The Toronto World.

A Morning Newspaper Published Every Day in the Year.

MAIN OFFICE, 83 YONGE STREET, TORONTO.

TELEPHONE CALLS:
Main 252—Private exchange, connecting all departments.

TERMS OF SUBSCRIPTION:

Single Copies—
Daily .....One Cent.
Sunday .....Five Cents.

By Carrier—
Daily Only .....Six Cents Per Week.
Daily and Sunday .....10c Per Week.

By Mail—
Daily Only, One Month..... 25c.
Daily and Sunday, One Month.. 45c.
Daily Only, One Year.....$3.00
Sunday Only, One Year.....$2.00
Daily and Sunday, One Year.....$5.00

Cost of Foreign Postage Should be Added to Above Rates.

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ANOTHER PREVENTABLE ACCIDENT

Another terrible accident due to the continuance of unguarded level crossings occurred at Grimsby on Saturday morning, when a sleigh with seven occupants returning from a social entertainment, was struck by a G. T. R. express said to have been traveling at a rate of about a mile a minute. Four of the party were instantly killed, one died shortly afterwards in hospital, the two others may be fatally injured. It is the second serious accident occurring at this particular crossing, as in 1902 three young men were sacrificed while returning from a church service. What renders the crossing peculiarly dangerous is the fact that a train approaching from the west cannot be seen owing to the blocking of the view by the station building and it is suggested that the high east wind prevailing on Saturday morning prevented the warning whistle from reaching the ears of the occupants, who, besides, were thickly muffled against the biting air.

The tragical part is that these and similar accidents are distinctly due to preventible causes. For years Mr. E. A. Lancaster, M.P. for Lincoln, has prosecuted a bill in parliament designed to protect level crossings near towns and villages thruout the country. It is an excellent measure and Mr. Lancaster deserves every credit for the pertinacity with which he has championed this simple act of justice to the people. After four years of hard fighting the bill passed the house of commons, but it was thrown out by the senate, a body which in railroad matters may be safely trusted to ignore public rights. Morally speaking responsibility for this accident rests upon the senators who were instrumental in securing the rejection of the bill quite as much as on the railroads that refuse to adopt necessary precautions against preventible accidents. One may well ask how long this needless slaughter of innocent persons is going to continue and when the government and parliament will recognize their duty to compel the roads to operate with proper regard for the public safety.

CANADA AND A BRITISH PREFERENCE.

Some enthusiastic imperialists in the mother country and some here are apparently over-anxiously concerned about the sentiment and attitude of Canada in the event of the United Kingdom continuing its present fiscal system. The people and the government and parliament of the Dominion are being entreated, indeed implored, to restrain their impatience, to refrain from encouraging reciprocal trade with foreign countries by means of mutual tariff concessions, and, above all, to retain their British preference at its existing figure. Canada is asked to wait and see what the next British general election will do, and is confidently told that with it the day of tariff report and imperial preference will arrive. The World will be delighted to welcome the realization of these hopeful anticipations, for which no doubt there is warrant in the story of British by-elections. But The World does not at all agree with the implied affirmations that the preference voluntarily granted by Canada is dependent on the mother country reversing her fiscal system, and that reciprocal arrangements are improper if they lead to that preference being modified.

Every Canadian concedes the absolute right of the British people to maintain or establish whatever tariff regulations they consider best adapted to their interests and special circumstances. The Canadian has no difficulty in making this admission, because on his own behalf he claims and exercises precisely the same privilege in connection with the affairs of his own country. He may have his own opinion regarding the advisability of protecting the home industries of Great Britain just as British free traders have their opinion concerning the wrong-headedness of Canada's policy, and are not backward in uttering it either. But no Canadian desires to influence public opinion in Britain in a matter that primarily concerns themselves. As, however, Canada is a member of the imperial co-partnership, any Canadian is free to advocate any policy which he may consider beneficial for the empire as a whole, even tho it be an inter-imperial preference, and he is perfectly justified in commending it to his kin beyond the Atlantic. And the fact that the other self-governing imperial states favor this proposition is an element in the case which the British people are entitled to have before them, and, indeed, are bound to give due consideration.

