FRIDAY MORNING

THE TORONTO WORLD

IN THE LAW COURTS

IN THE HIGH COURT.

Divisional Court.

Court of Appeal. List of motions set down for sittings ommencing on Monday, 18th inst.: 1. University of Toronto v. Conserva-

2. Boyle v. Rothschild. 3. Carpenter v. Canadian Railway Ac-

Peremptory list for divisional court for Friday, 15th instant, at 11 a.m.: 1. Martel v. Green. 2. Masson v. Owen Sound.

Announcements. Judge's Chambers will be held day, 15th inst., at 11 a.m.

Osgoode Hall, Jan. 14, 19

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The Toronto World. A Morning Newspaper Published Every TAIN OFFICE, SS YONGE STREET, TORONTO.

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WHAT WILL THE MAYOR AND COUNCIL DO?

The World desires to impress upon the mayor and controllers of the city council the necessity of taking definite action in regard to the issue now nending between the city and the street railway company. The duty is with the city to discover sufficient remedy, and that remedy must be more or less of a legislative character, and must be set out in a requisition addressed to the government and the legislature, and the things sought for must be specifically stated.

It is, therefore, the duty of the mayor and the council to find out what it is they want; what they will ask the legislature to give them; and what a remedy

The World doesn't take much stock in the proposal of the mayor that a friendly conference be had with the company, because there is no way of compelling the company to carry out what it might promise in a friendly conference, and it is more than likely that it would take advantage of the conference to tide over the meeting of pose to do?

the legislature and thus prevent any THE PROPOSED NIAGARA TREATY. remedy coming from that quarter.

The council can ask the legislature for several things, and first and foremost The World believes that the councill should ask that power be given to the city to buy stock in the company on the open market, or by negotiation for the whole of it with the company, or any portion of it.

There are still other things that the ouncil could ask the legislature to embody in an act of parliament, but just what these things should be The World doesn't now undertake. to define. The Telegram has put it in a general way by saving that the legislature is bound to give the city relief, and to pass such enactments as will compel the railway to do the right thing by the city, and by the people who use the street railway service. We confess this is rather indefinite, to our

mind, tho we trust that even in the of the mayor and his associates to have them defined and put in writing In the meantime again we ask what is the objection to the city having the right to expropriate the system or the right to purchase the shares

If we were Sir James Whitney and seriously with that branch of United the legislature we might be inclined to wash our hands of the whole situa-States trade. And in this connection it must not be overlooked that electrition by saying to the City of Toronto: "You have made a bargain with the cal science is not much beyond the street railway; if it is not fair to you period of infancy. There is not the then it is your own fault, because you slightest doubt that before many years made it; but if you are really in a have passed the area of distribution bad position, and it seems that you are, will be enormously extended and the we will go the length of giving you value of hydro-electric power to the an opportunity of canceling that province correspondingly increased. agreement by investing you with the Ontario ought to and must be left free right to expropriate on arbitration. As to deal with every alteration in cira legislature we cannot deny you this cumstances as it arises and only the right, because we have taken it to strongest of national reasons should inourselves so that the Hydro-Electric duce any limitation of that freedom Power Commission can take over elec- by the act of the federal government. tric lighting plants, and the whole For there can be no appeal from an tendency of the legislation is in the international agreement once it is endirection of giving towns and cities the tered upon, and it is far better and right to expropriate public franchises much more prudent to be thoroly inafter they have passed to private cor- formed at this stage than at a later steps they ought to take to secure such porations. In giving you this we will period, when pressure can be more easily applied. Further, there ought to not be violating any vested interests.

