TUESDAY MORNING

THE TORONTO WORLD

served.

Before Riddell, J.

Divisional Court.

Teetzel, J.

ants, on appeal from judgment of Brit-

ton, J., of Jan. 5, 1909. I. F. Hellmuth,

K.C., for plaintiff, respondent. Judg-ment: The right of the respondent com-

pany to recover is to be determined on the assumption that its works, for the

use of which part of its claim is made, were constructed without lawful au-

thority, for the appellants' counsel pre

ferred to have the case dealt with on

that assumption rather than have the

question of the authority of the pro-

vince to confer the right to construct

them dealt with by the court, his ar

gument being that even if that assump

tion be made there having been, as he

contened an express agreement by the appellant to pay for the use of the

works, and he having been permitted

company. He had used them for the

right to compensation for the use of

them, and arrangements were made

for the use of them for the year 1908

of the

SEPTEMBER 28 1909

The Toronto World **DEVELOPING PAPER** "REGAL" Norning Newspaper Published Every Day in the Year. For simplicity of manipulation, great UNITED AGAINST A COMMON latitude of exposure and unquestion-ENEMY. ed permanency nothing equals the The Mail and Empire of yesterday makes a defence of the speech of "REGAL" paper. Lieutenant-Governor Gibson at No dark room required - prints by Guelph on the occasion of the public any light. ownership celebration in that city the other day. The World saw fit to "REGAL" name, "REGAL" results. criticise the speech. The Mail thinks Try it and satisfy yourself. it was a good speech and commends

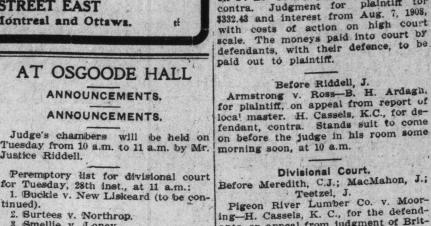
the governor for his attitude toward PHOTO STORES, Limited public ownership. Apparently The (Developing-Printing-Enlarging) 15 ADELAIDE STREET EAST Mail is not much of a believer in public ownership, and never was. It Stores also at Quebec, Montreal and Ottawa. has made two or three weak passes of its hands for the special edifica-

tion of Sir James Whitney, and that is all; but the sum and substance of per ton, and most of the wages and the article is that The Mail may be most of the profit kept for the people numbered among those who profess of that province? The recent tariff that public ownership may be ideal, adopted in the United States may but as a matter of fact isn't much. bring retaliatory measures upon The Mail is another instance of a Quebec, and perhaps upon all Cannewspaper more against public ada, because Quebec and Ontario are Justice Riddell, ownership than it is in favor of its political associations and its political pulp wood in the raw state, and in pulp wood in the raw state, and in 1. Buckle v. New Liskeard (to be conprofessions. For instance, The Mail the direction of having them worked would sooner travel with the gover- up into a more finished product nor, who is the greatest enemy public within our own bounds. The United ownership ever had in this country, States needs these things more than we need their market for our raw and who was attorney-general of products, and we have only to adopt this province in a professed Liberal government, than to travel with Sir a patriotic policy and they will soon James Whitney and his friends, who get tired of retaliation, just as Gerbelieve in public ownership and who many to-day is tired of her surtax are trying to carry it out, the these upon Canadian products.

MAKE COBALT SANITARY.

