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WEDNESDAY MORNING, FEB. 5, 1913

U. S. PARCEL POST.

So popular has been the United States parcel post that the original order of the department to print 5,000,000 denominated stamps a day has proved inadequate, and the number has now been doubled. In the first four weeks of operation over 6,000,000 parcels were handled instead of the bare million previously estimated by the postmaster-general. No better proof could have been given of the public need, and the burden imposed by the express companies. It has been with them as with the cable companies. They would rather handle a small business at high rates than a large business at cheap rates. Public service seeks to give the greatest good to the greatest number.

In his annual report, made public on Monday, Mr. Hitchcock, the U. S. postmaster, suggested reduction in some parcel post rates, and an increase in the weight limit of the packages carried. It was, of course, written before the final results of the parcel service had been ascertained, and had these been before him, he would no doubt have strengthened his recommendation. As it is the parcel post business in New York City is increasing every day, and it is significant to learn that small dealers are finding the system advantageous. They will soon find that whatever makes for the general benefit assists every section of the community, always provided that it has been dealing fairly with the public. But for those who have not been so doing, there need be no sympathy, even should they suffer from the new conditions.

THE OPENING OF THE LEGISLATURE.

Criticism of the speech from the throne at the opening of the Ontario Legislature will be largely confined to its omissions. Mention of tax reform was notably absent and at this there will be no surprise, whatever the regret. Sir James Whitney will make it clear that he will not be easily moved from the position he has taken on this very live question, but he must also be perfectly aware that the existing system has met with general disapproval. He has indeed so far committed himself to the call for reform as to declare his opinion that the law as it now stands permits of the required adjustment of assessement values. In that case it is up to the government to make the very ambiguous clause of the act perfectly clear.

General approval will be given that section of the address laying stress on the importance of a carefully considered scheme of improved highways and good roads. Last session an appropriation of $5,000,000 was made with that object for the northern and northwestern districts of the province, and an even larger sum will be appropriated in 1914 for the older settled districts. As a preliminary, investigations will be made during the current year and information collected on which to base a plan for carrying out the work. It is satisfactory to note that the construction and improvement of colonization roads and bridges in the territorial districts have been actively prosecuted. In other directions the provincial government's policy has met with marked success, for which it will be accorded due public credit.

MR. ASQUITH AND WOMAN'S SUFFRAGE.

Sympathisers with the woman's suffrage movement will view with regret the resumption of activity on the part of British militant suffragettes. This action is sought to be justified by the withdrawal of the franchise bill, a measure which the government had included among the bills intended to be included among those passed by the house of commons in the present session, and to become law ultimately without consent of the house of lords. It was of almost vital importance, since the abolition of plural voting would have removed a formidable handicap in many constituencies which the Liberals have found all but insuperable. As The World has already pointed out, its withdrawal was a signal proof of the strength of the movement for equal suffrage both in and out of parliament.

When intimating the decision of the government not to proceed with the bill, in consequence of the speaker's ruling that the carrying of any amendment materially altering its character would necessarily entail its withdrawal and reintroduction, the prime minister gave an important pledge. In previous years the principal grievance of the women was that the government would not give a private bill the facilities afforded to its official measures. On this occasion, however, Mr. Asquith offered to allocate next session time for the discussion of a private bill, and to treat it in every way as a government measure, while accepting no responsibility for its success. Those behind the woman suffrage movement might very well have accepted this offer and prepared themselves for the next session, which must be called at an early date. The tactics of the militant section may seriously imperil an excellent opportunity to obtain a free verdict from the present parliament.

SIDE-TRACKING ROOSEVELT.

By one more than the required two-thirds majority the United States senate affirmed the proposal to amend the constitution by altering the presidential term to six years and prohibiting re-election. As approved by the senate, and should it be ratified by three-fourths of the state legislatures it would automatically extend the term of office of Mr. Woodrow Wilson to six years, and render both Colonel Roosevelt and Mr. W. H. Taft ineligible for renomination. As the present president can scarcely be regarded as a possible prospective candidate, the proposal as passed by the senate is, in point of fact, a political move designed to eliminate Colonel Roosevelt from the field.