be a distinct understanding about the so-called." right of the federal government to re-The World awaits with considerable interest the declaration from the mayor strict or even prohibit the export of and council that they intend to take Canadian generated power. Half the amount may be transferred across the up this question and to reach some definite proposition to present to the definite proposition to present to the boundary, towns and industries will & Co.) moved on consent for an order legislature at the earliest moment. grow up dependent upon it and the dismissing action without costs. Order What is it the mayor and council pro-

pose to do:THE PROPOSED NIAGARA TREATY.
Much more information than has yet
been vouchsafed will be necessary be-
fore the people of Ontario can accept
the terms of the proposed treaty regu-
lating the withdrawal of water from
Niagara River as sufficiently protect-
ing their vital rights and interests.
At present the arguments offered in
support of the arrangement are not
weighty enough to justify assent to an
agreement which, tho limited to five
years, must necessarily create condi-guarded against if this treaty is to
be forced upon Ontario.
Then there are questions of gravity
concerning the lakes-to-the-gulf canal
now being strenuously pressed on the
attention of the United States Govern-
ment, concerning the Georgian Bay
Canal or other canal which may be
formed on Canadian territory, and con-
cerning the right to generate electricity
at other points on the Niagara River
where power is available. All these
matters deserve and should receive
there and there are questions of gravity
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matters deserve and should receive
too. receivers. F. C. Snider, for de-
too.

Furthermore, with the right to pur-chase this stock should go the right of the city to have a director on the years, must necessarily create condiwho would in

Constibution-Nearly Every One Gets It The bowels show first sign of things going wrong. A Cascaret taken every night as needed keeps the bowels working naturally without grip, gripe and that upset sick feeling. Ten cent box, week's treatment. All drug stores. Biggest seller in the world-million boxes a month.

Niagara power. The antagonism is not only directly in power generation, but indirectly thru

4. Lennox v. Hyslop. 5. Re Port Arthur Electric Railway. 6. Fitzpatrick v. Liskeard. the present dependence of Ontario on United States coal. The province is a Rex v. O'Gorman. Hansford v. G.T.R. Union Bank v. Clark. McDonough v. Cook. Lamont v. Canadian Transfer Co. 'large importer of coal and the supply of cheap electricity would interfere Stewart v. C.P.R. Brown v. C.P.R. Gowinezzo v. C.P.R C.P.R. v. Carleton Place. Jenckes v. C.N.R. Fraser v. Pere Marquette Railway. Gates v. Seagram. Glichrist v. G.I.R. McKeown v. Toronto Railway Co. Morin v. Ottawa Electric Railway ompany. 23. Stanford v. Imperial Guarantee. 24. Florence Mining Co. v. Cobalt Lake fining Co. 25. Thompson v. Skill. 26. Heintz v. Collier. Owens v. Haslett. Goodison v. Towns Owens v. Hasiett.
 28. Goodison v. Township of McNab. Provisional list:
 1. McDonald v. G.T.R.
 2. Caledonia Mining Co. v. G.T.R.
 8: Berkinshaw v. Hendersön.

Jury Assize Court. Jury Assize Court. Justice Magce, at 10 a.m.: Gillman v. Pashley, Marsh v. World's Dispensary, Sparato .v C.P.R. Non-Jury No. 1. Chancellor Boyd, 11 a.m.: O'Leary v. Sylvester, Clarkson v. Dickenson, Lovell v. Dods, Moran v. Toronto Rajlway, Hen-derson v. Crown Life. Non-Jury No. 2. Justice MacMahon, 10.30 a.m.: Lehman v Kester, De Wynter v. Phillips.

Master's Chambers.

Before Cartwright, Master. Glanelli v. C.P.R.-Walrond (MacMurchy boundary, towns and industries will everlasting cry of vested interests will made.

everlasting cry of vested interests will made. appear in due course. This must be guarded against if this treaty is to

absence of a material witness. T. N. Phelan, for plaintiff. Order made. Costs



and elegant little finishing touches. Chesterfield cut, large lapels, with bluffed edges, silk velvet collar; hand-worked buttonholes; some have satin lined shoulders, sizes 34 20.00 to 44; January Sale price

MEN'S OVERCOATS-In black beaver and melton cloths, 46-inch Chesterfield style, with velvet collars, vent in back, good strong Italian linings, sizes 34 to 46; January Sale price 7.90

