The Toronto World

FOUNDED 1880.

A Morning Newspaper Published Every Day in the Year.

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SATURDAY MORNING, FEB. 4, 1911.

THE FIRST OF THE STEPS.

The Canadian Pacific proposes to take up as its first improvement in Toronto, that of freight terminals and storage warehouse. To this end they have acquired acres and acres of city property south of King and west of Simcoe-streets, starting down to the Esplanade. On government house site, when they get possession, they will erect a fine permanent storage warehouse that will add, not detract from the commercial character of King-street. To the south and to the west large sidings and warehouses will be constructed, and these will add immensely to the facilities of handling freight. The cartage up and down the hill to the Esplanade level will all be avoided, and the reception and delivery of freight to and from merchants and factories will be facilitated in a surprising way. True, John-street at its lower end will be crossed by tracks, but they will have to go some place and why not John-street. Nobody lives there. No place is so accessible to the business centre of Toronto, and Toronto is to live by business as much as by other things.

The city ought therefore to help along this improvement, and let the business men get the advantage of it at the earliest moment.

STILL VICTORIA THE GOOD.

One phase of the royal libel trial has not been touched upon. It was the cruellest point of the slander to have the late Queen Victoria accused of insisting upon the annulment of the alleged marriage, the repudiation of his alleged wife and offspring by the then Prince George, and his remarriage to Princess Mary. It is a distinct relief to have the memory of Victoria the Good cleared of the suspicion of association with such baseness.

PUBLIC OFFICIALS AND SALARIES

Toronto is acquiring a fine reputation as a "cheap State" city in respect to the payment of public officials. When a man's value rises over a few thousands a year he need hope for nothing in the way of employment in Toronto. The newspapers are largely to blame for this. When The World suggested $25,000 a year as a suitable remuneration for men of adequate standing to take charge of the affairs of the city, most of them had convulsions. They have not got away from the village conception of salaries, and measure city services by farm values. The result is that our able engineers, doctors and others go where they will be paid and the public puts up with the services of men who are not considered good enough by the corporations.

The exceptions to this rule in every case are accompanied by notable success in public administration of affairs. There is another class of exception where the public spirit of an official leads him to remain at his post on a small salary at great personal sacrifice. But this can rarely be effected, and it can never be continued indefinitely.

An instance has just occurred in the resignation of Dr. Brown from the superintendency of the General Hospital, where a considerable time ago an increase over his present salary of $3000 was refused. Dr. Brown has an international reputation, and he is wanted elsewhere. Our good men are always wanted elsewhere. We bring men up for the advantage of enterprising places which thrive on the genius we have not sense enough to employ at home. Good men are worth $10,000 a year nowadays. Ask any corporation.

Efficiency can only be gained by the appointment of efficient men, and such men are only to be had by the payment of standard salaries.

A DOMINION SQUARE.

The new president of the board of trade, Mr. R. S. Gourlay, in his inaugural address, calls attention to the proposal, laid before the Dominion Government by Mr. G. T. Somers, to give Toronto a set of public buildings worthy of the city's importance and adequate for the accommodation required. He supports the suggestion that the necessary structures be erected on a suitable site, and form a Dominion Square. The assistant receiver-general's office and inland revenue offices occupy a building dating back to 1858, when the city had 38,000 people. The postoffice was built in 1873, when the population was 62,500, and the customs house was built in 1874, when the population was 67,500. There have been additions made since, but such makeshifts can only be temporary.

Mr. Gourlay's address in this and other particulars represents a forward policy.

ULSTER AND HOME RULE.

"Ulster to fight home rule," announces "The Sentinel" of the 26th ult., quoting The Standard of Dec. 24. There have been many statements since then of the utterly unfounded character of this story. And a despatch said that Mr. Balfour was instrumental in having the story contradicted in one of his own organs. At any rate the contradiction appeared, and long enough ago to make the reappearance of the story unusual.

The situation is delicate enough without introducing unrealities. We do not believe that Ulstermen wish to shed the blood of their fellow Irishmen any more than they desire to shed the blood of Englishmen or Canadians. But Ulstermen can easily be stirred up to broils as all who have lived in Belfast are aware, where a "party expression" or the whistling of an old tune may stir up a riot.

