The Toronto World

A Morning Newspaper Published Every Day

in the Year.

BLOOR STREET VIADUCT. With an extended Toronto the mat- sciousness.

ter of the construction of a viaduct connecting Bloor-street and Danforthavenue becomes more than ever an ab- deeply concerned with the things that solute necessity. Until the existing are visible and transient, that no engap between east and west is bridged, couragement exists for the singers of the growth of the city cannot proceed the unseen and permanent. When the equably nor can the congestion in the next great poet comes he will not be down town sections be satisfactorily content with the things that pass relieved. The northeast district con- away, but will once more yield him tains the finest and most salubrious self to the high powers that control sites that can be found and all that is human destiny, and will not fear to needed to open it up is the provision of see life as one who bears an immorthe important artery of traffic, which tal part in it. Whitman may not be forth-avenue can alone make.

provements which are advantageous in Companions." themselves and certain to bring an immediate return. Its first result will be a rapid increase in building over of the city boundary north of Danforth-avenue affords another reason for ac-celerating its construction. The need for it has already been admitted and cussion of international questions is for it has already been admitted and cussion of international and government had received any re the city is to develop in the way that consciousness of the weakness of his on the cost and they should be obtained policies immune from provincial proin time to allow of a bylaw being sub- test, but it would be very much against. mitted at next election.

DO IT NOW. of the sea-wall has any apparent weight, that which deprecates the increase to the city debt. But a large debt does not necessarily mean an objectionable burden, provided the objects for which the debt is incurred are in themselves proper and calculated to result in benefit to the city and the citizens. Still less do profit earning undertakings involve any additional burden, nor is the money borrowed debt in the sense applied to expenditures which yield no return to the city, the even in the latter case great ad- his official duty had he failed to provantage may be gained thru improvements in the public health, in the amenity of the city and in the services the waterflow of St. Mary's River. upon which the comfort and conveni-

The methods hitherto employed to prodifferently, is likely to be as useless as that of Penelope. She, indeed, unfar wiser and cheaper in the long run right in objecting, since his governlet the citizens of to-day enjoy the adfront ensures.

NINETEENTH CENTURY LITERA-

William Winter has just concluded a series of articles covering his memories of the literary men, artists, actors, and others prominent in the intellectual world in which he had synchronous with the death of Swinburne, who should have been laureate ster. Mr. Winter's reminiscences indicate that the great period of ingeneration on both sides of the At- pute and the trouble over the Ontario lantic have now all passed away, and Michigan Power Bill raises the Tennyson, Dickens, Thackeray, Brown- whole issue of provincial rights, and ing, have no successors. Nor have the provinces ought to make common Hawthorne, Emerson, Longfellow nor

Whitman. William Winter is exceedingly cen- privileges. sorious about the last mentioned. He regards him as a stupid creature, and cannot understand how anyone can Queen of Wurtemburg in Audiencefind anything worthy of appreciation, in the "good grey poet." Tennyson once met two American girls and be-at the Court Theatre Saturday night gan to talk about Whitman. They were thrown into a panic during the looked politely vague and had no looked politely vague and had no gold. The Queen of Wurtemburg was knowledge of the subject. Turning away, present, but exercised great self-coning. the laureate remarked to a friend, trol. "Only one poet in America and those girls never heard of him!" Tenny-Whitman's poetic value than Mr. Winter, clever and interesting tho the American critic undoubtedly is.

The present dearth of any pre-eminent poetry, or indeed of any other kind of literary work of notable quality constantly raises the question as to whether any more is to be looked for. There was a time in the history of Israel of which it is recorded: The days; there was no open vision. Per- furniture, and as the auctioneers have could be more truly attributed than will be one of the largest

The poet is essentially a seer, maker, and the present age is so the connection of Bloor-street and Dan- so stupid a creature as Mr. Winter thinks, and humankind will be glad This viaduct is another of the im- again to meet some of the "Great

FEDERAL AND PROVINCIAL POWERS.