This is an acknowledgment of the ex-president's popularity and of the fear which his reappearance in the White House would elicit. As the New York Evening Post—an opponent of Colonel Roosevelt—points out, it is obvious that concrete and even personal motives entered into the Senate's discussion and final action. This will necessarily mean that, should the proposed amendment be also passed by the house of representatives, the attention of the country will be focused not on the merits of the alteration, but on its personal bearing. If that be the case its ultimate adoption by the necessary three-fourths of the state legislature is by no means certain.

TRUSTS AND GUARANTEE COMPANY.

A dozen years ago the business of fathering trust funds and taking care of estates formed but a small part of the city's business activities. The work of looking after the estates of the dead was largely in the hands of private individuals, and the companies then engaged were just beginning to show that by systematic and highly responsible control securities and lands left in their trust could be carefully fostered and appreciated with increasing benefits to beneficiaries. The progress made in this field is shown by figures presented yesterday at the 16th annual meeting of the Trusts and Guarantee Company, Limited.

In 1905 this concern had guaranteed trust funds of $82,922, and estates and trusts under its administration of $644,442. Each year the amounts placed under its control have been added to and the estates have appreciated until today this company's trusts funds total $3,599,141, and estates and trusts total $5,196,383.

This remarkable progress has been year by year steady and substantial. During the last eight years of the company's existence the assets have gone up from $2,870,906 to $11,146,006. A great deal of the assets is held in real estate, largely in mortgages, while debentures and other securities form a not inconsiderable share of the accounts. The progress of the company has been made without the assistance of any great increase in paid-up capital, as the annual report shows. Last year the net profits were $117,906.75, and a balance left at the end of the year to the credit of profit and loss account of $304,540.

A general recognition of the advantages that trust companies have for the administration of estates and private trusts is shown strikingly in the figures given above, yet in a great measure the cautious tho progressive action of the directorate and management has brought about the increasing success of the company.

PANAMA TOLLS BEFORE SENATE

Senator Root to Lead Fight on Friday For Equitable Arrangement.

WASHINGTON, Feb. 4.—(Canadian Press.)—The repeal of the Panama Canal free tolls provision, proposed in an amendment by Senator Root to the recently passed canal administration law, is to be taken up Friday at a meeting of the senate committee on interoceanic canals. The call for the meeting was issued today by Chairman Brandegee.

Advocates of the free toll provision for American coastwise ships are prepared to fight the proposed amendment in the committee and to prevent, if possible, its endorsement. Should the provision be favorably reported to the senate, it is believed it will be impossible to secure final action on it during the pending session.

The Philosopher of Folly

By Sherwood Hart

ADVERTISING PAYS.

Consider well the hustling hen! Oh, would that every now and then we all could journey to the pen where she is slaying for us; she knows a lot, this worthy bird, and not by silence has she erred—when she would tell us what's occurred she starts the Barnyard Chorus. She seems to say, "Come, view my feat. My new-laid eggs you cannot beat! The best thing in the world to eat!" and most of us believe her. So, laying eggs to beat the band, she scarce can meet the great demand which reaches out on every hand—she's busy as a beaver. But knowing advertising pays, she still keeps up her business ways; at each new egg she begs and prays for everyone's attention; in accents clear and loud and long she raises her insistent song, while from afar the people throng and praise her in convention. Yet all her clucks and joyous cries are merely made to advertise the Biddy Brand of egg supplies—the hen's a business booster. By praising up her merchandise she always gets a top-notch price, and she is spared to live to twice the age of Mr. Rooster. By knowing when to blow her horn, she gets the best of wheat and corn—she looks on other fowls with scorn, this darling of the farmer; he brings her dainty things to eat—fresh turnip tops and onions sweet—and fondly lays them at her feet—till old there's nought can harm her. But let us now contrast the duck, who with an equal chance at luck, has never raised a single cluck to tell us when she's laying; and as she never makes a sound no eager buyers gather round and make the welkin loud resound—and so her job's not paying!

