The Toronto World

FOUNDED 1880.
A Morning Newspaper Published Every Day in the Year.
WORLD BUILDING, TORONTO.
Corner James and Richmond Streets.
TELEPHONE CALLS:
Main 5308—Private Exchange Connecting all Departments.

Readers of The World will confer a favor upon the publishers if they will send information to this office of any news stand or railway train where a Toronto paper should be on sale and where The World is not offered.

SATURDAY, FEBRUARY 5, 1910.

TORONTO AND TRANSPORTATION CONTROL.

Controller Spence appears to be the forlorn hope of the city in the street railway struggle, which is entering upon a much more acute phase than the citizens generally seem to realize. As The World pointed out on Thursday the radial railways and their allies are making efforts to secure such rights of entrance and passage thru the city as will effectually prevent the city having full control of its own transportation if what is demanded is permitted to pass into legislation.

Even tho the present attempt be foiled, the railway companies will never rest until they are satisfied that it is impossible to get what they ask, which will only be when the city itself occupies and uses the rights and privileges which the companies covet.

It is argued that the people voted for tubes without really meaning that they should be built. The vote could be discounted by a large percentage for those who voted with such views in mind, and a large majority would still be left who desired to proceed with the project. Unfortunately the one man who was thoroly in earnest was not given the opportunity to carry out his plans, and those who were chosen to realize the people's wishes are satisfied with making enquiries if there really be such a thing as overcrowding.

Controller Spence is certainly in earnest about the facts, and we hope he will prove himself in earnest as to the remedy. What is needed is to go ahead at once and get power for the city to do all things that are necessary, either to expropriate the street railway, to buy its stock, or to build subways. Power to raise the necessary money must be secured. The tubes or subways must be built before one or more of the railways now seeking power to effect entrances to the city secures the power. It is a race now between the city and the companies who will get the city privileges. The city should not be mad enough to let them pass into corporation hands, but this is the present prospect, with a chloroformed mayor and council.

In all this there is no desire to hamper or injure the companies. But the city has a much greater reliance on its own good faith than it has any right to have on the good faith of the companies with which it has had to deal. And it would be the same companies and the same company directors with which it ould still have to deal.

The city, once it has its own subway and its own connections, can offer fair terms to every radial road wishing to enter the city, and it will be able to control the traffic for the advantage and convenience of the citizens. This it cannot do at present.

Will Controller Spence take the initiative and force these issues before the city council and into the legislature?

DISCOURAGING.

There seems to be general surprise that W. K. George has been left off the directorate of the Canadian National Exhibition. But that is one of the ways we do things in Toronto. Mr. George's interest in the exhibition was one of the things that Toronto has much too little of—the disinterested and whole-hearted devotion to public affairs for the sake of the community in which he lives, and for no other reason. Very few men of prominent business standing and independent means can be tempted into public life. When they venture to come, they are not greatly encouraged.

THE PROVINCIAL BUDGET AND ITS CRITICS.

How little can really be said in disparagement of Sir James Whitney's provincial policy on its financial side is made evident by the trivial criticism at command of the opposition party and press organs. Vague allegations of extravagance founded on nothing better than an increase in expenditures are all they have to offer. Comparison is made with the budget as it was under the Liberal regime, but if that alone is to condemn Col. Matheson's guardianship of the provincial exchequer, where does the Laurier government stand? For it is remarkable that Liberal critics who are prompt to arraign the provincial administration at the bar of economy have reasons in plenty justifying the vast increase in expenditures that has marked the course of federal finance. Gross partisanship of this kind answers itself.

Mr. McDougal also revealed marked disinclination to indicate the particular increases that justified the charge of extravagance and eked out his speech by the introduction of various subjects not very germane to the debate. One animadversion to which he committed himself invites remark. Questioning the expediency of inviting local subscriptions to provincial loan issues he is reported to have made the rather extraordinary comment that foreigners should supply the money to develop the country, but let Canadians secure the common stock in the enterprises thus financed. "Then the Canadians will reap the high interest paid on common stock while the foreigner can have his 4 per cent." This is jejune enough to be sure. Why should Canadians who want a gild-edged security at 4 per cent. be forced to go out of the country for it? If they prefer common stock—a questionable investment these days—the provincial issue is no obstacle.

