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TORONTO, CAN. FRIDAY, JUNE 14, 1889

## THE SITUATION.

At last the Government has partially retrieved the error into which it fell when it put an export duty on Canadian sawlogs. As we pointed out last week, American lumbermen were making the existence of a duty the ground for demanding an increase in the duty on Canadian lumber, and there is very little doubt that they would have been successful. The threatened blow will be averted by the order in Council removing the Canadian export duty. The ostensible object is to remove the duty on logs to be used for piling purposes only, but when they get to the States they can be used for any purpose. This mode of attempting to cover a retreat cannot be recommended: a naked repeal of the duty on logs of the size named, eleven inches, would have been preferable. When this duty was imposed, as well as when it was increased, the fact that Canada imports more logs than she exports must have been overlooked. Some Canadian lumbermen were in favor of the duty and some against it, as some are importers of logs and others are not. An increase of the American duty on lumber would have been unwelcome to all. The present duty is injurious to many interests in the Republic, especially those who require lumber for building and fencing. A reduction of the duty, if its abolition cannot be obtained, would seem to be now in order. American lumbermen will resist both, and as they can command the support of other protectionists, reduction or repeal is problematical, if not improbable.

After a long and exhausting enquiry, the coroner's jury has come to the conclusion that the Junction Cut railway accident, at Hamilton, was caused by the breaking of the flange of the leading wheel of the engine truck, causing the wheel to leave the track and producing the disastrous consequences that followed. The jury adds that the high rate of speed at which the engine was running had much to do with the cause and extent of the disaster. This is not the same as saying that the high rate of speed was the sole cause of the breaking of the flange; what is asserted is that the rate of speed contributed to the breakage, or had

much to do with it. The averment is equivalent to the assertion of a probability. If the rate of speed was not the sole cause, there must have been some other, but what it was we are left to conjecture. This element of uncertainty gives the verdict an unsatisfactory character. Is it certain that the rate of speed had "much to do" with the breaking of the flange? And if so, how much? These questions may be beyond the power of human ingenuity to answer. At any rate, the verdict leaves a large measure of uncertainty as to the cause. A high rate of speed, at the point where the accident occurred, tends to produce danger. This is probable, and the recommendation that a lower rate of speed be observed in future is reasonable.

Another recommendation of the Hamilton jury deserves attention. It is that the Government should take such measures "as may be necessary to secure a full and complete inspection, by a competent person, in all cases where there has been loss of life through accident before anything whatever is removed or touched, further than may be necessary to rescue bodies and property from the wreck." In many instances very little of the wreck could remain undisturbed after the necessary removals have been made. For "a competent person" we should have to read "engineer," for his training would be the best guarantee of competence. The suggestion is a reasonable one, and if it were carried into effect some additional and more certain light might be thrown upon the causes of future railway accidents. To carry out this recommendation would justify a special appointment of an engineer whose sole duty it should be to enquire into the causes of railway accidents. We recommend the suggestion to the consideration of the Ontario Government, with whom it rests to make provision for the protection of property and the preservation of civil rights.

The University of Toronto has just conferred its first honorary degrees, the degree of LL.D., and it has done its work with an unsparing hand. For this honor a number of prominent politicians were selected, and it is impossible not to regard the selections as largely political, though not in a party sense. The University needs friends, but is this the best and most legitimate way to secure them? The precedent may prove inconvenient, for hereafter all public men may think they have a right to look for similar honors. We cannot help thinking that when the University of Queen's College conferred a similar honor on Mr. Kingsford, the historian of Canada, it did an act more in the line of its duty, and one about which there will be less misgiving. If the fact of being prominent in public life is to entitle anyone to academic honors, there is nothing to be said about the recent honorary degrees; but it is impossible to suppress a doubt whether this be a wise, proper, and judicial exercise of its powers by the University of Toronto.

Responsibility for the Johnstown, Pa., disaster is placed by the coroner's jury on a moribund, if not defunct, hunting and

fishing club, which had charge of the dammed up waters, the sudden breaking forth of which did all the mischief. Nobody will admit that he belongs to the offending club, which neglected to keep the dam in order, and the real offenders are not likely to be punished. The unfortunates who have lost their lives can scarcely be held free from the sin of contributory negligence. The railway company which ran its line in a dangerous valley should have had an eye to the insecure dam. There is an old dam in the State of New York, several times as high as that which burst at Conemaugh Lake. At the cascades on the Gattineau river there is a jam of logs reported to be sixty feet high, so that Canada is not free from a danger similar to that which has visited Pennsylvania, if of less alarming aspect. But this is the work of the water, increased by late heavy rains, and not a result of defective art or culpable negligence, unless it can be shown that the public boom which has been swept away ought to have been able to resist the pressure of the rushing waters.

In the case of Schultz v. Winnipeg it has been decided on appeal that a sale of land for taxes was illegal. The effect is said to be practically that all tax sales hitherto made in Manitoba are void for irregularity. Should this be the case, very important consequences will follow. Many persons who lost lands which came under the hammer of the tax sale auctioneer will be able to recover them. It will of course be impossible for the Legislature to take away the rights of individuals by assuming to legalize the defective sales. There must be many persons whose lands were irregularly sold who either from want of the will or want of means will not take proceedings to recover their rights. In some cases probably arrangements will be made between the original owners and the purchasers, by which the latter will obtain quit claim deeds. But the chief importance of the decision lies in the fact, if fact it be, that it unsettles and makes void all past sales for taxes in the Province.

A section of Toronto, in which Huron street is embraced, is interested in the question whether the seller of land can make it a condition that any building other than private houses of a certain kind and value can be erected on it. The practical question arises on a proposal to build a school house on Huron street, where such restriction exists. If such a restriction held good, it might be pushed so far that ground on which to erect public schools could not be obtained, a state of things that could not be tolerated. While this would theoretically be possible, it could, of course, not happen in practice. The Board of School Trustees ought to be reasonable, and it is scarcely reasonable to erect a public school on a fine street like Huron street. Regarded as an engenderer of noise, a public school, though a necessity, is more or less of a nuisance. It may be much more objectionable in some localities than in others, and every school should be put as nearly as possible where it will afford the greatest convenience and be the cause of the least extent of public objection.