Sherwood Hart.

Empire Club.

Mr. Kilhjalnur Stefansson, the noted traveler and explorer, will address the Empire Club on Thursday, the 6th inst., his subject being "Our Northland, Its Ppeople and Resources." Mr. Stegansson has had a wide experience among the Eskimos in the Arctic regions, and no doubt his lecture will prove of great interest to the listeners.

At Osgoode Hall

ANNOUNCEMENTS

Motions set down for single court for Wednesday, 5th inst., at 11 a.m.

1. Re Maclean Estate.
2. Porcupine and Hecla v. Waters.
3. Re Upton-Milligan v. R.C.C.
4. Re Carey Trusts.

Peremptory list for appellate division for Wednesday, 5th inst., at 11 a.m.

1. Adams v. Traders Bank.
2. Gowop v. Glen Woolen Mills.
3. Stuart v. G. T. Ry. Co.
4. Truas v. Burgess.
5. Quinlan v. Tait.
6. Levitt v. Webster.

Master's Chambers

Before J. S. Cartwright, K.C., Master.

Broom v. Dominion Council R.T. of T.—L. Lee, (Hamilton) for defendant, moved for order striking out parts of statement of claim as embarrassing. Plaintiff in person. Reserved.

Ferguson v. Anderson.—J. G. Smith for defendants, moved for order changing name from Ottawa to Cornwall and for other relief. Reserved.

Sovereign Bank v. Clarkson.—J. F. Boland for plaintiff, moved for an order for payment out of court of moneys to him. A. M. Boyd for defendant. Order made. Costs fixed at $10.

Neostyle v. Barber Ellis Co.—H. H. Davis for defendants, moved for an order for a commission to take evidence at Montreal. C. S. MacInnes, K.C., for plaintiff. Order made. Costs of motion and commission to be in discretion of taxing officer, unless disposed of by the trial judge. Plaintiff may join if desirous.

Re Rob. Lankin, and Winyard Cooch & Co., et. al.—K. F. Mackenzie for Lankin, moved for an interpleader order in respect of a claim for commission of $950. J. G. Smith for Winyard, Cooch & Co. R. H. Greer for J. B. Levy & Co. Reserved.

Madden v. Dillon. — Armstrong (Aylesworth & Co.) for plaintiff, obtained an order for substitutional service by service on sister of defendant on the premises.

Grip Limited v. Drake.—Hanna (Corley & Co.) for plaintiff, obtained order amending style of cause in respect of name of defendant and dispensing with reservice on defendants already served.

Stevenson v. Stevenson.—McNally (Mills & Co.) for plaintiff, obtained order amending endorsement on writ of summons, and vacating certificate of lis pendens.

Judge's Chambers

Before Middleton, J.

Playfair v. Cormack.—W. D. McPherson, K.C., for defendant Steele, appealed from order of master in chambers, of 15th January, 1913, directing defendant Steele to reattend for examination for discovery and answer certain questions. H. Ferguson for plaintiff. Reserved.

Bettor Fruit Distributors Limited—H. Ferguson for petitioner, asked enlargement sine die of motion for winding up order to come on again on twenty-four hours' notice. Enlarged as asked.

Gauthier v. Wolverine.—E. Gallagher for administratrix, asked on consent of all parties for enlargement of motion for order that administratrix have a charge against judgment and its proceeds to extent of costs. Enlarged two weeks.

Re Holmes.—E. F. Lazier (Hamilton) for applicant, moved for order giving leave to sell lands under D E act, and dispensing with payment into court. E. C. Cattanach for infants. No order.

Re Carroll Estate and C. P. Ry. Co.—Livingston (MacMurchy & S.) for the Ry. Co., asked enlargement of motion for order for immediate possession of lands. Enlarged one week.

Hamilton v. Hamilton—S. S. Mills for two beneficiaries, moved for order for administration of estate of Hon. Robert Hamilton, deceased. J. G. Smith for executors. Enlarged until 7th inst.