AVOID THIS SOLECISM.

Says The Buffalo Express: "Americans who can't leave their race prejudices at home would better stay away from Cuba." We quote the sentence, not on account of its sentiment, which is admirable, but to call attention to the construction. An Englishman would write: "Americans who can't leave their race prejudices at home had better stay away from Cuba." Canadians are falling into the same usage, and we think they had better not.

THE SINGING OF THE NATIONAL ANTHEM.

Editor World: The World to-day reports that, at the conclusion of Mr. Borden's speech, "the men on the Conservative side burst spontaneously into singing the national anthem—the government side remained silent."

The Globe to-day says that the conclusion of Sir Wilfrid Laurier's speech "was marked by the inspiring spectacle of the whole house rising and singing the national anthem."

For the sake of an honest report, will you please tell us which is correct?

Byron H. Stauffer.

Feb. 4, 1910.

Mail and Empire—"With the members of the opposition and the vast audience in the galleries singing the national anthem * * *"

The News—"The Conservatives cheered themselves hoarse, and then, joining hands, sang the national anthem."

The Telegram—"The opposition members, who rose to their feet, sang 'God Save the King,' the Laurier followers joining in the national anthem because there was nothing else for them to do."

A SUCCESSFUL ISSUE.

The Toronto firms offering Sterling Coal Company bonds report that subscriptions are coming in in good numbers from various parts of the province, and that all indications are that the bonds will be at least full subscribed for.

It is felt that a 580 per cent. stock bonus going with a 6 per cent. bond on well situated producing properties, for which ample funds are available for further equipment and development, and for working capital, makes an investment which may be expected to increase materially in value.

THE LURE OF GOLD.

Of all the attractions this is the one most powerful and most eagerly responded to by mankind. Back in '49 the yellow stuff drew men to California as if it were a magnet irresistible and at various periods in different parts of the world the rainbow chase has beckoned to mortals with its promise of wealth. Not only is gold the most precious of metals—it is also indestructible. The same gold Cortez filched from Montezuma is in existence to-day. Gold as we all know enters very largely into the manufacture of watches. The Peoples Supply Company sell watches on an entirely new and novel plan. Better get full particulars of their big offer. A postcard is all that is necessary. Their address is, Drawer 843, Station F., Toronto.

Will Sue Saturday Night.

Henshaw Maddock has issued two writs against Saturday Night, one for unstated damages for alleged defamation and libel, arising out of the publication of an article a week ago, and another for $5000 damages arising out of an article in this week's issue of the paper. Mr. Maddock has also issued a writ for $10,000 damages against W. A. Fraser.

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SEMI-CENTENNIAL YEAR OF THE LONDON MUTUAL

Half a Century of Substantial Progress—Surplus Large and Security Unequaled.

The president and executive of the London Mutual Fire Insurance Co. of Canada, one of the most important institutions of this class in this city, have reason to congratulate themselves on the fiftieth annual statement which has just been issued.

The record of the company has been one of conservative but substantial and ever increasing progress during the past half century. The assets have increased, the surplus grown, business has expanded and with it all has come additional security to the policyholders until the element of risk may be said to have been wholly eliminated. There has been a decrease in the company's losses, indicating great care in the selection of risks.

It is pleasing to record that on December 31, 1909, there were no adjusted losses unpaid. In fact, one of the elements that have contributed to the growth of the London Mutual has been the good faith of the management in settling quickly fire losses in which there is no just cause for delay.

The London Mutual has come to be regarded as a prudent underwriter of fire insurance. A few figures may be quoted in this, the semi-centennial year of the London Mutual Fire Insurance Co. Financial men and the public generally will find the company's statement on another page a story of business progress. This statement shows that the company has a large balance over expenditure, that the assets amount to $924,681, that the gross income has grown until it almost reaches a million dollars. A most impressive feature of this statement is the splendid surplus, which now amounts to $515,834. Policyholders are secured by a reserve for unearned premiums of $325,062, capital stock paid and unpaid $100,000, and a surplus of $515,834, making the splendid total of $941,797.