Sir Wilfrid Laurier expressed himwhat is at present a neglected district, self with unusual acerbity over what and the prospect of an early extension he described as the interference of the of the city boundary north of Danforth- Ontario Government with the waterwill best meet the requirements of a position evidently prompted his critigreat business and residential centre, cism of Sir James Whitney's action. Mr. Borden express his views on the The city council unanimously agreed to It would very likely be agreeable to Alderman Foster's motion for reports the federal government to find its the general interest of the Dominion for a rule of this nature to be postulated and observed. Sir Wilfrid Laurier indeed destroyed the whole point of his animadversion when he admitted that Mr. Gibbons had instructions while the negotiations were under way to confer with the Government of Ontarto, and that he did so. Surely under such circumstances the provincial govtion of the interests of Ontario had a perfect right to intimate its opposttion to acceptance of the rider to the treaty added by the United States Mr. Sutherland vithdrew it. for their acquisition or construction, Senate which so seriously modified the

The lederal premier's plea that Sir

ence of the community so materially James Whitney and his ministers Laurier on further reflection continue to maintain it. There appears to be a motion that the court set aside a vertect the water front have produced no no valid objection, either on constitu- Wells' court a few weeks ago to Miss real benefit. The city has been engag- tional grounds or for reasons of ex- Mary Mattes, 5900 Michigan-avenue, ed in a task which, unless undertaker. pedlency, why a province exercising ab- in a breach of promise suit against solute control over its internal resources should not thru its governdid by night what she wove by day, ment submit and urge considerations did not testify to the truth in an imbut Toronto has had to watch idly showing or tending to show that its portant matter. while winter storms destroyed the rights are threatened or may be imworthless barriers that had been the properly restricted. Had Sir James Crabbe on the evening of Oct. 20, 1906, summer's work. There can be no sat- Whitney interfered or attempted to inisfaction in continuing the process of terfere directly during the negotiations Crabbe's suggestion, Attorney Stein throwing good money after bad. It is the federal premier would have been said. "I have here an affidavit from Prof. Cox showing that there was no to tackle the situation straightly and ment are charged with the duty of Saturday evening in October, 1906." attending to the Dominion's external vantages which a well-kept water affairs, but nothing of the kind was done or tried. All that the provincial government did was to intimate its strong objection to the acceptance of a modification adopted by the United State Senate at the instance of the State of Michigan, whose interference thru its representatives in that body, so far from being resented, achieved its object. Under the Canadian constitution its provinces cannot make their influence felt in that way, but there is no barrier to any one or more of them making known their views to the federal government. Mr. Borden, too, made the further important point that the Ontario Government, in the mat-States Senate at the instance of the moved. The close of his record is its object. Under the Canadian contellectual activity in England in the made the further important point that nineteenth century was paralleled the Ontario Government, in the matby a similar one in New England, the ter of the waterways treaty, was jus- sters. literary output of the United States tiffed in its action, since the treaty during the Victorian era being prac- called for legislation, which must be tically confined to the northeast corn- enacted by the various provinces whose er and New York. The giants of that rights come into question. This dis-

FIRE IN THEATRE

cause in resisting federal encroach-

STUTTGART, May 16 .- The audience course of a performance of Das Rhein-

A curtain caught fire, but the singto keep the audience from becoming son was probably a better judge of alarmed. Loud cries of fire, however, caused a general rush for the doors. A catastrophe was prevented thru the excellent arrangement of the house, and the fire was extinguished without

Rossin House Sale.

Charles Cottenden & Co., 575 West a base to-day Queen-street, have received instructions to sell on Tuesday next at 10 a.m the entire contents of the Rossin House. the Nelson Brothers having been or word of the Lord was precious in those dered by the courts to vacate the hotel. The hotel is full of first-class haps there were no poets of their gen- instructions to sell everything without eration to whom the gift of open vision reserve, it can easily be understood that there will be some bargains. It Tennyson and Whitman. They dwelt sales ever conducted in Canada.

INSURANCE BILL PASSED

Continued From Page 1.

bill to create a fully organized department of labar with a responsible minister in charge. He considered that the present department of labor which was created nine years ago, had proved an eminently successful experiment in creating the better relations between the wage earners and the

wage payers.