Wilson v. Suburban Estate Co.—J. G. Smith for defendant, moved for order striking out jury notice. J. P. MacGregor for plaintiff. Enlarged until 7th inst.

Blei v. McDonald.—G. H. Sedgwick for defendant. H. E. McDonald, moved for an order for payment out of court of certain moneys, and dismissing action without costs. Order made.

Canadian Pacific Ry. Co. v. Town of Walkerton.—A. MacMurchy, K.C., for the Ry. Co. G. H. Kilmer, K.C., for the town. Appeal by the Ry. Co. from taxation of costs by junior taxing officer at Toronto. The question raised is a narrow one, of some difficulty, but of no great practical importance. The Dominion Railway Board has determined that as a matter of general policy, it will not award costs of any procedings taken before it. I am not concerned with the wisdom of this decision opposed as it is to the principles laid down in other high places. The referee has found damages and has awarded to the town against the Ry. Co all the costs over which he has power. I think the taxing officer was right in giving to these words a wide meaning, and that they are sufficient to include the costs of the application to the board, for the appointment of the referee. Appeal dismissed with costs which I fix at $10.

Single Court.

Before Latchford, J.

Peacock v. Wells.—T. N. Phelan, for plaintiff, moved for judgment confirming settlement. A. G. Ross for defendant. E. C. Cattanach for two infants. Judgment for plaintiff for $1000 for death of husband, William Peacock. Plaintiff's costs fixed at $125, to be paid out of this, and balance $875 to be paid into court. Out of this is to be paid official guardian's costs and $25 quarterly to widow for maintenance.

Before Middleton, J.

White v. Savard.—H. S. White, for plaintiff, moved on notice for injunction restraining defendant from trespassing on plaintiff's property in District of Nipissing and from making distress on chattels. No one contra. Order made restraining defendant as asked until trial.

Before Lennox, J.

Rosenberg v. Bochler.—L. M. Singer, for vendor, moved for order declaring that a certain agreement registered against the lands is not a cloud upon the title and does not constitute a valid objection to the title. R. S. Robertson (Stratford) for purchaser. G. E. Newman for Queen City Realty Company. Judgment: I am of opinion that the registered instrument forms a cloud upon and forms a valid objection to the title to the property in question, and a release and discharge thereof must be procured and registered by and at expense of vendor. Costs of all parties to be paid by vendor. If vendor and Realty Company do not otherwise arrange before order is issued the order will provide that upon payment of $125 commission, undisputed, and upon payment of $200 into court the Queen City will execute and deliver a release capable of being registered of all their claims upon the lands in question.

Assizes.

Before Middleton, J.

Rex. v. Nesbitt.—W. G. Thurston, K.C., for the crown. H. H. Dewart, K.C., for the accused. Motion by accused to quash several indictments. Judgment: The accused was extradited from the United States upon several charges of having made false returns to the minister of finance under the Bank Act. The crown relies for extradition upon No. 9 of the list of extraditable crimes, which is "fraud by a bailee, banker, agent, etc., which fraud is made criminal by any act for the time being in force." It is said by counsel for accused that the offence of wilfully making a false return is not fraud by a banker within the extradition treaty, and that the crown cannot improve its position by charging, as is done in these indictments, that the false return was fraudulently made. With this contention I agree. The offence with which the accused might be charged is the statutory offence of wilfully making a false return. The crown has substituted for the word wilfully the word fraudulently, and so for the purpose of bringing the matter within the extradition treaty charges the accused with something differing from the statutory offence of which he may or may not have been guilty. Therefore the indictments must be quashed, as they depart from the Bank Act and charge an offence different from that thereby created.

Trial.

Before Lennox, J.

B. E. Pratt v. Robert Hyland Realty Company. Moore v. Robert Hyland Realty Company. W. Pratt v. Robert Hyland Realty Company. Three actions tied together by agreement of counsel. A. E. Fripp, K.C., for plaintiff in each case. W. J. Kidd (Ottawa) for defendants in each case. Actions to set aside certain agreements for purchase of lands as obtained by fraudulent and misrepresentations and to declare same null and void. Judgment: Let judgment be entered in each case declaring that the agreement in the pleadings mentioned is null and void and directing that it be delivered up to be cancelled, and that the defendants shall pay to plaintiffs $293.75 with interest thereon from date on which same was paid by plaintiff to defendants, with costs of action. Stay of thirty days.