Most sincerely The World adds its congratulations to President D. Weismiller, Secretary A. T. Platt and other members of the company on the magnificent showing in their semi-centennial statement.

Special Features In Connection With Grand Trunk Route to Boston.

It is the only double-track route to Montreal. The only through sleeper to Boston leaves Toronto via Grand Trunk 9 a.m. daily.

Tickets, reservations, at City Ticket Office, northwest corner King and Yonge-streets. Phone Main 4209.

OLD GOLD

"I'd give my last quarter if I could only get a light"

CIGARETTES

AT OSGOODE HALL

ANNOUNCEMENTS.

Feb. 4, 1910.

Peremptory list for divisional court for Monday, Feb. 7, at 11 a.m.:
1. Whalen v. Owen Sound.
2. Hadley v. Westman.
3. New v. S.S. No. 8, Saltfleet.
4. Dicks v. Sun Life Assurance.
5. Gilmour v. Sleeman.
6. Appleyard v. Mulligan.

Peremptory list for court of appeal for Monday, 7th inst., at 11 a.m.:
1. Toronto Club v. Imperial Trust Co.
2. Toronto Club v. Dominion Bank.
3. Toronto Club v. Imperial Bank.
4. Allen v. C. P. R. Co.

Non-Jury Assize Court.

Peremptory list for non-jury assize court, before Justice Clute, Monday, Feb. 7, at city hall, at 11 a.m.:
49. Brooks v. McIlwain.
112. Winkler v. Mayes.
119. Sculley v. Bank of Toronto.
123. Sovereign Bank v. Gross.
125. Whitney v. Small.

Peremptory list for non-jury assize court, before Chief Justice Meredith, Monday, Feb. 7, at city hall, at 11 a.m.:
80. Meyer v. Crown Bank.
116. Hocking v. Peacy.
122. Richardson v. Matthews.
124. Mickleborough v. Strathy.
126. McCausland v. Currie.

Jury Assize Court.

Peremptory list for jury assize court, before Chief Justice Falconbridge, Monday, Feb. 7, at city hall, at 11 a.m.:
21. Robinson v. C.P.R.
61. Richardson v. Toronto Railway.
14. Boyd v. Toronto Railway.
41. Williamson v. Toronto Railway.

Master's Chambers.

Before Cartwright, K.C., Master.

Muir v. Hamilton—Swanson (F. S. Mearns), for plaintiff, moved for leave to issue writ of summons for service out of the jurisdiction and for service of same and of statement of claim. Order made.

Stidwell v. Township of North Dorchester—H. S. White, for defendant, moved to change venue from St. Thomas to London, and offers to pay the extra costs of trial at London. J. F. Lash, for plaintiff, contra. Reserved.

Re Raycraft and Quieting Titles Act—J. E. Caldwell, for Thomas Raycraft, the petitioner, moved to set aside ex-parte order made on Jan. 29 extending time for appealing against order of local master under Quieting Titles Act. E. Bayly, K.C., for attorney-general of Ontario, contra. On counsel for attorney-general undertaking to bring on final appeal in this month, motion dismissed. Costs to petitioner in any event.

Taylor v. Barwell—F. Aylesworth, for plaintiff, moved to strike out paragraph 7 of statement of defence. A. H. F. Leroy, K.C., for defendant, contra. Reserved.

Mitchell v. Kowalsky—A. Cohen, for defendant, moved to enlarge time for redemption. A. C. Bedford-Jones for plaintiff. Enlarged until 10th inst.

Canada Canning Co. v. Down & Fleming—H. E. Rose, K.C., for defendants, moved to change venue and to transfer action to Stratford. M. Macdonald, for plaintiff, contra. Reserved.

McDonald v. Trusts & Guarantee Co. (two actions)—M. L. Gordon, for defendants in both cases, moved to separate causes of action and for particulars. Both motions dismissed. Costs in cause. Jury notice withdrawn. Defendant to have four days' time to plead.

Star Iron Co. v. Price—F. J. Roche, for plaintiffs, moved for attaching order. Order made, returnable on 16th inst.