An Unnecessary Official.

In committee on the bill, Mr. Borden said he could not understand the recessity of having seventeen ministers. In the Urited States, with a population of 90,000,000, they had only nine cabinet ministers. This government had already added two ministers to the cabinet street the cabinet street the cabinet street the service of the cabinet street the service of the servic

Wilfrid Laurier said the sys tem here was really different from sponsibility for legislation rested with the senate and the house of representa-

The amendment to the excheque The amendment to the exchequer court act which gives the crown the right to appeal to provincial court but does not give the same right to the subject, was opposed by Mr. Borden, Mr. Doherty and others, but Mr. Aylesworth refused eo yield, and the ill was carried. When the bill to amend the criminal

ccde was under review as to race track gambling, Mr. Borden read telegrams which he had received from the Brit-A dead silence ensued. Eventually, Mr. Aylesworth said he had not heard

A flead slience ensued. Eventually, Mr. Aylesworth said he had not heard Mr. Borden express his views on the question.

Mr. Borden countered that he was merely enquiring if the government had had representations.

Mr. Aylesworth Wants to Kaow.

Mr. Borden said he would like to have the views of the house on the matter.

Mr. Borden said that if conditions were as represented action should be taken at once. The question should be taken at once. The special committee to deal with. Some action seemed to him becessary.

Hon. R. F. Sutherland moved an amendment to peralize the transmission of electricity of more than 50, 5000 voltage unless on a fenced roadway 60 feet wide, the penalty had been suggested by recent accidents in Western Ontario. Mr. Aylesworth suggested that amendment stand over, and Mr. Sutherland withdrew it.

The penalty for kidnapping was increased from seven to twenty-five years, and the bill parsed.

The house then went into supply and rore shortly before mildnight.

WEATHER MAY SAVE \$25,000

Affidavit Plays Big Part in Breach of

Affidavit Plays Big Part in Breach of Promise Suit,

court a few weeks ago to Miss Hugh Crabbe. Attorney stein asked that the verdict

be set aside, alleging that Miss Mattes "Miss Mattes testified that she went to a flat at 3505 Michigan-avenue with

in order to get out of the rain and at The affidavit of Prof. Cox was then read. No decision was given on the

LOBSTER FISHERS REBEL Want \$1 Cwt. More Than Packers WI

enabling them to export their live lobthemselves. The outlook is not bright for the fish-

ermen, who are blaming the government for allowing a few packers a monopoly of the canning trade.

VETOES INTERINSURANCE BILL.

JEFFERSON CITY, Mo., May 16 .-Gov. Hadley has vetoed the inter insurance bill, a measure which has met opposition because of its efment on their jurisdiction, powers and fect upon Missouri corporations which were subject to the license laws of the

> He stated that it would allow foreign companies, by indemnifying each other, to avoid the supervision of the general insurance laws of the state

Thirty Hurt in Wreck, KANSAS CITY, Mo., May 16.—Be tween 30 and 40 persons were injured, some of them probably fatally, by the wreck of Chicago and Alton train 14. near Odessa, Mo., Saturday morn-

Penna's Clean Record. Reports of the passenger traffic on the 23,000 miles of the Pennsylvania vstem disclose the remarkable record of 141,659,543 passengers carried during 1908 without a single one killed as a result of a train accident.

Theodore Roosevelt is now resting at Gen. McMillan's ranch in British East Africa. He will resume his shooting expeditions from the ranch house as

DR. A. W. CHASE'S OF CATARRH CURE ... 20c. is sent direct to the diseased parts by the Improved Blower. Heals the ulcers, clears the air passages, stops droppings in the throat and permanantly cures Catarrh and Hay Fever. Blower free. All dealers, or Dr. A. W. Chase Medicine Co., Toronto and Buffalo. IN THE LAW COURTS

ANNOUNCEMENTS.

Re Snyder Estate.
Re Watkins Estate.
St. Catharines v. Niagara, etc., Ry.
O'Rejlly v. Grilis.
Booth v. McGuire.

