

The Toronto World

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A COLD-BLOODED THROW DOWN.

For a cold-blooded throw-down of a public right by a newspaper that professed to be started in the public interest in Hamilton as against the two other newspapers that were railroaded with job printing, commend us to the following in The Hamilton Herald of Friday last:

A Toronto citizen, William Nisbet Robinson, has essayed the role of Hampden, in behalf of the people of Canada, he has appealed to the courts with a view of compelling the great Grand Trunk Railway Co. to obey the law. A Canadian statute of 1852 provides that the G. T. R. Company must carry third-class passengers for a penny a mile, and that it must run at least one train a day, with third-class carriages, throughout the length of its line. This provision has been ignored for a great many years by the company, and Citizen Robinson has appealed to have General Manager Hays summoned before the courts and "justice done in the premises."

There is no doubt about the existence of the law. No one can deny that any great advantage would be gained by the travelling public. To run each day a single train with one or two poorly equipped passenger cars, which the state has been before the courts and "justice done in the premises."

There is not a corporation in Canada that is not encouraged to disobey the law by just such writings in the newspaper press. The Herald says no one wants a measly third-class fare any way! What are the facts? The clause in the Grand Trunk charter is the identical one that at the very same time (fifty odd years ago) was inserted in every charter in England. And for years the railroads obeyed the law and ran ONE parliamentary train a day. But one enterprising manager happened along that thought it would be good business to put the penny a mile car on every train. All the roads followed suit and the whole of the fast and high class and yet third-class passenger travel of Great Britain had its origin in this very clause that the Grand Trunk is alleged to have ignored and which The Hamilton Herald pats them on the back for ignoring.

The Hamilton people stand a good deal of daily betrayal from the three papers that they are asked to take in to their houses every evening.

TO MR. GIBBONS—A SUGGESTION.

As Aphrodite rose from the foam of the sea, perfectly formed and radiant beautiful, so, from the depths of darkest London (Ont.), springs into public gaze that heroic figure of resplendent political virtue, George C. Gibbons, K. C.

Less romantic than his knightly quest for the emerald grail or political purity, are the prosaic facts that he is a lawyer, the chairman of the Liberal organization, and the friend and supporter of Charles S. Hyman. Yet these details must be remembered, to appreciate the full meaning of his story. Year after year, so Mr. Gibbons tells us, he saw his friend, Mr. Hyman, defeated for parliament by electoral frauds and the corrupt use of money. It was then, and only then, "that certain elements in the Liberal party determined to fight fire with fire." Then commenced that carnival of crime, which culminated in the by-election of 1905.

In these orgies, Mr. Gibbons assures the people, he took no part. He warned and protested in vain. He urged that it was not good politics. He preached the gospel of a return to the simple life. "Better a tanner with a clean conscience than a cabinet minister with a criminal record," might have been his text. But he was

laughed at, like Noah, before the flood, and now, like Noah, he is entitled to say, "I told you so."

The Toronto Star, which boldly demanded, "Begin at the Top To-Day," and then dropped the whole subject of the London election like a hot potato, would fain bask in the sunshine of Mr. Gibbons' virtuous record:

We think the people would like to see a new election in London in charge of men like Mr. Gibbons. Yes, the people would like to see a new election in London. They would like to see Mr. Hyman resign his seat, which everyone now admits came to him by fraud. They would like to see him face his constituents. Would it not be well for Mr. Gibbons to quietly advise him to resign? Warn him. Mr. Gibbons, that those fearless, independent newspapers, The Globe and The Star, are not to be trifled with.

Here is a field of service for Mr. Gibbons. Let him bring about a by-election in London, and conduct it honestly. Mr. Hyman may be defeated, but anything is more creditable for him and his party, and the country at large, than his present indefensible position.

Or, better still, let Mr. Gibbons himself run, and show the people of Canada how easy it is for a candidate to secure a clean campaign.

OUTLAWED BY FAGIN.

Jim the Penman, who once on a time pen-prayed that the hull of the ship of state might be scraped of all barnacles, now has undertaken to outlaw Henri Bourassa and W. F. Maclean. Jim the Penman, in the columns of The Globe, assumes also to speak as the official executor of what shall we call it, the joint consolidated government-opposition, as everlastingly cemented by the salary grab. This editorial Fagin cries, "Stop, thief," but he has cried once too often, and the people are on to him.

This man Bourassa and this man Maclean seem to have some kind of hold on the public heart, and in some way they are vigorous champions of public rights. They may not be especially gifted, but in some way they have come to express what the people of Canada are thinking, and by the people of Canada we do not mean hard and fast, follow-a-yellow-dog partisans.