MEN'S SUITS-Three-buttoned, single-breasted sacque shape, English and Canadian tweeds, in browns, olives and grey shades, neat striped patterns, good Winter 5.00 weight, sizes 35 to 42; January Sale price ... MEN'S SUITS-Three-buttoned, double-breasted sacque shape; the material was imported from England and is good heavy weight, dark brown, with blue shadow stripe; good Italian linings, thoroughly tailored, sizes 36 to 8.39

Men's House Coats Made from a heavy blue and dark red "President" cloth, also grey and dark shepherd plaids, checked camel hair effects; edges and pockets trimmed with cord, nicely made; to clear at January Sale price... 2.48

80 Small Boys' Overcoats Great Values-

We have tremendously price reduced the double-breasted long reefers and Russian coats with velvet collars, buttoning close at neck; made of navy blue English nap cloths, blue beaver and grey cheviots; some lined with red serge, others Italian cloth; all nicely trimmed; for boys 21/2 to 5 years; January Sale 1.69

price Boys' Suits An exceptional chance for big money-saving on two-piece Norrow Suits. Fine qualities of imported tweeds and fancy worsteds; coats box pleated

back and front, belt at waist, good strong linings, knee pants, sizes 24 to 28; it's a 2.95

Men's Fur and Fur - Lined Coats

High grade Canadian Coon Coat, beautifully striped and heavily furred skins.

extra high storm collar; the coat is made in full box style, superbly tailored

and lined throughout with Italian cloth, quilted and padded. A garment that

THERE WERE ONLY TWENTY of those Fur-lined Coats at \$27.00 left at time of writing. This

is considered one of the best offerings in Fur-lined Coats that ever came our way. Good quality black

is considered one of the best offerings in running coats that even high storm shawl collar 27.00

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of otter; January Sale price

will give great service. Save heavily by this January Sale

price

this way have knowledge of all contracts made by the railway and the we hear the Toronto Railway has bought the Electrical Development Co.; it may buy the Toronto Electric Light cellent one, which, as one of its nego- behind all this movement? Co.; and it is said by Mr. Mackenzie tiators, is perhaps natural, but not to have bought the Toronto radials. convincing. And a considerable mea-If this is so the city ought to be resure of skepticism is created when it presented on the board, and know about these transactions. It may be that the railway company has in view the loading up of the street railway with a lot of other propositions before its expropriation at the expiry of its charter. Besides, if the city had stock in the company and a representative on the board the city would have knowledge beforehand of such questionable contracts as that made between the Toronto Railway and the Electrical Development Company for dear power. how a portion passing thru a tunnel

But The World urges above anything else that the city be given the right to expropriate by arbitration the level. street railway forthwith, or at any Owing to the configuration of the time before the expiry of the franchise. The road will never be valued for less than it is to-day. We believe shore. Admittedly on the United it will cost a good deal more at the States side there is a danger that any expiry of the franchise, and now is further withdrawal from that part of the time to recover it, when the price the river will impair the amenity of will be less than at any other subsethe smaller fall, but it is contrariwise quent date. There is 'no doubt that on the Canadian side. In the opinion the effort now being made by Winniof competent authorities. what has alpeg to recover, its municipal franready been taken by the Canadian chises is exactly on a line with what companies has not diminished the volought to take place in Toronto, only ume of water to any appreciable extent we ought to start with the right to do and at least 1.000.000 horse-power could this and not be subject to the refusal be taken without sensibly weakening of the other side to negotiate. In Winthe impressive grandeur of the catarnipeg the proposal is to substitute 4 per cent. city stock or bonds in exchange for the present shares of the good reason exists for limiting Canada company as issued to their sharehold- in the manner and to the extent proers. The same thing could be done here posed by this treaty? Even if there be a conflict of authority, the proper in Toronto if it was not desirable to course before committing the country issue city securities to be sold on the to the restriction would be to instimarket and the proceeds used to buy tute a thoro investigation into the exout the road.