In other words The Mail is more Cobalt has been given unusual asanti-public ownership than it is sistance by the province in connection Conservative, and everybody knows with its sins of omission in sanitation. that The Hamilton Spectator is the When the municipality was inauguratsame kind of newspaper, and that it ed, the board of health indicated to the local board the procedure that would secretly and openly supported Mr. be necessary to secure the health of Gibson when he was the candidate in Hamilton, because The Spectator the town. These appear to have been defendant's illness and for a commis- dence to establish an agreement of ignored. Now that the town has been preferred the electric interests to political interests at that time, and cleaned up, or in the way of being so, defendant, Webb. at the present time. Sir James it is to be hoped that the municipality will take the lesson to heart, and adopt will take the lesson to heart, and adopt the issue of commission asked. Costs right to compensation for the use of right to compensation for the use of many Conservatives there are, who whatever regulations are adjudged necessary for the preservation of the profess to be such, but who antagohealth of the citizens.

nize public ownership whenever But the mines also hard it appears ing in which same relief is claimed. fenders in this respect and it appears H. M. Mowat K.C., for plaintiff, con-But when you turn your eyes tothat as many, if not more typhoid patients have come from the mining pop- tra. Reserved. ward the Liberal party you are even



2. Surtees v. Northrop. Smellie v. Loney.
 Pyburn v. Canadian Northern Ontario Railway. Hughes v. McVeety.
 Donnelly v. Vespra Township.
 Macorquodale v. Gray.

Peremptory list for court of appeal for Tuesday, 28th inst., at 11 a.m.: 1. Robinson v. Norris (to be contin-2. Davies v. James Bay Ry.

3. Gordon v. Matthews. Master's Chambers

Before Cartwright, K.C., Master. Steven v. Mackenzie.-F. Aylesworth or defendant, moved to change venue from London to Sarnia. E. C. Cattan-

ach, for plaintiff, contra. Reserved. Christie v. Richardson.-W. A A. to use them on the faith of that agree Christie v. Richardson.-W. A. to use them on the faith of that agrees Skeans, for defendant, Richardson, ment, the respondent company is enmoved to postpone trial on ground of titled to recover. There was ample evision to take evidence in England of the part of the appellant to pay for the absent witness. Grayson Smith, for use of the works defendant, Webb. A. J. Keeler, for company. He had in cause. Hamilton Bridge Co. v. General Construction Co.-G. H. Kilmer, K.C., for

defendants, moved to stay action on The appeal on this branch fails and .he appeal as to the counter-claim must be But the mines also have been of- the ground of other proceedings penddismissed. The appellant must pay the costs of the appeal.