Canada, however, is quite calm over the situation, as it now presents itself, and is not in the least likely to depart from her attitude of quiescence—not necessarily indifference. The continuance of the imperial co-partnership is in somewhat perilous straits if it is dependent on the success of the tariff reform movement in the United Kingdom, or on the introduction of any particular fiscal system. Imperial preferences are the result not the cause of imperial sentiment, which The World believes will remain unaffected by fiscal systems so long as these do not discriminate against other British states, but simply carry on the policy that commends itself to the nation immediately interested. There are other ways of encouraging inter-imperial trade and if there is anything in the imperial idea it must ultimately rest on considerations of a different and more stable character. This does not cast any doubt on the value of establishing preferential duties within the empire if circumstances should render it possible. Canadian nationality has reached a stage making it independent of the course of trade and Canada's loyalty to the empire does not need to be fostered artificially. If the British people choose to adopt a protective system and to reciprocate Canada's preference, the concession will be accepted in the same spirit of goodwill, but if they decide otherwise, Canadians will not be less assured of the general desire to maintain the imperial union.

THE ONTARIO OPPOSITION.

Discussing the suggested retirement of Hon. A. G. MacKay as leader of the opposition, The London Advertiser (Liberal) hopes that he will "at least consent to direct the opposition during the ensuing session of the legislature."

"No leader could have fought with more energy and pluck than Mr. MacKay in the last campaign," observes The Advertiser. "His supporters knew they were striving against hopeless odds, and altho they met with a more decisive defeat than either party expected, Mr. MacKay has no reason to think it has been interpreted by Liberals as in any degree disparaging to himself.

"The report that Mr. MacKay would in all probability be succeeded by Mr. J. A. Macdonald, editor of The Globe, has no foundation other than Mr. Macdonald's acceptability to the rank and file of the party. He has few equals on the platform; he would be a virile and aggressive leader, and would take advanced ground. But it is not likely that he could be induced to relinquish his present and more important position. George Brown used to say he would rather be editor of The Globe than prime minister of Canada. It may be taken for granted that Mr. Macdonald would rather be editor of The Globe than leader of the Ontario opposition. He might be both, but as a journalist he is likely to prefer the detachment he now enjoys. Mr. Brown filled the dual role, but The Globe today would lose prestige if it were the mouthpiece of any party. The old-fashioned party organ is a thing of the past."

PREMIER AND FARMERS' FONES.

The attention of Premier Whitney was called to The World's note on Saturday on farmers and telephones.

He said that the government was always prepared to carry out the law. The government would not, however, be expected to provide phones for the farmers or others until they were asked for, and the subject had not been brought before him yet in any way.

VACCINATION.

Editor World: Would you kindly inform me thru your valuable paper, of the following: Is there astatute law in the Dominion of Canada for compulsory vaccination? Also, if there is compulsory vaccination in England?

An Old Subscriber.

Whitby, Jan. 13.

Vaccination is not compulsory by law in Ontario, but can be enforced by school boards or by municipal councils during an epidemic. It is compulsory in England, but parents having conscientious objection and giving their reasons, under oath, can be exempted from the statutory penalties for non-compliance.

Canadian Institute.

At a meeting of the Canadian Institute Saturday night Prof. J. P. McMurrich delivered an interesting address on the Mendelian inheritance and its application to man. One of the principal features discussed by him in regard to the theory was the inheritance of disease.

The was a fairly good attendance at the meeting, which was held at the Institute on College-street, and after Prof. McMurrich's address a lively discussion took place.

The treasurer of the Street Railway Men's Union, in his annual statement, shows that the assets have increased $3362.33 during the past year. Their annual concert will be held in Massey Hall on Feb. 18.

Smoke

Old Gold

Cigarettes

Sweet and Mild

5c

UNIVERSITY SERMON

No more eloquent, impressive or spiritually powerful sermon has been preached in the university series than the great discourse which enthralled the very large congregation yesterday in convocation hall.