Re J. E. Wilkinson and Connolly and certain miners (three matters)—J. Hales, for Wilkinson, moved for interpleader orders in these cases. T. P. Galt, K.C., for the miners. J. E. Jones for Barker and Connolly and Malsar. Order for payment into court of amount admitted by applicants, less costs in each case fixed at $15. Issue directed between the miners as plaintiffs and the other claimants as defendants to be tried at the non-jury sitting here. Issue to be served in ten days.

Macdonell v. Bassett—Grayson Smith moved to dismiss for want of prosecution. A. C. McMaster, for plaintiff, contra. Order made allowing plaintiff to proceed on his undertaking to do so with all diligence. Motion dismissed, costs to defendant in any event. Defendant to have 15 days to plead.

Judge's Chambers.

Before the Chancellor.

Re Larch—F. W. Harcourt, K.C., moved for an order for sale of infants' estate. Order made.

Re Harris, Settled Estates—G. Bell, K.C., moved for an order allowing a charge on different properties. F. W. Harcourt, K.C., for infants. Order made.

Re McDowall—R. J. McLaughlin, K. C., for motion. Enlarged for one week.

Re Barron Brick Co.—J. H. Moss, K. C. moved for a winding up order. H. R. Frost for the company. J. T. White for another petitioner. Order made. E. R. C. Clarkson appointed liquidator. Reference to master in ordinary.

Re Wisdom—Grayson Smith moved for an order for payment out of court. F. W. Harcourt, K.C., for infants. Order made.

Re Wiggins—L. Lee (Hamilton) moved for leave to pay money into court. F. W. Harcourt, K.C., for two infants. Order allowing payment in and allowing $20 per quarter until fund exhausted for maintenance.

Re Metcalf—H. W. A. Foster moved under C.R. 972 for an order for directions as to proceeds of sale, etc. F. W. Harcourt, K.C., for infants. Order made that Trust Corporation hold share subject to order of court, and sale to proceed.

Re Street Company—M. L. Gordon asked enlargement of petition, to be brought up on 24 hours' notice. Order accordingly.

Re Argyle Silver Mining Co.—R. McKay, for petitioner, moved for a winding up order. R. B. Beaumont, for the company. Reserved.

Re Speers estate.—H. F. Segsworth moved for an order for payment out of court. Stands for further information.

Re Dube and C.P.R. Co.—A. D. Armour, for the company, moved for an order for payment out of court to vendor, and for a warrant of possession for the railway company. Stands for further material.

Sproal v. Sproal.—G. H. Kilmer, K.C., moved for an order for reference. W. A. Skeans, contra. Order made.

Re Young, lunatic.—J. E. Jones moved for an order declaring lunacy. C. G. Jones, for inspector of prisons and public charities. Order made. Reference to master at Brockville to take all necessary proceedings.

Re Pearce.—F. W. Harcourt, K.C., moved under C.R. 972 for directions as to sale. J. E. Jones, for R. Y. Pearce. Stands for further information.

Re McKenzie estate.—M. L. Gordon moved for an order confirming report. W. S. Brewster, for other parties. Order made referring back to master to correct report by reporting ages, etc., and for payment out to parties entitled. Costs out of estate.

Re Metcalfe estate.—Grayson Smith moved for an order for payment out of the interest to the widow from time to time. F. W. Harcourt, K.C., for infant. Order made. Costs fixed at $15, to be paid out of fund.

Re O'Donnell.—J. E. Jones, for P. P. Kelley, moved for an allowance of $45 a month for maintenance. F. W. Harcourt, K.C., for infants. Order made allowing the interest from fund for three years.

Hope v. Central Ontario Railway Co.—A. C. McMaster, for Sheriff Hope, moved for an order for payment of his fees. C. A. Moss, for Bank of Ottawa. T. P. Galt, K.C., for other plaintiff. Reserved.

Divisional Court.

Before Meredith, C.J.; Britton, J.; Clute, J.

Re Tilbury North and County of Essex.—J. H. Rodd (Windsor), for the Township, appealed from the order of Judge McHugh of Nov. 11, 1909. A. H. Clarke, K.C., for the county, opposed the appeal and cross-appealed. The order complained of was made on the application of the township to have it declared that the bridge on the second concession and the bridge on the fourth concession over what is known as Big Creek in the said township is a county bridge to be assumed, maintained and kept in repair by the county. The judge dismissed the application as to the bridge on second concession and declared bridge on fourth concession to be a county bridge, but ordered the township to pay fifty per cent. of cost of maintenance and repair. Appeal and cross-appeal dismissed with costs.