isting state of the Canadian Fall and . The chief merits of this right to expropriate the road are: First, that fix as closely as possible what a withpossession of the right to take over drawal of water sufficient to develop the power mentioned really means the road would discipline the company It looks, in fact, as if the federal at any moment and make it behave itself, so to speak. As The World has government is allowing itself to be rushed into a treaty not only of great said before it would be a club for a importance in itself, but really mohad actor, and the company has been B bad actor as far as the city is con- mentous in its possible consequences. cerned. But even more important is Mr. Gibbons seems to have been extrathe reason that were the road expro- ordinarily impressed by the determinapriated the city would be free forever tion of the United States to preserve thereafter to carry out its own street Niagara. It is quite right that they railway policy. It would be free to do should be and so far as their particular this at any time and in any direction. fall is concerned they can easily pro-It could substitute a better system for tect themselves. But as the conditions the electric system on a moment's no- are not parallel, Canada is certainly tice, if such a system came along. It under no obligation to limit her rights could extend the lines in every direc- merely because her neighbors find it tion. It could make provision for en- necessary or advisable to restrict trance of all radials absolutely of its theirs. And the vital interests of Onown motion, and independent of any tario are concerned that nothing be private corporation. The city would be done, except for cogent and unassailfree to reduce fares whenever the traf- able reasons, either to limit the supply fic warranted it. The city would be of white coal or to hamper the growth free to build a system of tubes in con- of provincial industries.

nection with the surface system at These latter considerations direct atany moment, and to use the two to- tention to the conflicting interests of gether to the best possible advantage, the Dominion and the United States in

tions rendering future modifications in favor of Canada difficult of, accom-plishment. In a reported interview Mr. and from the general body of the peofacts connected with it. From what George C. Gibbons, chairman of the ple, before a treaty of the nature indi-Breine, for plaintiff. Order made. Costs in the cause.
Smith v. City of London-J. E. Jones, for defendants, moved to set aide noting of pleadings for default. R. N. MacPheron, for plaintiff, contra. Motion granted. Case to be struck off list at London. Costs reserved.
Newton v. Town of Lindsay-G. H. Hopkins, K.C., for third parties, moved for payment of their costs after settlement of action by defendants. R. J. McLaughlin, K.C., for defendants. Grder made for payment of costs, including costs of this motion, fixed at \$25.
Earle v. Bouck-A. G. Ross, for defendants, moved fendants, moved for an order for the delivery of a bill of costs and for taxiation by local registrar at Cornwall, Ingram (Kingsmill & Co.), for plaintiff, contra. Order made. Costs of motion to be in the discretion of the taxing officer. waterways commission, is represented cated is finally concluded. Are the to have described the treaty as an ex- hands of the electrical interests not

-----CONCERNING 1837.

Goldwin Smith in Weekly Sun : is found that he bases his case on two lp one of our leading journals a points, one that further withdrawals wish is avowed that Lyon Mackenwould affect the scenic beauty of the zie's rebellion had succeeded and that Canada had been made independent, Falls, and the other, and apparently The same avowal, coming from a less the more convincing because in that respectable quarter, would certainly event the level of the lower lakes have called forth loyal denunciation. Better, however, on any hypothesis, would be affected. This last seems on than the winning of independence by the face of it rather an extraordinary rebellion would have been independproposition, which Mr. Gibbons would ence from the outset. The Greek coldo well to explain. As the water in the onist took the sacred fire from the altar-hearth of the mother country and river above the cataract has already went forth independent from the first. passed out of Lake Erie and had its Afterwards he honored the visitor from effect on that lake, it is not easy to see the mother country with a special seat at the games. It is to be borne in

vices may come to their notice.