Such is the effect of training. A little training in the other direction and Belfast citizens of opposite creeds would dwell together as peaceably as they do in Toronto, and the city itself would have no more to object to under Dublin rule than Toronto has under Ottawa.

CONFEDERATION LIFE ASSOCIATION.

From the thirty-ninth annual report of the Confederation Life Association and relative financial statements, all of which are published in this issue of The World, it will be seen that this long-established company showed to the full in the national prosperity that marked the tenth of Canada's century. The net invested assets increased from $13,668,264.31 as at Dec. 31, 1900, to $14,461,797.09 at the corresponding date of 1910. Net receipts from premiums totaled $1,850,245.95, interest and net rents reached $743,800.05 and $8008.17 of profit was derived from sales of securities. The whole disbursements in connection with insurances, endowments, annuities, surrendered policies and cash profits totaled $1,315,831.61. Expenses, salaries, rents, commissions and other charges amounted to $432,166.81, government taxes and license fees absorbed $23,528.35 and $15,000 went in dividends to shareholders. The difference represents the increase in the net invested assets.

The standing of the company could not be better demonstrated than by the fact that during the year under review no less than 4000 applications for assurances were received, aggregating $7,718,220, of which 3758, representing $7,018,910, were approved. Other 278 applications were declined on account of the lives not coming up to the company's standard, and the remainder were held for further information or deferred. The total insurance in force at the close of last year was $54,154,944, a figure which carries its own certification. Death claims among the insured compared very favorably with those of 1909, the decrease as finally adjusted standing at $84,420. This testifies to the care exercised in the acceptance of risks. The large sum of $1,318,831.61 was paid to policyholders or their representatives, and the directors note that matured endowments called for the sum of $586,795.86, which is an indication of how largely that form of insurance has taken hold of the insuring public. Careful attention has been given to the investment of the company's funds and payments of principal and interest were remarkably good. The head office was reported as fully occupied and as yielding a good return on the investment. Altogether the directors and management can be deservedly congratulated on the result of their labors.

THE UNION TRUST COMPANY.

Very satisfactory indeed were the outstanding features of the tenth annual report of the board of directors submitted to the shareholders of the Union Trust Company on Thursday last. The profits for the year ending Dec. 31, 1910, were the largest in the history of the company, amounting to $184,477.67 as against $167,044.04 in the preceding year. This places the Union Trust Company in the front rank of Ontario institutions of its class and in addition to paying a dividend of 8 per cent., and a further bonus of 2 per cent., making 10 per cent. in all to the shareholders, $100,000 was added to reserve, and the balance of $31,776.66 carried forward at credit of profit and loss account. The capital account increased by $54,789.56 and the total assets, trust funds and estates by $1,922,452, and now stand at $13,415,147. In addition the company acted as trustees during the years for the issue of $2,000,000 in bonds.

The report and statements are published in full elsewhere in this issue of The World and speak for themselves. Among other matters of general interest in connection with the Union Trust Company, mention is deserved of the addition made to its office accommodation and rendered necessary by its expanding business. The suite that has been taken in the Temple Building, and in which this annual meeting was held, has been most handsomely fitted up for the company's use and is in all respects worthy of the place it occupies in public appreciation. Another interesting feature in connection with the annual meeting which attracted general attention, was the striking portrait of Col. John I. Davidson, painted in oil by Miss L. B. Tully of Toronto, and hung for the first time in the company's offices on the morning of the meeting. Mr. Charles Magee, the president, in his comprehensive survey of the company's affairs, testified to the faithful and hearty assistance rendered by every member of its staff.

REVIEW OF BRITAIN'S MEAT IMPORTS FOR 1910.