If it is true that these two men express the sentiment of the people of Canada, how grievous is the brand of outlawry? And, more strange still, why should Jim the Penman be chosen as the upright judge? If advocacy of public rights puts a man out of the pale of the law, who can be lawful? If to be lawful a man must follow party blindly, wear the badge of so-called Conservatism or so-called Liberalism, ignore the rights of the people and cleave to private interest as opposed to public interest, who would not be an outlaw?

All honor to the outlaws as ostracized by Jim the Penman and the Fagins of yoke-wearing partisans.

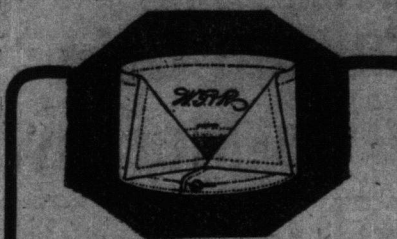
COMMUNICATION WITH COBALT. United States financiers, speculators and news gatherers have their eyes on Cobalt just now. While Canadians are yet wondering and enquiring, the net is out and mines and claims are being swept into the capacious ark of our frightened and enterprising neighbors. They are out now investigating personally and by their technical experts and they are losing no time in profiting by their own observation and their advisers' judgment.

And upon the heels of the increasing attention given to the Cobalt deposits will come the wild cat offering that inevitably accompany the certification of mineral wealth—indeed they are here now. And it will be fortunate of the investing public of Ontario, awaking too late to the chances that have passed, escape loss in pocket as well as in opportunity.

For the protection of the public, as well as the interest of Cobalt, the immediate improvement of telegraphic lines, the introduction of direct telephonic communication is absolutely necessary. Owing to the break at North Bay, the course of messages by wire is understood to have given rise to serious complaints. Delays of this kind are inconvenient at any time, and in the case of a great mining town are peculiarly objectionable, and indeed inadmissible. The lack of instant information, or of the facilities for verifying information, is a direct encouragement to vicious stock manipulation and to the promotion and flotation of worthless undertakings.

The provincial government ought certainly to make arrangements for the ingathering and tabulating of output statistics and for their speedy dissemination. Each and every occurrence in Cobalt, which affects the prices of stocks and the extent and value of the mineral field, ought to become public property without the delay of a moment that can be saved.

Since writing on Saturday The World learns that a government telephone line already runs from North Bay to and beyond Cobalt. It is impossible, however, to speak to Cobalt from Toronto, as the Bell trunk line does not extend further than Burk's Falls. Nothing has yet been done to fill this gap, and it is up to the provincial government to see that this is done. Why not, indeed, do as was suggested on Saturday, and continue the government line from North Bay to Toronto by one or other of the telegraph roads. The World has been informed that so numerous have been the telegraph messages during the last few days that it has proved impos-



TACOMA—A popular day wear style suited to large scarf, 2 1/2 inches at back. Comfort-spaced, graceful, easy-fitting. Made in Quarter Sizes.
IRISH linen, for surety of staunch service; interlining lessened at wing-folds, so ironing won't fray, doubly-sewn and gutter seamed to give you your money's worth.

20c. Demand the brand 3 for 50c. Each. **W.F. Maclean**

PAIR WORDS FALSE.

The Toronto Star brought to book by Premier Whitney says, "No one will be more gratified than we will be if the government sticks to its policy as announced through its power minister."

The voice of the hypocrite. The Nicholas-Pollack-Cox syndicate supplies the records and The Star gives evidence that it is the vilest tool in the hands of the electrical trust to aid in monopolizing Niagara power and in furthering those interests that run contra to public interest.

Yet it has the temerity to say it would be gratified with public ownership of Niagara power. Is a baby tickled with the colic?

LATEST PORTRAIT OF W. F. MACLEAN AS DRAWN BY THE TORONTO GLOBE.

Toronto Globe editorial of Saturday: As for Mr. W. F. Maclean, his difficulties are radically different from Mr. Bourassa's. He has competent ability and many of the views he advocates are sound and some day they will prevail, but not by his presence. Occasionally, of late perhaps constantly, Mr. Maclean may believe in his own integrity and honesty of purpose, but he has never succeeded in impressing this belief either upon his political opponents or his political friends. Indeed, the men who distrust him most are those who have had most to do with him. His restlessness and mental shiftness make it impossible for him to master any large problem, and the utter recklessness of statement in which he indulges as regards both situations and individuals has destroyed public confidence in him.