The text was from Matthew xii., 30: "He that is not with Me is against Me."

"The words have a harsh and crabbed sound and express the intolerance of Jesus Christ, and we do not like to associate intolerance with an ideal character."

Such was Canon Cody's opening comment.

He depicted the scene of the miracle which had just been performed and told how Jesus rebutted the charge that He was an accomplice of Satan and triumphantly arguing that as it was by the power of God He cast out the devils, so the Kingdom of God must have come among them.

To the Pharisees He declared there could be no neutral ground between right and wrong. They could not forever hang in moral equilibrium, refusing to take sides.

The grievance of the disciples when they complained that one cast out devils who did not follow them was personal, as John naively admitted. He did not belong to their set, their coterie or clique.

Canon Cody dilated on this point. They interdicted the man, and not as dishonoring Jesus, but merely that doing the work of Jesus he did not belong to their company.

Jesus then enunciated the far-reaching principle that one who is not against us is on our side, the expression of the tolerance of Jesus, which should have forever rung the death-knell of all intolerance, ecclesiastical bigotry and sectarian narrowness.

The gracious comprehension of Jesus shielded the good in all. He was compelled to attack the Pharisees, not on account of their creed, but for their inhumanity and He showed them consideration by accepting their hospitality. No matter how grievously they attacked Him, they showed their belief in Him by counting on His forbearance and their conviction that He was free from animosity.

The two sayings were not contradictory, but complementary. They were applied to different classes of persons or the two truths were set out on different occasions.

Every man who followed the eternal Christ, whether he ever heard of the historic Christ or not, came within the scope of the one, but without the principle of the other, tolerance was apt to degenerate into lazy indifference. He wished to emphasize the rarer side of the truth of the intolerance of Jesus. His fine severity and lofty intolerance of evil went to make no small share of His perfect moral beauty.

Shelley's vow to battle with intolerance if he lived arose out of his contact with the cold, hard, ecclesiastical bigotry of his cousin's family. Yet in all great persons there must be a strain of high intolerance.

Insincerity and inhumanity caused Jesus to blaze forth with splendid indignation and when His terrible polemic was ended the word Pharisee became forever a synonym for hypocrite.

They might theorize about the limits between drunkenness and sobriety, but a woman who had the cursed thing come into her home and destroy her son could have no tolerance for liquor.

"Would God there came into the lives of all academic persons more of the feeling of sympathy with the painful problems, the knowledge of evil and all the hideous brood that follows sin," said Canon Cody. Their intolerance would then be begotten of understanding. It was because Christ knew the heinousness of sin that He hated it.

A spirit of true tolerance was then to be cultivated towards all who were striving to make the old world better. They should never wrap the garments of sectarianism around them with the formula, "He followeth not with us."

To be angry without sin was possible. Christ's wrath never had its source in selfishness. Bad men should make us angry, but there was a tendency to excuse them as poor men, more sinned against than sinning, the victims of the system. Nothing was more needed to-day than an enlarged capacity for moral indignation. Nowhere in the New Testament was there a flabby thought on great moral issues, and that was the only atmosphere in which lives noble and strong could be lived.

"Life should not be spent as a royal commission, which never reports," was one of Canon Cody's clever mots. Men should think to an issue. It was not reasonable to delay the verdict forever. Gamaliel, who would let things alone to see what would happen, cut a sorry figure beside the apostles who counted it not shame to suffer for Christ's sake. The pleasures of every generation evaporate in air. The pains increase the spiritual momentum of the race.

Canon Cody concluded his address with the impressive words of Prof. Simpson in bidding farewell to the graduating class of 1905 in Edinburgh.

"It may chance that some July day far down the century when I have long been in the ether, one or other of you will talk with child or grandchild of the years when the century was young. Among its unforgotten scenes there will rise before you the memory of the day when at last you burst the chrysalis shell of pupilage to lift free wings into the azure. You will recall the unusual concurrence of the simultaneous leave-taking of the university—by the graduates.