Returns of the imports for meats into the United Kingdom for the year 1910 are to hand. They ought to speak out more loudly than ever to every progressive farmer on account of the insidious efforts put forth to crush out the growing and profitable cattle markets of Toronto, Montreal and Winnipeg, and divert the trade to those of Chicago, Buffalo and Boston. The living animals exported from Canada and the United States numbered 219,561, showing the large decrease of 131,779 from the figures of the previous year. Beef, fresh, from nearby ports, amounted to 56,934 cwts., a decrease of 5690 cwts.; the chilled beef wholly from the United States and South America accounted for 3,131,765 cwts., an increase of 428,192 cwts.; the frozen beef arriving from South America and Australia ran up to 3,766,799 cwts., an increase of 852,174 cwts.; the greatest increase of total came from South Australia. The most notable change is in the sheep and lamb trade. Exports of living animals from North Atlantic ports dwindled down to 427, a sharp drop of 7704. Here is a chance for the youth on the farm to figure out the percentage of decrease. Fresh mutton, also from eastern ports, receded in amount to 144,215 cwts., a decrease of 49,207 cwts.; mutton, frozen, made a record total of 5,261,623 cwts., an increase of 693,676 cwts. Rabbits (dead) are still finding favor with the British people, exemplified by the total of 864,190 cwts., an increase of 84,334. Bacon has heavily fallen off in importations from the United States, exhibiting the large decrease of 852,037 cwts. Denmark has forged ahead of the United States in total quantity 1,794,416, a decrease of 15,889 cwts. Canada consigned 411,985 cwts., a decrease of 81,451 cwts. Hams in the aggregate are less in quantity. The United States forwarded 665,775 cwt., a decrease by no less than 418,794 cwts., while Canada forwarded 87,021 cwts., an increase of 26,438 cwts., equal to 50 per cent. in round figures. The aggregate amount of cheese imported was 434,000 cwts., less than the year preceding, but fortunately Canada still holds the palm for quantity and quality. Last year she is credited with 1,007,074 cwts., an increase of 40,528 cwts.

What lessons can we learn from these statistics?

It is undeniable that the exports from the United States to Britain of living cattle, sheep and lambs, chilled beef, bacon, hams and cheese are yearly diminishing.

Another prominent factor to be reckoned with is the largely increased output of frozen beef and mutton, together with cheese and butter from Australia and New Zealand. The outlook at the end of the year foreshadowed a much larger output thruout the current year, there being abundant pasturage, heavy lambing and no disease, together with the assurance that the commonwealth parliament actively assists the pasturers of Australia.

Plainly speaking, the Canadian farmer must look out for himself. Apparently the most promising avenue will be the feeding of expensive provinder, if there is early maturity. The British markets will purchase at a fair price all good exporters that Ontario can finish off. That saying has plenty of truth: "There is always room at the top." Butcher cattle, fat cows and canners must be restricted for the home markets, and this class of live stock comes mostly from mixed farmers. Once let our home markets become stagnant and present prices would drop with a sickening thud. Always remember that the lower the price, the more proportional toll you have to pay to make the further haul. It might be misleading to assume that present prices for live hogs will continue for any length of time, since it is no secret that the crop of hogs in the corn belt of the United States will force prices down at the Missouri River markets this year. There is evidence that this year Chinese and Siberian pork will be chiefly shipped to Great Britain.

The Live Stock Journal of London, England, tersely says: "Imports of cattle have been steadily declining since 1906. The total of dead meats which constantly increased from 1906 to 1908, fell of in 1909, but has now beaten the record." Should the majority of the Canadian farmers turn out to be sucksons, quickly swallowing the tempting bait, won't they holler when the hook lands them high and dry? The home market is the safest and surest. It is gradually expanding, and the mining industry will be a great stimulus to our farm products. Do not forget a bird in the hand is worth two in the bush.

BLOOD-POISONING AFTER A CUT

Zam-Buk Saved His Finger

Mr. Albert Brennan, butcher, of 141 Lindsay-avenue, Toronto, has good cause to be thankful for Zam-Buk! While at work, he cut the middle finger of the left hand rather badly, but did not think that any serious consequences would follow. Some disease germs—of which the air is full—entered the wound, however, and next day the finger was swollen and painful. He bathed it in hot water and applied some ordinary ointment, but the pain got worse, and the swelling continued. Not only so, but the area of the inflammation extended, until from the finger to the elbow it was inflamed and sore, and he knew that blood-poisoning had set in. He had to give up his ordinary work, and suffered acute pain.