Cichetto v. City of Guelph.-R. R. Before Mulock, C.J.; Maclaren, J.A.; Waddell, for plaintiff, moved for leave Clute, J. more surprised at the conduct of these so-called friends of the people, who also call themselves Liberals to-C. J. Holman, K.C., for plaintiff, mov- Shirt Co., formerly a salesman in de ed for judgment. R. McKay, for de-fer dant, contra. Motion dismissed. fendant's employment, working on salary and commission, brought action to recover \$1215.61. Defendants denied lia Whaley v. Monk .- T. A. Gibson, for bility and averred payment of all that due plaintiff. At thte tria as judfment was given for plain closure action. Order made tiff, with reference to reter-Whaley v. Worthington .- T. A. Gibpublishing one weak one in favor of out what the act requires to be done. sen, for plaintiff, moved for order for mine amount of commission payable to plaintiff. Further directions and costs of trial and reference reclosure action. Order made. London Advertiser (Liberal), and they have to choose between parsi-the article in The Advertiser of they have to choose between parsi-the article in The Advertiser of they have to choose between parsi-the article in The Advertiser of the argued and judg-Clemens v. Faulkner .- F. McCarthy, for defendant, on motion to change Before Mulock, C.J.; Clute, J.; Rid-Cobalt-should set an ememple, now venue from Guelph to Owen Sound. dell, J. Rathbone v. Michael-J. Bicknell, K. G., for plaintiff, moved to re-open the Judgment: It is not denied that the representations, the cause of this dam appeal of the defendant and the Me-age action, were made at Owen Sound, thodist Church, from judgment of an liable to suffer from the dissemination and defendant says he will require 8 official referee, a mechanics' lien action, argued on April 8 last, and on which judgment has been reserved. W. Laidlaw, K.C., for defendant, and Methodist Church, contra. Reserved. venue is changed accordingly. Doherty v. MacDonell.-J. R. Code. ington, dated 6th April, 1909. J. M. for defendant, on motion to change venue from Welland to Qttawa. A. E. Knox. for plaintiff, contra. Order , for plaintiff, contra. Order changing venue from Welland Knox. to Ottawa. Costs in the cause. Single Court. Before Falcorbridge, C. J. Woods v. Baxter.-E. Coatsworth, K.C., for plaintiff, moved to continue Injunction and receiver till trial. R.
S. Johnston, for defendant. Injunction continued until trial. The plaintiff to defendant. Injunction duly and Power Co.—H. D. Gamble, Light and Power Co.—H. D. Gamble, Light and Power Co.—H. D. Gamble, Light and Power Co.—H. D. Gamble, C., and F. L. Smiley (New Liskeard) for defendant, appealed from the order of Meredith, C.J., dated 1st April, 1909.
McBrayen v. Pratt.—J. H. Rodd, for defendant, appealed from was made on defendant, asked that his appeal stand sinc die as stenographer ill, and the evidence cannot be procured for some time. G. Campbell, for plaintiff, EnMcBrayen v. Pratt.—J. H. Rodd, for a divisional court affirming the judgment of Magee, J. C. J. Holman, appealed from the report of His Hon- or Judge Valin of March 25th, 1909, and allowed the appeal from the report with Re Storey Estate.-W. T. J. Lee, for tuting a declaration that the poles in a warrant duly issued by Peter Ellis applicant, on motion for construction of will, W. N. Ferguson, K.C., for respondent. By arrangement between ccursel sanctioned by outer between from sewing up the public to private corporations controlling public utilities. The World trusts it will not the ers. In addition experts in the liner of the li The World trusts it will not be involved in any case could be ap-pointed by the parties interested. will find some one to lead them and will find some one to lead them and Dewey v. Dewey-G. Lynch-Staunton, K.C., for plaintiff, appellants. A. M. Lewis (Hamilton), for defendant, respondent, contra. Plaintiffs, a com-Re Dale and Blanshard .-- C. C. Robpany incorporated to carry on the ice and coal business in the City of Ham-



840 High-Grade Sweaters, Wescuts and Sweater Coats, Each - - -

A mill's overmakes and travellers' samples. All pure wool. All of high-class manufacture, many hand-made. Navy blue, black, cardinal, gray and white, some with colored trimmings.

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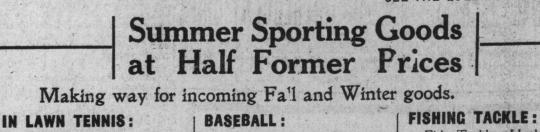
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son's" price.

CANADA

word in favor of public ownership, or thru the rocks. Under these conditions a public power policy. The Globe health is impossible.

newspaper has never been in favor The provincial board of health has fer dant, Costs in power policy and then the next day to refrain from anything but pointing the article in The Advertiser of two mony and death, are willing to take the or three days ago, dealing with the long chance. power situation in London, was a the eye of that proposition.

latter happen to be Conservatives.

the opportunity presents itself.

Our own opinion is, and always has been, that Sir James Whitney was kept out of office for over eight frequented centre as Cobalt. Not to will require 3 or 4, of whom 2 reside years by a secret understanding be- speak of the heavy mortality, the at Galt. The present seems eminently ween the Ross Liberal Government eventual cost of an epidemic far ex- a case for trial at Owen Sound, and the venue is changed accordingly. and certain Conservatives who were ceeds what is necessary to maintain Costs in the cause. nore the friends of the electric ring a satisfactory sanitary system.

than they were the friends of the then Conservative opposition; and the combination is still working, tho

under weakened conditions. We don't say that the great bulk of the Liberals of Ontario are against public ownership; but unfortunately the Liberal leaders and the Liberal

far the Liberals have not been able to find a voice in this province in favor of public ownership and of twentieth century legislation, as against the old state of affairs with

strengthen himself in every direction would, be public.

by surrounding himself by men who really believe in his policy, and who really believe in public rights and their conservation.