Booth v. McGuire.

Malkin v. Fritz.

McCarthy v. McCarthy.

Barthelmes v. Barthelmes.

Robinson v. Deagle.

Montgomery v. Guile.

Rose v. Rubas.

Gauthier v. McNulty.

Re Abell Estate; Toronto G. Trusts

Laut.

Peremptory list for divisional court for Monday, 17th inst., at 11 a.m.:

1. Rex v. Miller.

2. Union Trust v. Kenner.

3. Weston v. Perry.

4. Delorso v. Macdonell.

5. Wade v. Livingston.

6. Castle v. Kowri.

Master's Chambers.

Before Cartwright, K.C., Master.
Goold v. Kenny. J. T. White, for defendant, on motion to transfer action from County Court of Brant to County Court of Lennox and Addington. M. F. Muir (Brantford), for plaintiff, contra. Judgment (L.). The action is on an agreement with provisions similar to those in Empire v. Pettypiece, 13 O.W.R., 740. The defence is similar to that set up there. The motion must, therefore, fail on that ground. It could not succeed on the ground of preponderance of convenience, in the face of the plaintiff's affidavit. Motion dismissed. Costs in the cause.

The Komnick System v. British Columbian Pressed Brick Company.—Treleaven (Laidlaw, K.C.), for plaintiffs, moved for leave to issue writ for service out of the stretched of the

Divisional Court. ence of the community so materially depend.

By proceeding now with the completion of the zea-wall the city will only do at once what must be done in only do a an advertising agent, had sued the Cobait Nipigon Syndicate and one George C. Campbell, and obtained judgment for ad-vertising account against the syndicate for \$2868.14 and costs. FI fas issued under for \$2868.14 and costs. Fi fas issued under said judgment were returned by the sheriffs to whom directed with the report that they could not make or levy the amount. Plaintiffs thereupon brought action against Bixel and Hardcastle, as alleged members of the syndicate, to recover the amount of said judgment. The trial judge dismissed this action, with costs, and plaintiffs appealed from that judgment to this court.

costs, and plainting appearance judgment to this court.
Judgment (L.). In January, 1907, certificates were sent to the effect that the defendants were holders of fully-paid, appearance has a special memberships of defendants were holders of fully-paid, non-assessable special memberships of the syndicate. The certificates entitled the holders to share pro rata with other special memberships, forty per cent, of the net proceeds or profits from sales, etc., of the syndicate properties. The status of the defendants does not permit any elements of a partnership connection with the registered partners named. What is accurred by the payment is a right to with the registered partners named. What is acquired by the payment is a right to share in forty per cent. of the net profits accruing to the syndicate in common with all other persons who purchase special memberships. Losses are not contemplated and are not provided for. Control plated and are not provided for.

ship quoad the defendants. It is not a case for further costs.

Gaiser v. Niagara, St. Catharines & Toronto Railway Company.—F. W. Griffiths (Niagara Falls), for defendants, appealed from the judgment of Clute, J., of 3rd March, 1909. W. E. Middleton, K.C., for plaintiff, contra. The plaintiff's action was for damages for injuries sustained by the plaintiff, Mary Gaiser, by being thrown down an embankment against a signal post thru a car of defendants leaving the rails and tilting, by reason of which she had several ribs broken, here lung pierced, and her spine injured, and for damages for the trouble and expense and loss of services to the husband. At the trial judgment was given to Mary Gaiser for \$500 and to John Gaiser for \$150, with full costs of action.

Judgment (L.). This case is not free from doubt, but, if so, the general rule is that the finding in appeal should not be disturbed. We are inclined to hold that the railway company have not sufficiently discharged the onus cast upon them by the nature of the accident to make it manifest they were not to blame. We think the evidence leads to the conclusion that the company failed to discharge adequately the duty devolving upon it of examining thoroly and skilfully the equipment furnisned for the excursion, and were negligent in such active dillerence as the law demands. For this

the equipment furnished for the excursion, and were negligent in such active diligence as the law demands. For this reason, and on this ground alone, we would affirm the decision, with costs.