Smoke

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to be in the discretion of the taxing orti-cer. Elshop v. Bishop-Clipshaw (Scott, S. & McG.), for plaintiff, moved on consent for an order dismissing action without costs and vacating lis pendens. Order made. Noden v. Howey-J. E. Parsons, for de-fordance moved on consent for an order fendants, moved on consent for an order vacating certificates of lieu and lis pen-dens. Order made. instead of going over the precipice can differ in so far as Canada was a conin any way whatever disturb the lake quest. Such an utterance in a highly loyal quarter may perhaps be taken as the first sign of the perplexity like-

Before Britton, J. Before Britton, J. Rex v. Gonder-W. M. German, K.C., for plaintiff. H. W. Maccomb (Welland), for defendants. Judgment by consent for plaintiff for possession of the lands mentioned in statement of claim, without channel by far the larger volume of wide system of imperial defence, to water sweeps towards the Canadian which Canada is being told she is bound in duty to contribute, tho to what amount and under what conditions nobody has yet ventured to say.

INCREASE PREACHERS' STIPEND. KINGSTON, Jan. 14 .- The stipends

mentioned in statement of claim, without costs, plaintiff agreeing to forego any claim for rent from 30th June, 1908, to 1st March, 1909, and not to issue writ of possession until March 1, 1909, or to take any further steps under judgment until that date, defendant to remove build ing owned by him from said land before March 1 next and should he fall to do so plaintiff to be at liberty to issue writ of possession for said lands and a writ of execution for costs. Pousette v. Boerema-C. Swabey, for plaintiff, moved ex parte, for an injunc-tion. Injunction granted restraining Memmo W. Boerema and J. F. Lewis, and any one holding stock in trust from them from assigning, transferring, or of Rev. Dr. Mackle of St. Andrew's church and Rev. Dr. MacTavish of Cooke's church were at the annual meetings just held advanced by \$200

Single Court.

NURSES TO VISIT QUEBEC SCHOOLS. QUEBEC, Jan. 14 .- An innovation has been introduced in the public them from assigning, transferring, or otherwise dealing with the shares of the stock of the Peterboro Lubricator Manu-facturing Co., except by making a trans-fer thereof to the plaintiff until Jan. 25 schools by the appointment of two trained nurses by the Protestant board of school commissioners, who will visit the city schools and render what serwith liberty to file further affidavi

Crawford v. Miller-W. N. Ferguson K.C., for defendant, on motion fendant, to stay proceedings. W. E. Middleton, K.C., for plaintiff. By con-Rice Lewis v. Traders Fire-J. D. Montgomery, for plaintiff, on motion for judg-ment. A. Fasken, for defendant. By con-

Gold

to. Forbear v. Albert-G. H. Hopkins, K.C., for plaintiff, moved to continue in-junction granted by the local judge at Lindsay, R. J. McLaughlin, K.C., for de-Injunction against cut-Lindsay, K. J. McLaughlin, K.C., for de-fendant, contra. Injunction against cut-ting timber only continued to trial, but defendant to be permitted to have logs already cut to mill. Plaintiff to have liberty to add Elizabeth Aubert as ad-ministratix and her children as parties. Costs, of motion in cause, unless trial judge otherwise orders.

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Armour v. G.T.R.-E. C. Huckle, K.C., and cost Lindsay. R. J. McLaughlin, K.C., for de-endant. contra. Injunction against cut-ing timber only continued to trial, but lefendant to be permitted to have logs liteady cut to mill. Plaintiff to have iberty to add Elizabeth Aubert as ad-infistratix and her children as parties. Evans v. Dominion Bank-W. B. Milli-W. S. Brewster, K.C., for the plaintiff, area for the plaintiff, area for the plaintiff, area for the plaintiff, area for the form the judgment of the source of defendants. Plaintiff claim-ed \$500. Defendants pleaded not guilty lars 54 King-street East.

Men Save on Neckwear

Medium width four-in-hand, with the French

seam finish, of choice imported silks, mostly

plain shades, a few fancy patterns; ready for

High Grade Underwear

Men's Winter Weight Natural Wool Drawers

big business Saturday at January Sale

entered for plaintiff for \$375 and



MAIN FLOOR_QUEEN ST

TORONTO





Men's and boys', heavy elastic and lisle webs, some cross back, others leather stayed back; some with cast off ends, others cord and mohair ends; a big factory's clearance; great buying for you; January Sale price, pair .15

T. EATON COLIMITED

costs.