"'We came away,' you will say to the child, 'a goodly company all thru the gateway that leads to the rosy dawn. He passed out all alone thru the door that looks to the sunset and the evening star. He was an old man like me.'

"I forehear you say, 'Not in himself a great man. He had been the friend of great men and came out of a great time in the 19th century, "when there was midsea and the mighty things," and it looked to the men of his generation as if old things had passed away and a new world begun. And he told us that the great lesson he had learned on his way thru life was the same that the disciple who leaned on Jesus' breast at supper taught the fathers, the young men and little children of his time when he said, "The word passeth away and the lust thereof, but he that doeth the will of God abideth forever."'"

Fire at 641 Bathurst-street Saturday morning caused $500 loss to building and $350 to contents. Cause unknown.

Percy Mitchell, 241-2 Jarvis-street, is in St. Michael's Hospital with a broken ankle, the result of a fall at Queen and Mutual-streets, Saturday morning.

IN THE LAW COURTS

IN THE HIGH COURT.

Osgoode Hall, Jan. 16, 1909.

Announcements.

Motions set down for single court for Monday, 18th instant, at 11 a.m.:

1. Re Millington estate.
2. Re Crysler estate.
3. Re Nipissing Planing Mills.
4. Grantham v. Patterson.
5. Re Brown estate.
6. Re Canadian McVicker Express Co.
7. Gibson v. Hawes.
8. Toronto G.T. Corporation v. Boyd.

Peremptory list for divisional court on Monday, 18th, at 11 a.m.

1. Re Hamilton and Canadian Order of Foresters.
2. Jolliffe v. Ontario Lumber Co.
3. Ford v. Hill.
4. Erb v. Dresden (and cross-appeal).
5. Shunk v. Downey (and cross appeal).
6. Evans v. Bank of Hamilton.

Peremptory list for court of appeal for Monday, 18th, at 11 a.m.:

1. University of Toronto v. Conservatory of Music.
2. Boyle v. Rothschild.
3. Carpenter v. Canadian Railway Accident Co.
4. Lennox v. Hyslop.

Master's Chambers.

Before Cartwright, Master.

Couch v. Penny—G. H. Sedgwick, for defendant, moved to change venue from Toronto to Cobourg. T. N. Phelan, for plaintiff, contra. Motion dismissed. Costs in the cause.

Cardwell v. Town of Blind River—J. G. Smith, for defendant, moved to dismiss action for default in delivery of statement of claim. W. D. McPherson, K.C., for plaintiff, contra. Statement of claim having been delivered order to go validating same as of this date. Costs to defendant in any event.

McKim v. Bixel—K. Mackenzie, for defendant Bixel, moved for order setting aside judgment signed in default of defence. W. T. J. Lee, for defendant Hardcastle, made similar motion. C. P. Smith, for plaintiff, contra. Order made setting aside judgment. Statement of defence of Hardcastle to stand. Defendant Bixel to plead in two days. No costs except that plaintiff's disbursements are to be paid to him in any event.

Wurtzel v. Folmes—Lytle (S. King), for defendant, moved, on consent, for order dismissing action without costs. Order made.

Sinclair & Smith v. Shillington—C. C. Robinson, for defendant, moved on consent for order dismissing action without costs. Order made.

Imperial Bank v. Travers—C. W. Kerr, for the sheriff of the county, moved for an order for protection and for costs. J. Bicknell, K.C., for the bank, submits to pay costs and supports motion. H. E. Rose, K.C., for claimant Ostrom, contra. Order to go reciting that plaintiffs' execution has been withdrawn. Sheriff's costs and charges to be paid by plaintiffs when taxed, if so desired.

De Collier v. Brunet—J. W. Bain, K.C., for defendant, moved for further particulars of paragraphs 8 and 9 of statement of claim and to strike out paragraph 11 and prayer claiming relief thereunder. W. T. J. Lee, for plaintiff, contra. Reserved.

Potts v. Hill—G. R. Geary, K.C., for defendant, moved for particulars of damages. Joseph Montgomery, for plaintiff, contra. Motion enlarged until after examination for discovery, or until defendant elects not to examine.