A REGAL EXPOSITION.

tion. He will review the troops and trip; return limit May 26. For tickets hold a reception in the palace of the and full information call at Grand captain-general. The program includes Trunk city ticket office, northwest cora flower fete, regattas and a bull fight. ner King and Yonge-streets. Phone

Charged With Shopbreaking. was arrested Saturday night by Detective Moffatt, on a warrant charging him with shopbreaking. It is alleged that on Friday he forcibly entered George Furcott's carpenter shop, 571 in a Paris gambling club. He gave Ryerson-avenue, and secured some a cheque in payment of the amount, but allowed the paper to go to protest.

The annual meeting of the Perman-ent Internation! Association of Naviga-tion Congresses, will be held in Brus-tion Congresses, will be held in Brus-

EATON'S DAILY STORE NEWS

Lawn Tennis Goods

In large and varied assortment the new season's Tennis Supplies are ready for immediate selection, in the Basement.

Chosen with a knowledge gained by our long experience in English, American and Canadian manufacturing circles. Every item presents a value of the best kind in DEPENDABLE GOODS.

LAWN TENNIS NETS, Regulation size, heavy white regulation size, cotton net, tarred, cotton, bound, \$2.75. \$1.35.

Regulation size, white cotton, cotton, bound and tarred, \$3.00. \$1.65.

Regulation size, heavy white

TENNIS RACQUETS-Hand polished wood, good quality gut, strung by experienced men: Queen, \$3.50; King, \$4.25; Ace. \$4.75.

Our Special Triumph Racquet, \$2.25. Slazenger & Sons' English Racquets, La Belle, \$1.75; Player, \$2.25; Renshaw, \$3.00; Pastime, \$4.00.

Kent's American Racquets. Windsor. \$1.50; Springfield, \$2.00.

Wright & Diston's Famous American Racquets. Hub, \$1.85; Park, \$2.75; Longwood, \$3.65; Champion, \$4.50.

Ayres' Regulation English Ball, 25c, or \$2.75 Ayres' Championship Ball, 35c, or \$4.00 per

Slazenger & Sons' Championship Tennis Balls, the 909 series, 35c each, or \$4.00 per dozen.

Duplex Tennis Markers, at close price, \$1.75.

Tennis Racquet Covers, canvas, 50c;

waterproof, \$1.00. Tennis Poles, complete with pegs, guide and guide tighteners, per pair, 75c.

-BASEMENT

Ready. Also, a New Shipment of SCOTCH LAWN BOWLS

Latest patterns, every pair perfect, every bias just the same—Taylor's first quality, \$4.25; Taylor's extra quality, \$5.25.

Illustrated Tent, Awning. Flag and Sail Catalogue

T. EATON CUMITED TORONTO

EATON Cabinet Sewin \$22.75

Mrs. Richard Swain, Oil Springs, Ont., Was Killed in Peculiar Manner.

OIL SPRINGS, Ont., May 13.—Mrs. Richard Swain, a resident of Oil City, was almost instantly killed, and her niece, Miss Josie Truan of this vil-

Ine ladies were carried with it, the sidewalk striking Mrs. Swain on the head and crushing her skull. Miss Truan was not seriously injured.

NORTHCLIFFE'S BIG PURCHASE Said to Be After the Reid Lands in Newfoundland.

SYDNEY, N.S., May 16.-J. Hammersly, a London financier, who has

Round trip rate from Toronto to Hamilton \$1.15. Brantford \$1.90. Woodstock \$2.60, London \$3.40, Galt \$1.75. Guelph \$1.45, Berlin \$1.90, Stratford \$2.65, Peterboro \$2.30, Buffalo \$3.10, Niagara Falls \$2.45, Detroit, Mich., \$6.25, Montreal \$10.00. Tickets also on MADRID, May 16.—Alfonso will in-augurate at Valencia the regal exposi-Canada at single fare for the round Main 4209.