Finally he decided to enter St. Michael's Hospital, but just before doing so, having mentioned the intention to a friend, the latter advised him to try Zam-Buk. Mr. Brennan acted on this advice, and soon proved Zam-Buk's great value. He says: "It cured the pain almost as soon as applied, and within a day of first commencing the Zam-Buk treatment, I was back at work! Of course, I don't mean that in that time the wound was healed, but the pain had gone and the danger from blood-poisoning was averted. After that, healing was only a matter of a short time under the beneficial operation of Zam-Buk. I have no hesitation in saying that Zam-Buk saved my finger, and I am very glad to let you state these simple facts publicly, in the interests of other workers, liable to similar accidents."

Zam-Buk is equally effective for piles, ulcers, abscesses, eruptions, ringworms, children's rashes, scalp sores, chapped hands, frost bite, and cold sores. Every housewife should keep a supply handy, and no mother should be without it in the home. Sold by all druggists and stores, 50c box or post free from Zam-Buk Co., Toronto, upon receipt of price. Refuse substitutes.

Tampa Trip Recalled.

Twelve years ago to-day at 2.10 p.m. the contingent of Toronto Public School Cadets left for Tampa, Florida, to attend the military convention held in the casino of the palatial Tampa Bay Hotel. The World's staff reporter, Mr. J. W. Meredith, on that occasion flashed the news from the different points visited. The boys will no doubt remember the tremendous crowd that assembled at the Union Station to bid them adieu on that rainy Saturday. After a two weeks' trip south, calling at Detroit, Chicago and St. Louis, the reception accorded on their return was only excelled by Pretoria night.

AT OSGOODE HALL

ANNOUNCEMENTS.

Feb. 3, 1911.

The present sittings of the court of appeal closed.

Peremptory list for divisional court for Monday, 6th inst., at 11 a.m.:

1. Doolittle v. Orillia.
2. Euclid-avenue v. Hobe.
3. Hamilton v. Hamilton Steel.
4. Pierce v. Waldman.
5. Essex v. Leamington.
6. Peice v. Doty (two appeals).

Master's Chambers.

Before Cartwright, K.C., Master.

Rex ex rel Pacaud v. Breault, Rex ex rel Pacaud v. Prince—F. L. Bastedo for relator in each case. Motion by relator for leave to serve summons by way of quo warranto to unseat the mayor, reeve and councillors of the Town of Sandwich. Order's made.

McLeod v. Robertson—L. Lee (Hamilton) for plaintiff. F. W. Harcourt, K.C., for infants. Motion by plaintiff for a vesting order. Order made.

Natural Resources Co. v. Saturday Night—G. M. Clark for defendant. G. Osler for plaintiff. Motion by defendants to strike out certain paragraphs of the statement of claim, on the grounds that they are irrelevant and embarrassing. Reserved.

Noble v. Noble—McLarty (Heyd & H.) for defendant. W. A. Henderson for plaintiff. Motion by defendant for an order for further particulars of statement of claim before pleading. Order made for further particulars by giving names of persons to whom charges of infidelity against plaintiff were made. Costs in cause.

Phillips v. Forsyth—Kerwin (W. M. Douglas, K.C.) for plaintiff. Motion by plaintiff for an order for the issue of a concurrant writ for service out of the jurisdiction. Order made.

Judge's Chambers.

Before Falconbridge, C. J.

Re Allen and G. T. Railway—J. Pearson for Allen. F. McCarthy for the railway company. Motion by claimant Allen for a direction to tax the costs of arbitration under the Railway Act. Enlarged until 7th inst.

Before Riddell, J.

Re Hars—F. W. Harcourt, K.C., for infants. Motion on behalf of infants for leave to pay moneys of theirs into court. Order made.

Re Brown Estate—A. R. Clute for applicant. Motion by a beneficiary for an order for distribution of the moneys in court. Order made.

Smith v. Rosedale Sawmill Co.—B. H. Ardagh for applicants. F. W. Harcourt, K.C., for infants. Motion by applicants for an order for payment out of certain moneys. Order made.