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FALLS DEAD ON STREET.

Woodstock, Nov. 5.—While leading a cow along the street yesterday afternoon, William Egan, aged 70, fell dead. One son, Rev. Frank Price, lives in Manitoba.

North Essex Conservatives.

Windsor, Nov. 4.—The annual meeting of the Conservatives of the North Riding of Essex Association was held here Saturday afternoon. The meeting was of the most harmonious nature and wound up with resolutions expressing confidence in R. L. Borden, Premier Whitney and Hon. J. O. Ross. The new officers: Pres., Geo. E. White, Windsor; 1st Vice-pres., Wm. Smith, Walkerville; 2nd Vice-pres., Patrick Marquette, Sandwich West; Secretary, B. Drake, Windsor; Treasurer, A. Arnold, Windsor.

The Gaelic Society.

With but few exceptions the officers of the Gaelic Society will continue in office for another year. The exception is Alex. Campbell, who is named as a candidate for the chief's chair, opposing Alex. MacGregor, M.A., LL.B., the present chief.



SWEET CAPORAL
CIGARETTES
STANDARD OF THE WORLD

ENFORCED EDUCATION IS NOT TO BE HURRIED

Hon. Dr. Pyne Says Government Will Consider Separate School Situation Carefully.

Unless a considerable time allowance is made by the education department to the Christian Brothers at present teaching in the separate schools, in order that they may be permitted to review the studies prescribed, entitling them to bona fide teachers' certificates; and, unless at the same time provision be made whereby they may be allowed to continue in the profession until they have met with the government requirements, the separate schools throughout the country for a time at least—some what disorganized.

There is no doubt that many of the teachers will not submit to the humbling of reviewing subjects which were brushed over and dropped 10 or 15 years ago. One of the Brothers, in a local school, in discussing the situation, declared positively that he would not do it! He had taught in Toronto for 15 years, and had learned to consider the work of his home, and would dislike to leave; but he had no ties other than his school to hold him, and he would not hesitate about packing up and leaving the country for other fields, which he was content his services would be appreciated.

He said it was ridiculous to compel him to take up algebra, for instance, and other subjects in which he had been rusty for 15 years, merely for the sake of a certificate, when he never expected to make use of them again in professional life.

From an interview with Hon. Dr. Pyne, however, it would appear that those who feel less injured personally will be accorded plenty of time in which to make the necessary review.

The minister of education was not in a position to say what action the government would take in the matter, but gave assurance that the best interests of the schools would be well considered. "Everybody concerned may rely upon receiving fair treatment," he said. "No thing will be done suddenly in the matter, and the process of eliminating the unqualified teachers will be gradual."

The government realizes that this is a most serious question, and careful thought will be brought to bear upon it. I have no doubt whatever that this decision will be for the ultimate benefit of both teachers and pupils.

Coming down to modern times, what do we see? Men assuming the duties of bank directors, having no knowledge of the banking business, but whose vanity had been touched by the name "bank director," and who had not brains to manage a good-sized hen roost. The young man of to-day was a bundle of vanity, pride and veneer. He would not be content with the minor, arraying himself with the care bestowed upon a wax doll. He was more concerned with what covered his head than with the duties of his position. If ever improved his mind with the contents of a good book or devoted any thought to religious matters.

"The speaker," said the speaker, "is deep with men and women who are living a thousand dollar life on an eight hundred dollar salary. They rent big houses, take time before the mirror, and give swell suppers and all the time are owing their fellow citizens what is due them."

MR. LEVEE GETS APPOINTMENT. Goes to The Farmer's Advocate as Special Advertising Representative.

Mr. L. Edward Levee, son of Mr. L. S. Levee of the board of education, has been appointed advertising representative of The Farmer's Advocate and Home Magazine of London, and Farmers' Advocate and Home Journal of Winnipeg, with headquarters in Toronto. There were many applicants for the position, and although Mr. Levee was the youngest applicant, he secured the appointments. Mr. Levee is a Toronto boy, having attended Queen Victoria and Lansdowne schools, taking his entrance examination from King Edward School. After two years in Harbord Collegiate Institute he took a thorough business college course. From the business college he went to the Coca-Cola Co., representing that firm in Toronto and Western Ontario as salesman and advertiser. Having a natural aptitude for advertising, he left the Coca-Cola Co. to take charge of the advertising of The Canadian Pharmaceutical Journal, which position he resigned to accept his present one. The Farmer's Advocate is one of the best farm journals in America, and Mr. Levee is to be congratulated upon having been appointed over the heads of scores of men many years older than himself.