UEBEC AND NATIONAL POLICY The World commends Sir Lomer In England lasts for six weeks, at QUEBEC AND NATIONAL POLICY

determination to uphold the policy of that province in the direction of

OTTAWA, Sept. 27 .- During the last preventing the export of pulp wood fiscal year the interior department isto the United States, and endeavoring sued 5279 certificates for a total of 1,to retain in Quebec the manufacture of it at least into pulp, and if pos-cated upon 110,400 acres. Of these 166 sible into paper. Why should enough located in Saskatchewan and 179 in wood to make a ton of pulp be sold to Alberta.

wood to make a ton of pulp be sold to the United States' pulp mills for six or eight dollars, when it can be con-verted into pulp worth \$30 to \$40

of it, altho it tries to straddle by a difficult task, as the law stands, to Whaley v. Monkwriting two articles against the keep faith with the public, while com-plaintiff, moved for an order for subpelled by unsympathetic municipalities stitutional service of writ in a foreit. The Hamilton Times (Liberal) is The board has no means of compelling substitutional service of writ in a fore-

veritable attempt to try and black that a fresh start has been made, in F. E. Brown, for plaintiff, contra. observing the spirit and letter of the law. Every part of the province is age action, were made at Owen Sound, of typhold germs borne from such a Or 10 witnesses, all resident at or near Owen Sound. The plaintiff says he

RETAILERS WANT BOARD TO REGULATE PROFITS

newspapers are in that class. But so Suggest Appointment of Government Body To Arbitrate Disputes With Manufacturers.

MONTREAL, Sept. 27 .- The Domin* parties in alliance with private cor- ion Retail Merchants' Association of time. G. Campbell, for plaintiff. Enporations. What the Liberals in this Canada meets here to-morrow and larged sine die. province want is to get rid of these Wednesday, and will discuss the es-"old men of the sea," who are will- tablishment of a board of commerce of

will find some one to lead them and the board is to provide a tribunal to the 30th inst. Injunction, continued to speak for them in favor of public which retailers may appeal in cases rights, and The World also trusts where they claim profits allowed by incon. for that Sir James Whitney will manufacturers are insufficient. The proceedings of the proposed board asked enlargement of his motion to

> Canadians Good Swimmers LONDON, Sept. 27 .- William Henry s very pleased at the result of his tour n Canada. He says life-saving is bound to make great headway in Can-

Gouin, the premier of Quebec, in his Timagami the candidates went thru

Veterans' Land Claims.

COMMENDADOR PORT WINE (FEVERNEERD'S) The port of olden time-Tawny-rich-sustaining. 25 years old. John Rebertson & Son, Limited, Montreal

CANADIAN AGENTS

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inson, for William Dale, the applicant, quash bylaw on ground that evidence rot yet ready. J. C. Makins (Strat-ford), for the township. Enlarged until 30th inst. Affleck v. Halsted.-J. H. Rodd (Windsor), for plaintiff, moved for judgment on the report of local master at Windsor. H. M. Mowat, K.C., for

> of Hamilton. Plaintiffs alleged that defendant in violation of this covenant is now employed by and working for another person or firm or company in the City of Hamilton, known as the Dewey Company, and has canvassed plaintiff's cusomers, and they cla'm \$10,000 damages. At the trial judgment was given for the plaintiffs, and referring to the local master at Hamilton to ascrtain and state what damages plaintiff had sustained. The said master assessed the damages at \$5000. De-



Racquets, clearing at \$2, \$2.13,

A few Nets clearing at 68c,

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TORONTO

and \$3.63.

83c. and 98c.

\$2.25.

to make an appeal which he

Jury Assizes.