Re Bishop—F. W. Harcourt, K.C., for infants. Motion on behalf of infants for the distribution of the share of a deceased infant. Order made.

McGeffigan v. National Hunter Co.—J. E. Day for plaintiff. Proudfoot (Proudfoot & Co.) for defendant. Motion by plaintiff for an order removing stay of proceedings. Enlarged until 6th inst.

Kraggs v. Kraggs—G. Smith for purchaser. C. F. Ritchie for second purchaser. S. W. Field for plaintiff. A. E. Knox for third purchaser. Motion by plaintiff for an order confirming interim report on sale, and motions by the three purchasers for vesting orders. Orders made.

Drury v. Macdonald—F. W. Harcourt, K.C., for infant. Motion on behalf of infant for an order for maintenance. Order made for $140 now, and for $100 per year thereafter.

Re Tilden—T. H. Ferie, for mother. F. W. Harcourt, K.C., for infant. Motion by mother for an order for payment out to her moneys for maintenance. Order made.

Re Halpenny—F. McCarthy, for mother. F. W. Harcourt, K.C., for infant. Motion on behalf of mother for an order for payment out of court, moneys for maintenance. Order made.

Re McMillan and Manufacturers Life—H. E. Rose, K.C., for the company. F. W. Harcourt, K.C., for infant. Motion by the company for leave to pay the insurance money into court. Order made.

Foxwell v. Kennedy.—E. D. Armour, K.C., for defendant, the executor. W. A. Skeans, for plaintiff. Motion by defendant for an order for the trial of questions of law. Order made. Costs in the cause.

Perdue v. C. P. Railway—W. A. Spence, for the company. Motion by defendants for an order for the payment out of court of the moneys herein. Enlarged sine die.

Re Clendenman—G. Wilkie, for lienholders. W. N. Anderson, for vendor. Motion by lienholders for an order directing master of titles to issue a certificate subject to liens. Order made. Costs reserved.

Re Farley—F. W. Harcourt, K.C., for infant. Motion on behalf of infant for an order for maintenance. Order made for the payment of $100 for purpose asked.

Before Middleton, J.

Re Schroeder.—F. W. Harcourt, K.C., for mother and infant. Motion by mother and children for an advance of moneys out of court on the security of a mortgage by mother to the accountant of the court. Order made.

Single Court.

Before Riddell, J.

Smith v. Graphic Press—G. S. Hodgson, for defendants. F. W. Harcourt, K.C., for infant. Motion by defendants on consent for judgment pursuant to consent. Judgment for plaintiff for $500 and costs.

Dixon v. Dixon—H. E. Rose, K.C., for original plaintiff. G. Smith, for added plaintiff. A. W. Carrick, for trustees of Thos. Dixon. J. T. Small, K.C., for Trusts Corporation. F. W. Harcourt, K.C., for infant. Motion by plaintiff for judgment pursuant to consent minutes filed. Judgment as consented to.

Before Teetzel, J.

Shaver v. The Public School Board of Union Section 12 of Cambridge and 11 of Russell.—F. B. Proctor (Ottawa), for plaintiff. N. A. Belcourt, K.C., for defendants. An action by plaintiff on behalf of himself and all other ratepayers of the Union Public School for a declaration that certain resolutions passed by the board are invalid and for an injunction restraining the board from continuing to have denominational religious instruction, and in particular the prayers and catechism of the Roman Catholic Church taught in their school, and restraining the defendant Thibeault (the teacher) from teaching the same in the school building.

Judgment: Upon the school register for 1910, there were slightly over 100 pupils, and all but 8 or 9 of them professed the Roman Catholic faith. The trustees passed a resolution declaring that "The school will be closed every day at half-past three o'clock to allow the teachers to teach catchism to their pupils who desire to be instructed in their faith and religious principles."

Since this resolution the school has been opened at 9 o'clock and closed at 3.30 o'clock, the Lord's Prayer only being read at the opening and closing. At the closing the Protestant children are allowed to retire and the Roman Catholic children are detained for instruction in the Roman Catholic catechism by the defendant Thibeault, who has the authority of the Roman Catholic parish priest to give religious instruction to the pupils of that faith.