Appellate Division.

Before Mulock C. J., Sutherland J., Middleton J., Leitch J.

Strang v. Township of Arran - C. A. Moss for plaintiff. D. Robertson, K.C., for defendant. An appeal by plaintiff from the judgment of Barrett, J., of County of Bruce, of December 6, 1912. An action for $500 damages for refusal of defendants to replace bridge crossing Sauble River on Mill Street, in village of Allenford, carried away by freshet on April 7, 1912, and to order highway to be kept in repair leading to plaintiff Strang's mills and Arnett's farm. At the trial the action was dismissed with costs. Judgment: We think the action of the council in the years 1894 and 1899 are referrable to one thing only, viz., the acceptance of the offer of dedication, and constitute an assumption of the bridge. Accordingly the township is bound to keep that portion of Mill street within its limits and the bridge in reasonable repair. With all respect we are not able to accept the judge's interpretation of Section 606, Sub-section 3. The present case, not being an "accident" case, no notice was necessary. The plaintiffs are entitled to recover three months' less one day's damages prior to action begun. We fix plaintiff Strang's damages at $75, Hewitson's at $25, and Arnott's $5. Costs of action and appeal to plaintiffs on the county court scale.

Before Mulock C. J., Riddell J., Sutherland J., Leitch J.

Ellis v. Zilliax—J. King, K.C., for plaintiff. E. D. Armour, K.C., for defendant. An appeal by plaintiff from the judgment of Middleton, J., of Nov. 6, 1912. An action for damages for non-performance by defendant of an agreement to sell certain lands. At trial action dismissed without costs. Sale deposit of $100 to be refunded the plaintiff. Judgment: The plaintiff has no right to have the part of the agreement that was reduced to writing performed unless the condition on which it was obtained is carried out. Appeal dismissed, with costs.

Smith v. National—C. A. Moss for defendant Evans, J. T. White for liquirator of company, W. Laidlaw, K.C., for plaintiff. Appeal by defendants from judgment of Gorham, J., of Halton, of Nov. 22, 1912. Argument of appeal resumed from yesterday. By written consent of counsel, order made that upon defendant Evans paying to plaintiff within one month costs of this appeal, fixed at $20, and costs of motion at Milton to open judgment, and costs of signing judgment thrown away, the said Evans is to be let in to defend. Execution to stand meanwhile as security. Trial to take place within six weeks. In default appeal to be dismissed, with costs.

McMenemy v. Grant—S. Denison, K.C., for plaintiff. F. W. Carey for defendant. Appeal by plaintiff from judgment of Winchester, J., of York, of Dec. 13, 1912. Argument of appeal resumed from yesterday and concluded. Judgment reserved.

Harwood v. Avery—J. W. Bain, K.C., for defendants, J. M. Ferguson for plaintiff, appeal by defendant from judgment of Leask, J., of D.C. of Nipissing of Nov. 26, 1912. Action by Olivia Harwood, a married woman, to recover $300 damages for injuries from being struck by a piece of rock while hanging out clothes in her yard in North Bay, which piece of rock is alleged to have come from a blast put off by defendants on McIntyre street in said town. At trial judgment was awarded plaintiff for $300 and costs. Appeal dismissed, with costs.

Cowan v. Conklin—E. S. Wigle, K.C., for defendant. C. A. Moss for plaintiff. Appeal by defendant from judgment of McHugh, J. of Essex, of Sept. 3, 1912. Action for trespass and cutting timber. At trial judgment was awarded plaintiff for $200 and costs of issue on which he succeeded. Defendant held entitled to costs of other issue. Appeal argued and judgment reserved.

Spoke to Teachers.

Chief Inspector J. L. Hughes gave the annual lecture before the Toronto Teachers' Association last night at Convocation Hall. His topic was the mintessori method.