McIntyre v. Bellman—C. H. Porter, for plaintiff, moved for an order to allow time to give his evidence de bene esse, or that his examination for discovery be taken as his evidence at the trial, or that action be not set down for trial at present sittings. T. A. Gibson, for defendant, contra. Reserved.

Judges' Chambers.

Before Latchford, J.

Re Reliable Bedding Co.—W. N. Tilley, for a creditor, moved for a winding-up order. Agnew (Proudfoot & Co.), for the company. Usual winding-up order made. Reference to J. S. Cartwright. E. R. C. Clarkson appointed interim liquidator.

Writs Issued.

H. J. Potts, secretary of the Temiskaming Club, Limited, and a resident of Haileybury, who has begun a damage action against H. S. Hill, mining promoter, of Haileybury, has filed his statement of claim. Potts says that Hill assaulted him with a chair in the club rooms on Oct. 10, 1908, that Hill felled him to the floor with it, and again struck him on the side of the head while he was down, tho blood was already flowing from Potts' head and ears. Potts says that he has demanded damages, but that Hill has ignored the demand. In his statement of defence, Hill denies the acts of assault complained of, and adds: "If defendant did them, he did them in self-defence, and under great provocation from plaintiff."

Arthur C. Pratt of Toronto is suing J. Wesley Allison and Garnet H. Meldrum of Morrisburg. Pratt claims the return of $700, with interest, from Sept. 1, 1904, on a contract, "in which there was a total failure of consideration." In alternative, Pratt claims moneys "received by defendants for his use," or "obtained from his by fraud." A similar writ against the same defendants has been issued by W. S. Manison of Toronto.

2000 SUNDAY WORLDS

Read at the Same Time by the Audience at the Grand Opera House.

Between the second and third acts at the Grand Saturday night, when the house was fully lighted up, an incident occurred which brought the audience to a pose that attracted the attention of those who stood at the rear of the auditorium.

Two thousand copies of the illustrated section of The Sunday World were distributed among the audience, and for fully ten minutes everyone was scanning the pages of the neatly printed paper. It formed a pretty picture, and was commented upon by those who had an opportunity of witnessing it from the front of the house. The section contained a full page picture of the talented comedienne Kathryn Osterman and also contained a half page advertisement of the Grand Opera House.

Mission to Lepers.

The annual meeting of the Mission to Lepers will be held in the Bible Training School, 110 College-street, today, at 3.30 p.m.

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EATON'S JANUARY SALE

Good Values in Men's Reefers and Jackets

For any out-of-doors winter work, for skating, etc., you'll find warmth and comfort in these neat, well-made reefers, and these low prices make it to your interest to decide to purchase on Tuesday.

MEN'S WINTER WEIGHT REEFERS—Double-breasted, with high storm collar and tab for throat. The material they are made from is a black frieze, lined with strong melton fabric. Sizes 32 to 46-inch. January Sale price 2.50

MEN'S REEFERS—Heavy winter weights, made of 28-ounce Pattinson's cheviot, in a dark Oxford grey shade, high storm collars, double-breasted, with throat tab, three outside pockets, lined with Italian cloth. Sizes 36 to 44 inches. January Sale price.. 5.29

SHEEP-LINED JACKETS—In broken sizes only, will fit small and large men, heavy brown duck on outside, with 6-inch storm collar of corduroy, patent fasteners, knitted wool cuff in sleeve, body lined with sheepskin. Sizes 36, 38 and 44. January Sale price 2.99

Boys' Dressy Norfolk Suits

Made from a good, serviceable English tweed, in very dark olive shade with faint stripe, plain double-breasted style, with belt in loops, strong Italian body lining, knee pants. Sizes 29 to 33. January Sale price 3.89

MAIN FLOOR—QUEEN STREET

Now is the Time for Fur-lined Coat Buying

If you are anticipating buying a fur-lined coat, here's your opportunity. January and February are considered the two coldest months of the year, and that means fur coat weather.