The effect of the resolution that the school shall close at 3.30 instead of 4 o'clock is not in violation of the departmental regulation, as there remain five and one-half hours for study each day including the two recesses.

It is plain from departmental regulation 100, in the light of regulations 97, 98, and 99, that subject to the duty of the teachers to open and close school with the Lord's Prayer and the reading of portions of the scriptures, no teacher has the right to give religious instruction to the pupils unless he is the authorized representative of the clergy of some denomination, and then only after the hour of closing, and that in no case have the trustees the right to require or authorize the teacher as such to give religious instruction either during or after school hours.

While it is true that no provision is made for a clergyman or the representative of a clergyman of any other denomination giving religious instruction to any of the pupils of his faith, and that therefore the resolutions as they stand at present give the right to the representatives of the Roman Catholic Church only, there is nothing to prevent applications by the clergy of other denominations being made for the privilege, and under regulation 100 it would be the duty of the board of trustees in such case to "decide on what day of the week the school house shall be at the disposal of the clergymen of each denomination" after school hours, and if application is made the board would be compellable to pass the necessary enabling resolution and to amend the present resolutions accordingly.

So long as there is nothing in the regulations prohibiting a teacher from giving a religious instruction, after school hours, when authorized by the clergy of any denomination to which he belongs, I think he is entitled to do so, when so authorized. Prima facie no one would be more suitable for that duty than the teacher assuming that he possesses the necessary religious fitness, which ought to be presumed where he is expressly requested by the clergyman of the parish to do so.

In the result the action must be dismissed, but without prejudice to any proceedings which may be taken to compel an amendment of the resolutions, and the adoption of other enabling resolutions upon application of the clergy of any other denomination for the privilege of giving religious instruction to the pupils of their faith after school hours.

Under the circumstances there will be no costs to either party.

Before Riddell, J.

Jones v. Toronto and York Radial Railway Co.—J. McGregor for plaintiff. C. A. Moss for defendants.

An action for $5000 damages for injuries caused to plaintiff by being run down by a car of defendants while crossing Yonge-street on Oct. 20, 1908, alleged to be caused by the negligence of defendants.

The action was tried before Mr. Justice MacMahon, and the action dismissed with costs if exacted. A new trial was granted by a divisional court on appeal and the action now came on for this second trial.

Judgment: Action dismissed with costs. Thirty days' stay.

Trial.

Before Riddell, J.

Rex. v. Toronto Railway Co.—H. L. Drayton, K.C., for the crown. W. Nesbitt, K.C., and H. H. Dewart, K.C., for defendants.

An application to postpone the trial of those counts in an indictment for common nuisance against the Toronto Railway Co., which the jury failed to pass upon at the trial ending this week.

Judgment: The indictment contains six counts (1) as to the appliances for protection of life and of persons on the street generally; (2 and 3) with the death of the lad Goldenburg; (4) with "Y"-ing or moving reversely. (The 5th count was quashed on a previous motion), (6 and 6a) to overcrowding.

The jury found a verdict of guilty on the count charging overcrowding to such an extent as to endanger the property and health of the public, but failed to agree upon that charging overcrowding to such an extent as to endanger health, etc., why or on what ground or principle I confess my inability to understand, and also failed to agree upon the first four counts.

This disagreement on the first four counts is quite intelligible, as the evidence called for the defence indicated that the Toronto Railway Co. was not behind, but actually in advance of any other on this continent in life saving appliances, while it was sworn by men of great experience in street railway operation that the means suggested for additional protection when revising, etc., would increase rather than diminish the danger. Any juryman accepting this evidence would be wholly justified in refusing to join with the majority in a verdict of guilty. Upon the jury, after many hours of consideration being found in the condition mentioned, I took the verdict of "guilty" on count 6A, and discharged the jury. Considering the various counts each as a separate indictment under sec. 867 (1) of the code, I ordered the remaining counts to be tried on Feb. 6, availing myself of my powers under sec. 858 and 860 of the code. An application is now made to postpone the trial on the ground inter alia that the railway board have the exclusive jurisdiction to determine such matters as are in controversy in this proceeding, and I am asked to state a case for the court of appeal.