Court Upholds Gambling Debt PARIS, May 16.—A local court has upheld the validity of a gambling lebt. The case was that of George D Morgan, an American, who lost \$3000

MORSE'S UNKNOWN ENEMIES | Beer US. Water

Working to Keep Him From Being NEW YORK, May 16 .- An assertion

that "there seems to be an unknown power somewhere working against Morse's release" was made by City Magistrate Crane in an open letter which he issued to the press advocating the admission of Charles W. Morse to bail. Mr. Morse is now in the Tombs prison awaiting a hearing on his appeal to the United States Circuit Court of Appeals from his conviction of vio-lating the national banking law. Magistrate Crane quoted Justice Gray of the United States Supreme Court as niece, Miss Josie Truan of this vil-lege, was injured here about 5.30 Sat-urday afternoon in a very peculiar upon theory that a person accused of a crime shall not, until he has finally been adjudged guilty in a court of last resort, be absolutely compelled to un-dergo imprisonment or pun!shment, but may be admitted to bail after con-

> KILLS MOTHER AND SELF When Rebuked For His Intemperance Murderous Passion Was Roused.

Rapp, who had considerable local fame as a baseball pitcher, Saturday night killed his mother and then committed

Rapp, according to the police, had been drinking, and when the mother pleaded with him to leave off liquor he grabbed a hammer and after beating her on the head, stabbed her with a butcher knife, which he snatched Rapp gashed his throat with the same

The police found Rapp still conscious. At the hospital he stated he had intended to kill the entire family.

PARIS, May 16 .- Dr. and Mrs. Wiliam Hunter Workman, the American explorers and mountain climbers, have expedition in Turkestan, Mrs. Workman, accompanied by two guides, was successful in scaling a peak 21.350 feet high on the watershed between the Hispar and Biafo Glaciers in the Pa-

Physicians say the city water is dangerous.

Why should you risk your health by drinking water, when you can get an absolutely pure, O'Keele's

Pilsener Lager

"The Light Beer in the Light Bottle Michie's 1.aramal Cream Chocolate

Assorted flavors, 30c. lb For sale only by MICHIE & CO., Ltd. 7 King Street W.

RUSSIA'S "ROBIN HOOD" SLAIN Savitzky, Who Robbed Wealthy to Aid Poor,, is Killed by Police.

MOHILEV. Russia, May 16.-The 'Robin Hood" of the Russian rev lution, has been killed by members the Rural Guard. With three mem ters of his band Savitzky was sur rounded by the guard two days as in a neighboring village, and, after a fight that lasted for four hours, four were killed. One member of t guard lost his life in the encoun Savitzky, who was a high school been the terror of the police of provinces of Tchernigov and Moh for several years, but he was a sol f amusement to the rest of on account of his daredevil ex He delighted in playing fantastic on the police. It was his custom rob only the rich, and he distribut his spoils among the peasantry wit a lavish hand. He finally was be trayed by a member of his band.

of Canada. Capital

\$6,350,000

\$35,000,000

DIVIDEND NO. 53.

QUARTERLY DIVIDEND

Notice is hereby given that a Dividend at the rate of seven per cent. (7 per cent.) per annum upon the paid-up Capital Stock of the Bank has been declare for the three months ending 30th of June, 1909, and the same will be payab at its Head Office and Branches on and after Friday, the second day of July nex The Transfer Books will be closed from the 16th to the 30th day of June nex both days inclusive

By order of the Board. Toronto, May 14th, 1909. STUART STRATHY, General Managen

JOHN Usefu

DRI On . Splend Remnants

WERE \$1 ING This 1 Cheviots, Diagonals

Wool Cre BLAC We ha useful le Remnants mas, Vo Wool Ta all sizes REGULA SILKS For SI WAIST

blue and and spot in pastel s WERE \$1 WASH Lot of Muslins These COTT

Dresden

DELA 40c at Chamb tume Dr At 20c VESTING At 30 DOTTED (All s At 200 soc a ya MADRAS Hands goods, fa Strong inch, 40c Range

32 inc JAPAN A (Figur at 25c.

SPECIA Every ICE CRI faits JAPANI

Mayor Coady Saturda the Ma ing to York week. three not arr Mrs.

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