Hering Admits Guilt.

Chicago, Nov. 4.—Announcement was made yesterday that Henry W. Hering, former cashier of the defunct Milwaukee-ave. State Bank, will plead guilty to the charges of forgery and forgery pending against him in the criminal court. Hering's case is on call before Judge Pinckney to-morrow, and, if entered, the plea probably will come then.

A LITTLE FUR TALK TO MEN

After all, isn't it the reputation of a store that decides your "where to go" in Fur purchasing?

And is it likely that the store that offers men best values in every other line would quote Fur prices that could be bettered?

IMPORTANT

Besides the splendid rich beauty of the furs themselves, the pelts are strong—not the weak, brittle pelts that crack and break like paper—and shed their fur and rub bare wherever there is friction—but prime skins that will last for years!

Raccoon Coat—Like the one in the picture—whole, full-furred skins of extra quality. Italian cloth, quilted lining. High storm collar—neck or shawl shape. We know for a fact that this value isn't equalled. Price..... 47.50

Fur-lined Coat—Lining of natural mink—whole skins, carefully matched and securely sewn. Canadian otter notch collars of extra choice quality. Indigo dyed beaver cloth shell; 50 inches long. Needn't look for anything finer in a fur-lined coat. More than worth the money compared with usual values. Price..... 137.50

MAIN FLOOR—QUEEN STREET.

EATON'S FOR WOMEN'S FURS

Such values as this store gives in Women's Furs don't have to beg for business.

Doesn't matter what you want, where you come from, or how you get here, every price offers you positively best values, and that means unbeatable quality and price saving.

When you're ready for Furs, investigate Eaton's.

THE T. EATON CO. LIMITED

COURT OF APPEAL DIVIDES IN "BOOKMAKING" DECISION

Conviction is Upheld, But Way is Open for Reference to Supreme Court.

Three judges of the court of appeal on Saturday decided that the magistrate was right in convicting Jake Saunders on the charge of having conducted "a common gaming house" at the Woodbine race track, J. M. Godfrey, of Robinette, Godfrey & Phelan, who argued the case for the defence, is well satisfied. Had the court been unanimous in its decision it would have been all off with the privileges, but the way is now open, as it has not been before, to carry the question to the supreme court, and this will be done by Justice Garrow.

As a matter of fact Saturday's decision merely reaffirms that of Rex v. Hamrahan (1902), in which five judges concurred, and under which it has been duly declared illegal. That decision was given by Chief Justice Armour, and Justices Oleser, MacLean, Moss and Garrow. Of these Justices Moss and Oleser reaffirm their decision, while Justice Garrow changes his opinion.

"The question submitted by the magistrate should be answered in the affirmative and the conviction affirmed," is the judgment of Chief Justice Oleser, Moss and Garrow. Of these Justices MacLean and Oleser. Chief Justice Meredith and Justice Garrow dissent. The questions submitted are: (a) Am I right in holding that a betting booth, as aforesaid, falls within the terms of section 197 of the criminal code as a house, office or other place? (b) Am I right in holding that the provisions of sub-section 2 of section 204 of the criminal code do not apply to the offence of which the defendants are charged?

Section 197 in effect is that any person who keeps a place where bets are taken is liable to a penalty for keeping a gaming house. Section 204 says that no person shall keep any place for the receiving of bets, but this shall not apply to a race course during the progress of a meeting. The court, in its decision, draws a distinction between a place for the receiving of bets and the actual making of bets.

The nature and disposition of the betting booths at the Woodbine lawn are set forth with much detail and particularity, and the regulations and terms governing them described in connection with the questions submitted.

Defining a Betting House. "There is thus once more raised, says the judgment of Chief Justice Oleser, the question so much debated in Rex v. Hamrahan (1902) 3 O.L.R. 63, and Rex v. Hendrie (1905) 11 O.L.R. 262, as to the meaning of the words 'house' and 'other place' in section 197, 198 and 204 of the criminal code and the relation of the latter to the two former."

"In view of the findings and evidence in the case," says the court, "the first question presents no serious difficulty. Much light is afforded by the cases decided in England under the act of 1845, and 1871, act, 113, as well as by our own cases, and the answer is clear."

"Whether the booth in question here

was a house, office or other place within the meaning of section 197, is largely, if not entirely, a question of fact. The point to be determined is whether the nature of the structure, its position on the race grounds, the manner of its occupation by the defendants and the uses to which it was being put justify the conclusion that it was a house, office or other place, opened, kept or used for any of the purposes specified in the section.