I will state such a case without delay, and in the meantime reserve sentence and other proceedings in the conviction already had.

On the whole, with the undertakings given by the company at the trial, I think the furthr trial of this case may be adjourned to the next sittings at Toronto for the trial of criminal cases.

Divisional Court.

Before Mulock, C.J.; Britton, J.; Sutherland, J.

Breen v. City of Toronto.—J. D. Montgomery for plaintiff. H. L. Drayton, K.C., for the city. An appeal by plaintiff as against defendant city from the judgment of Latchford, J., of Oct. 12, 1910. This was an action for $5000 damages caused by falling and breaking his leg while crossing the boulevard near the corner of Spadina and Farley-avenues, alleged to be by reason of obstructions left upon the boulevard during repair of street. At the trial the action was dismissed with costs as against Toronto Railway Co., and without costs as against the city.

Judgment: Under the circumstances the defendants we think failed in their duty towards the public by creating without notice the dangerous condition which caused the accident in question, and we therefore think that this appeal should be allowed. The trial judge having assessed the damages at $1500, judgment should be entered for the plaintiff for that amount with costs of the action and of this appeal.

Court of Appeal.

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

Dominion Improvement and Development Co. v. Lally.—C. A. Moss and W. A. Lavell (Smith's Falls) for defendants. G. H. Watson, K. C., and C. J. Foy (Perth) for plaintiffs. An appeal by defendants from the judgment of the chancellor of Oct. 22, 1910. Argument of appeal resumed from yesterday and concluded. Judgment reserved.

Note—This concluded the present sittings of the court of appeal.

WILL APPEAL TO COURTS

If County Treasurer Pays Over $500 to Expenses of Protest Delegation.

ST. CATHARINES, Feb. 3.—(Special.)—County Clerk Clench this afternoon had notice served on him by H. H. Collier, K.C., on behalf of E. J. McIntyre of Niagara Township, that legal proceedings will be instituted if County Treasurer Wismer pays over to the Niagara Peninsula Fruit Growers $500 voted last night towards the expenses of the protest deputation relative to tariff changes on fruit. McIntyre is a grower and large buyer of apples.

CARS FELL FIFTY FEET.

BROCKVILLE, Feb. 3.—(Special.)—A pilot was pushing a train of loaded coal cars into the G. T. R. coal chutes at Manitoba yards, when two broke away and crashed thru the end of the building to the ground below, a distance of fifty feet. It was found necessary to bring a steam hoist from Belleville to clear the wreckage.

The New Prudential Calendar.

Have you seen the new 1911 calendar of The Prudential? It is a beauty and has aroused the enthusiasm of the company's agents. The picture represents a young mother holding up her big, blue-eyed baby for the attention of an admiring world. A mother and child like this, the agents say, should bring out in any household the desire of husband and father to protect his family thru life insurance. The new calendar is free and the company will gladly send a copy upon request to the home office of The Prudential, Newark, New Jersey.

New Move by Gas Company.

Beginning this month the Consumers' Gas Company has inaugurated a system of free inspection of all fixtures of those using gas in the city. The inspectors, in addition to cleaning and regulating the lights, will supply repairs at the regular retail prices. The order applies only to residence lighting and is said to be a move to compete with hydro-electric.

Temperance League

To-morrow the Canadian Temperance League will resume their gospel temperance meetings in Massey Hall at 3 p.m. The speaker wil be Rev. Canon Welsh of Brampton. Fred Dane will occupy the chair.

Suffered for Years From Constipation and Sick Headache.

Headache seems habitual with many people; indeed, some are seldom, if ever, free from it, suffering continually, and wondering why they can get no relief. The most frequent of all are bilious or sick headaches, and are caused by some derangement of the stomach or bowels, or both.

Burdock Blood Bitters regulates the digestive and biliary organs, removes acidity of the stomach, improves digestion, regulates the constipated bowels, and promotes a perfect circulation of pure blood to all portions of the body.