These have shell of smooth-finished English beaver cloth, full box style, made up with raised seams, and lined with good Canadian musk-rat. A splendid value. January Sale price. 52.00

MAIN FLOOR—QUEEN STREET

January Sale Savings on Men's Furnishings

Men's Fleece-lined Shirts Only 29c

A great chance to get underwear at a greatly reduced price. Clearing one of the best fleece-lined garments in the market for the money, owing to a line being confined to shirts only is the cause of the clearance. Sizes 38 to 44. January Sale price ..... .29

MAIN FLOOR—QUEEN STREET.

Men's Night Robes

Offer tempting inducements for Tuesday. The good values you get in the materials of this garment are enough to ensure it going with a rush in this great January sale. They are made of flannelette with a yoke collar attached, pocket, and are 52 inches long. Sizes 14 to 19. January Sale price ..... .37

Men's Neglige Shirts

With cuffs attached. This is a very good garment, made from material that will wear well. They come in medium, light and dark shades, new and neat patterns. Sizes 15½ to 17½. January Sale price ..... .33

Great Offerings in Men's Neckwear

500 dozen MEN'S FOUR-IN-HAND NECKWEAR, reversible, neat fancy patterns and polka dots, medium width, at about the cost of making. The best value offered for some time. January Sale price, 3 for .25; or, each 9

Boys' Sweaters at Half Price and Less

200 ONLY BOYS' HEAVY WOOL SWEATERS—Deep collars, close-ribbed cuffs and skirt, also a line of fancy imported goods from regular stock. Some buttoned on shoulder, all colors in the lot, including navy blue and cardinal. Sizes in the lot to fit 3 to 12 years, at half price and less. January Sale price, each ..... .35

(No phone or mail orders).

MAIN FLOOR—QUEEN STREET

THE T. EATON CO LIMITED 190 YONGE STREET TORONTO

O'Keefe's "Gold Label" ALE

The New O'K Brew. A treat in hops and malt. Rich and old and creamy.

Remember to ask for O'Keefe's "Gold Label" Ale—O'Keefe's new brew. 19

A FREEZE-OUT IN CEMENT?

Story Said to Be Behind Failure of Wiarton Company.

It is understood that an arrangement will be come to for the carrying on of the Canadian Portland Cement Co. of Wiarton, whose assignment is noted.

A good deal more lies behind this little ruffle at Wiarton than appears on the surface. The oPrtland cement trade is one of the most important interests in Canada, and for twelve or thirteen years past has been practically in the hands of native manufacturers. These have sprung up in comparatively great numbers, deposits of clay and marl of the best quality having been discovered in many districts in different parts of the country.

Uncle Sam, who knows a good thing when he sees it, found the duty, which had been 40 cents a barrel and was raised later to nearly 47 cents, an inducement to establish cement works of his own in Canada.

There are two big American firms, one at Belleville and one at Montreal, and in the endeavor to obtain a lion's share of the trade during the past season they conducted a campaign of cut-throat price reduction. The public had the benefit, but if the object be, as the trade alleges, to cripple and embarrass the cement factories in which Canadian capital alone was interested the Wiarton incident indicates a measure of success in that direction.

With unlimited capital the Americans are credited with the idea that they could bring the Canadian companies to terms of capitulation, and the trade is waiting for the issue.

Direct Route to Ottawa.

The C.P.R. is the short line to Ottawa; through palace sleepers leaving Toronto at 10 o'clock every night. For the Live Stock and Poultry Show there is a special return rate of $7.70, tickets good going Jan. 19 and 20, returning until Jan. 23. Be sure your ticket reads C.P.R.

Inter-Club Debating League.

Toronto Inter-Club Debating League held their fifth debate in the Temple Building on Saturday night. The subject was: "Resolved that a limited monarchy is superior to a republic."

L. M. Singer and A. P. Lewis debated for the Judeans in the affirmative and C. J. Ford and W. Jurig took the negative for the Broadway Club. The vote was in favor of the Broadways by two to one.

F. C. Higgins, J. H. Denton and Trustee James Simpson were the judges. E. S. Caswell was in the chair.

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