McMurray v. Trustees S.S. No. 3 Nissouri.—C. A. Moss, for defendants, appealed from the judgment of the judge of the County Court of Essex, sitting for and at request of the judge of the county court of Oxford of date July 3, 1909. J. L. Ross, for plaintiff, contra. Plaintiff, a teacher, sued the trustees, defendants, on an alleged verbal contract for the year 1908 for wrongful dismissal and for $199 damages and costs. At the trial judgment was given for plaintiff for $50 damages and division court costs. Defendants' appeal argued and judgment reserved.

Court of Appeal.

Before Moss, C.J.O.; Osler, J.A.; Garrow, J.A.; Maclaren, J.A.; Meredith, J.A.

Ihde v. Starr.—W. M. Douglas, K.C., for defendant, appellant. E. D. Armour, K.C., and G. H. Pettit (Welland), for plaintiff, respondent. Plaintiff sued on behalf of herself and all other property holders at Crescent Beach, Township of Bertie, Welland, for an injunction to restrain defendant from obstructing or interfering with or preventing or hindering plaintiff and all other property owners at Crescent Beach in the free and uninterrupted enjoyment of an alleged right of way. Defendant claimed title by length of possession of land in dispute. At trial plaintiff's action was dismissed with costs. Plaintiff appealed to a divisional court, who allowed her appeal and reversed the trial judgment. From the latter judgment defendant now appeals to this court.

Drewry v. Percival.—W. N. Ferguson, K.C., for George Percival. G. R. Geary, K.C., for plaintiff, contra, raised objection that an appeal from a district court did not lie to this court, that defendant's remedy was exhausted on appeal to divisional court. The plaintiff sued George Percival and his brother, H. C. Percival, on notes made by H. C. Percival, alleging a verbal guarantee by the appellant. This action was tried before His Honor Judge Chapple, district judge of Rainy River, under the increased jurisdiction of the district court, and judgment given plaintiff for $1039. The defendant, Geo. Percival, appealed to a divisional court, which dismissed his appeal and he now appeals to this court. Appeal argued and judgment reserved.

EATON'S DAILY STORE NEWS

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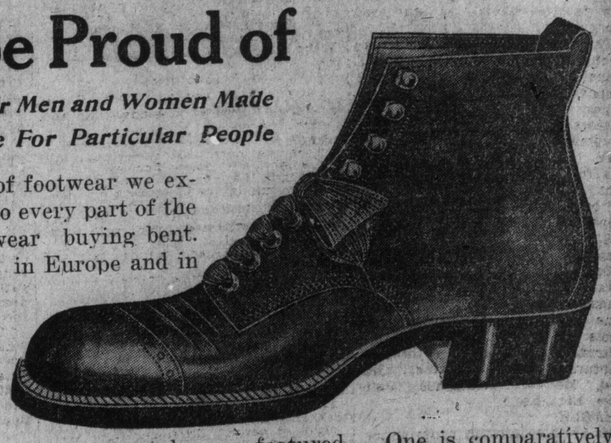

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FOR MEN, suitable for business or best wear, guaranteed solid, all through, we know of no better boot value, fine goat kid, blucher tops, heavy or medium Goodyear welted soles, a variety of shapes to meet most any one's requirement; all sizes 3.00

FOR WOMEN, select quality of fine black glossy vici kid, a style that will appeal to lovers of dressy footwear, dull kid blucher tops, Goodyear welted walking soles; all sizes 3.00

FOR WOMEN, nice fine quality of patent coltskin made on one of the new spring lasts, a nifty pattern, Goodyear welted soles; all sizes 3.00

An Elegant Boot—The New Excelsior For Men

Carefully designed to fill the wants all round, perfect fit, good service and dressy shape, it's made from extra select vici kid, a dressy last which will give every satisfaction to the man who is most particular about his footwear. Goodyear welted, perfectly smooth inside 4.00

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Easy to take.	Easy to take.	Easy to take.
Don't forget.	Don't forget.	Don't forget.

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