Mrs. C. Meadows, Clarksburg, Ont., writes: "For years I was troubled with sick headache and dizziness, and was also constipated. I was advised to try Burdock Blood Bitters. I only took three bottles of the medicine, and now feel like a new person as I am completely cured. I can truthfully testify that B.B.B. is the best medicine I have ever used."

Burdock Blood Bitters, has, during the last 35 years, built up an unrivalled reputation as a cure for all troubles arising from a constipated condition of the bowels.

Manufactured only by The T. Milburn Co., Limited, Toronto, Ont.

The Company's Investments consist of

1st Mortgages	85.79%
Stocks and Debentures	6.56%
Loans on Policies	5.29%
Other Securities	2.36%

An excellent record of safe and profitable investment of funds.

Splendid rate of interest steadily maintained

London Life

Policies "Good as Gold"

TORONTO OFFICES: 304 Manning Chambers, Metropolitan Bank Bldg., Cor. Dundas and Arthur Sts.

Most Men Use Coffee For Breakfast

and are interested in the kind of coffee they get.

Michie's finest blend of Java and Mocha coffee is in a class by itself—— money cannot buy better.

IT IS A BREAKFAST NECESSITY

MICHIE & CO., Ltd., 7 King St. W., Toronto

STORING UP ENERGY

There is more nourishment and sustaining power in

EPPS'S COCOA

than in any other beverage

Epps's Cocoa is a perfect storehouse of vitality, restoring and maintaining strength and energy. Fragrant, delicious and warmthgiving. "Epps's" contains the maximum of nourishment in Cocoas

Children thrive on "EPPS'S."

HEALTH DEPT. REORGANIZATION

Dr. Hastings Outlines Elaborate System—Numerous Bureaus.

Dr Hastings, medical health officer has completed his plans for the reorganization of his department. They include the establishment of a bureau of communiable diseases and a director of laboratories.

There is a further sub-division into an executive bureau, with a secretary of health, who looks after correspondence, publicity and popular legislation.

There will also be a bureau of vital statistics, a bureau of contagious diseases, bureau of laboratory service, bureau of food inspection, bureau of hospital and ambulance service, and a bureau of sanitation.

In addition there will be a school for sanitary instruction in which each candidate will be required to do all the practical work in connection with the division for a period extending over eight weeks, unless he chances to be a medical graduate. If the student qualifies in that time, he will be given a diploma.

The inspector's stamp must be attached to all meat offered for sale and sanitary inspection will be made in all places where food is sold.

There will be a continuance of inspections of dairy farms as well as of all city dairies.

Rev. W. A. Cameron to Speak.

Rev. W. A. Cameron will speak on "The Passion for Reality," at a mass meeting for men in Bloor-st. Baptist Church to-morrow at 3 p.m.

AT WORK IN 3 WEEKS

$4 Worth of Father Morriscy's "No. 7" Cured Her of Inflammatory Rheumatism.

Mrs. Agnes Edgar, of Grand Falls, N.B., had a terrible time with Inflammatory Rheumatism. Anyone who has had this most painful disease will understand her suffering—and her joy when she found Father Morriscy's "No. 7" had cured her. She says:

"I took Father Morriscy's Prescription for Inflammatory Rheumatism. I had suffered everything with it, but in three weeks after starting Father Morriscy's Prescription I was able to do my work, and after taking four dollars worth of medicine I was well. I highly recommend it any sufferer with Rheumatism."

Rheumatism comes from bad kidneys. The poisonous Uric Acid which they should remove stays in the blood, accumulates in joints and muscles, and causes agony. Father Morriscy's "No. 7" puts the kidneys right, removes the Uric Acid from the blood and the whole system, and cures the Rheumatism. 50c. a box at your dealer's, or from Father Morriscy Medicine Co. Ltd., Chatham, N.B.

Sold and guaranteed in Toronto by: The Broadway Drug Co., cor. Spadina Ave. and College St.; Hennessey's Drug Co., Ltd., 107 Yonge St.; J. W. Wood, cor. Carlton and Parliament Sts.; also 770 East Queen St.; W. T. Pearce, 1631 Dundas St.; also 1982 Dundas St.; The Hooper Drug Co., Ltd., 83 King St. W.