"The English cases develop two lines of decision depending upon the facts in each case. They turn chiefly on the point whether there was or was not such a fixity or localization of the persons charged, of structure or ground as to constitute a 'place' within the 16 and 17 Vic. Cap. 113.

"The courts have declined to define a 'place' in general terms, but they recognize the principle that a 'place' must be in some sense fixed and ascertained, and the enquiry is whether the facts of the particular case show that the person charged was making such use of a house, office, room or other place which he was operating as to bring him within the act."

A Precedent. Shaw v. Morley (1888) is quoted as being similar in point of fact. There was a temporary wooden structure erected on a strip of ground bounded by a railway which surrounded an engine forming part of the Doncaster race-course, and partitioned into plots, on each of which was a wooden structure, each containing two desks. It was held that the structure, tho' open to the air, was an office and a 'place' within the meaning of the statute.

In Penwick, Liddell v. Lockhart, Powell v. Kempton Park Race Course Company, Brown v. Patch, were also quoted in support of an affirmative answer to the first question. The reasons given in Rex v. Hamrahan were gone over in view of the earnestness with which it had been argued that the decision in the case did not apply in the present, and the answer was once more in the affirmative.

In Discent. Justice Garrow, in dissenting, holds that "the object of the legislature apparently was to reserve the race courses for the use of the public, and to prevent where betting might be made during the actual progress of a race meeting without the bettors being subject to the penalties of the first question."

"If it is desired to put a stop to betting, such as that disclosed in the case before us, it is an easy matter for the legislature to say so. I for one would not be sorry. But as the matter stands the legislative movement is rather the other way. For the reasons I am of the opinion that the conviction should be quashed," he says.

On the ground that the defendant was not the keeper of a disorderly house in the facts related, Chief Justice Meredith's opinion was that the conviction was wrong and ought to be quashed.

The Cost of Power. In Association Hall yesterday afternoon S. D. Gordon gave the first of a series of talks to young men on the Cost of Power. Every man said the speaker is tempted.

If he is possessed of a mind and a social nature, he is open to temptation. It comes along the natural lines of a natural life. Wherever man is there is temptation, and he must fight with it. The power of temptation depends much upon how a man treats it. Good things come high, and the reason we don't have power is because we won't pay the price.

Principals Refuse. Principal S. McAllister, of Ryerson School, and J. T. Slater of Bolton-avenue School, have announced their intention of retiring from the teaching profession at the close of the present term. The former has taught for 46 years and the latter 24 years.

Ordered to Pay the Taxes. Judge Winchester has decided that Miles Vokes, who refused to pay in 1905 for a personality assessment made in 1902 on the ground that in the latter year he moved out of the city to the township, and was doubly assessed, must pay.



O'Keefe's Special Extra Mild ALE

is the perfection of the brewmaster's skill. There is nothing finer in the Old World or the New. And connoisseurs say the imported brands have not the satisfying deliciousness of O'Keefe's Special Extra Mild Ale.

Money cannot buy better Coffee than Michie's finest blend Java and Mocha, 45c lb.

Michie & Co., Limited

NOT SMOOTH FOR LAURIER IN MONTREAL DIVISIONS

Gallery Faction Trying to Force Dr. Guerin Out of St. Ann's—Situation in St. Mary's.

Montreal, Nov. 4.—(Special.)—While the Conservatives are perhaps in the same box nothing can be more unsatisfactory than the government interests in St. Ann's and St. Mary's divisions.

After a great deal of hesitation, it has been decided to hold the St. Ann's Liberal convention on Tuesday evening, and still there are very few, even amongst the most active leaders, who care to guess what will take place.

A unanimous finding appears, however, to say so. I for one would not be sorry. But as the matter stands the legislative movement is rather the other way. For the reasons I am of the opinion that the conviction should be quashed," he says.

On the ground that the defendant was not the keeper of a disorderly house in the facts related, Chief Justice Meredith's opinion was that the conviction was wrong and ought to be quashed.

It is likely that a good section of the party would show the lumber for, in unopposed, but there are two other elements demanding a fight at all costs. These are the out and out supporters of the government, and the men who want an election for the ready cash which such an event throws in their way. The latter have, in fact, made some amusing representations to the government. They declare to the ministers that the division is in danger, that these are critical times, and that at least \$25,000 should be spent just to re-elect Sir Wilfrid Laurier's shattered prestige.

CASORIA. The Kind You Have Always Bought. Bears the Signature of Dr. H. H. H. H.