued.

Napoleon Frappier, of Springer Township, Nipissing, is being sued for damages by Leslie Gauthier, who charges breach of promise to marry.

City Hall Courts.

The September Sessions, the jury court and the non-jury court county court commence their sittings next Tuesday. What judges will take the different courts will not be settled until the return of Judge Winchester from Muskoka, which will probably be on Saturday or Monday. There are about forty cases on the sessions list, ten on the jury list and 27 for the non-jury tribunal.

PAYING PRICE OF PESSIMISM

Western Farmers Should Have Called for More Help.

WINNIPEG, Sept. 7.—Up to the present 9800 farm laborers have been brought into the west from eastern provinces by the C.P.R. Up to this time last year the number exceeded 20,000. The cause of the falling off is attributed by the C.P.R. officials to the fact that farmers, during the early part of the season, estimated that their crops this year would not be up to the standard of last year. On these grounds they did not make application early in the season for men.

Systematic Thieving Punished.

Admitting systematic thefts from the coasts of the R. & O. steamer Toronto, Fred Penn and Fritz Hess, butcher and cook on the steamer, were sent to the Central for six months, and Dennis Holloway, ship's steward, to jail for 60 days. Later he is married and was given an easier sentence. Stephen Dalrymple, a chef, takes a jury trial, and so do Charles Lewis and Andrew Tuttle, restaurant keepers, charged with receiving stolen provisions.

Thirteen Were Drowned.

COMANCHE, Texas, Sept. 7.—Communication with the flood-swept district near here was restored this afternoon. Details of the disaster show that 13 persons were drowned in their homes along the South Leon River, 13 miles east, when a wall of water 25 feet high swept down on 15 houses while the occupants slept. The floods came suddenly as the result of a cloudburst.

A Costly Drive.

W. J. Elliott owns a farm near East Toronto and had a dozen head of celery to deliver a mile away, within the city limits, but he didn't have a license taken out for the wagon which drove them. A policeman caught him. He pays a fine of \$2 on a charge of delivering within the city limits without a permit.

Was a Toronto Girl.

WINNIPEG, Sept. 7.—Miss Henrietta Valentine, who was drowned at Kenora on Monday, was a Toronto girl formerly with the T. Eaton Company, 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 have been married shortly.

TEXT OF THE FISHERIES AWARD

The following is the text of the tribunal's award:
QUESTION 1.—To what extent are the following contentions or either of them justified?
It is contented 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 in common with the subjects of his Britannic Majesty, is subject without the consent 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 taking of fish or in the carrying on of fishing operations on such coasts; (3) any other matters or conditions relating to fishing such regulations being 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 fisheries and not so framed as to give an advantage to the former over the latter, and unless their appropriateness, necessity, reasonableness and fairness are determined by the United States and Great Britain by common accord and the United States concurs in their enforcement.

Limited by Treaty.

The exercise of that right by Great Britain, in, however, and in accordance with the treaty in respect of the said liberties therein granted to the inhabitants of the United States in that such regulations must be made before the treaty is in violation of the said treaty regulations which are (1) appropriate or necessary for the protection and preservation of such fisheries; (2) desirable or necessary on grounds of public order and morals, without unnecessarily interfering with the fishery itself, and in both cases equitable and fair, as between local and American fishermen, and not so framed as to give an unfair advantage to the former over the latter, and are not in violation of the treaty or not in violation of the question whether a regulation is or is not reasonable, as being or not in accordance with the dispositions of the treaty and not in violation thereof.

The All-Important Question.

QUESTION 2.—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 case of bays, the three marine miles are to be measured from a straight line drawn across the body of water at the place where it ceases to have the configuration and characteristics of a bay at all other places; the three marine miles are to be measured following the sinuosities of the coast; now, this tribunal hereby recommends for the consideration and acceptance

Admission to Harbor.

QUESTION 4.—Under the provision of the said article that the American fishermen shall be admitted to enter certain bays or harbors for shelter, repair, wood or water, and for no other purpose whatever, but that they shall be under such restrictions as may be necessary to prevent their tiding, drying, or curing fish therein, or in any 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?

Insurance Against Rains

Fall Fair Managers Want Protection From Loss.

At a meeting of the officers and directors of the Ontario Association of Fairs and Exhibitions, John Farrell of Forest presided. There was a good attendance, and a decision was reached to place the affairs of the association under the protection of insurance. A plan will be submitted at the annual convention next February.

STRIKE COST \$2,300,000

Philadelphia Rapid Transit Company Suffered Big Loss.

PHILADELPHIA, Sept. 7.—According to a report submitted to the directors 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 company \$2,300,000. A deficit of \$1,300,000 for the last fiscal year is reported.

A HEAVY FINE.

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 two charges.

Shot The Burglar.

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

Floods in Japan.

TOKIO, Sept. 7.—Serious floods threaten the Cities of Osaka and Kobe on the island of Honshu. River banks are collapsing, and much damage is being done. High water also is doing serious damage in the northern part of Main Island.

Farmer Fractures His Skull.

While driving to the market with a load of wheat William Huggins of Oakbridge fell, fracturing his skull. He was removed to St. Michael's Hospital.

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TENDERS

TORONTO GENERAL HOSPITAL

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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.

DARLING & PEARSON, 2 Leader Lane, Toronto.

The lowest or any other tender not necessarily accepted.

GRACE AND COMFORT

PERFECTLY COMBINED

Torpedo Bodies on Russell-Knight Cars are Greatly Admired at the Exhibition.

No improvement in automobile design since the adoption of the side entrance 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 perhaps the motorist with an eye for a rakish and dashing looking machine that the torpedo body will best appeal to. It is a striking and high grade car like the Russell-Knight 22, his or anyone's taste is sure to be suited.

Two models of this car with torpedo 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 upholstery, 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 seats.

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 \$3850, and the power plant is the famous Silent Knight motor.

Denounced His Parishioner.

BOUGHKEEPSIE, N.Y., Sept. 7.—That Rev. William H. Hubbard, former pastor of the fashionable Mill-street Baptist Church of this city, was well within his rights when he denounced from the pulpit Mrs. Helen H. Hagart, a wealthy member of his congregation, for permitting her children to dance and play cards, was the decision of the Central Hudson Baptist Association to-day. Leading members of the church say they will withdraw and start another church if the trustees pass the mandate of the Baptist Association.

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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 Walter Scott, 114 Windsor-street, 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 Yonge-street wharf at 8 a.m., 2 p.m. or 5 p.m. Return fare only \$1.00 to Niagara Falls, tickets good three days. Phone Main 2553.