

# The Toronto World

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SATURDAY MORNING, JAN. 6, 1912

## WILL THE DEMOCRATS HELP MANITOBA AND THE WEST?

Is relief from the congested railway situation that exists in Manitoba and the two provinces to the west to come from the Democratic party in the United States?

At the present moment, as all our readers know, the Canadian railways are unable to handle the crop of last season, and much grain is still in the fields, some of it unthreshed, some of it threshed and piled on the ground, and all of the elevators filled. At other points cars cannot be had and at still other points farmers are dumping it alongside the railway station, where there are no cars ready to take it. It must be stated that the late season had a good deal to do with the congestion; but even when consideration is given to this condition there still remains the fact that the railways are unable to handle a business which threatens to grow even faster than they can increase equipment.

How then can the Democratic party help? In this way: if they take off the duty on grain, as they threaten to do and as they are pledged to do at the forthcoming session of congress at Washington, then the American railways will seek to extend branches into our western provinces and take the grain out that way, and especially take it for grinding in American mills. If we are to hold the trade, including flour production, it is absolutely necessary that our grain buyers give as good prices as American grain buyers, and that our railways give facilities and freights equal to the facilities of the American roads. To take off the duties increases the food supply of the States, gives grain (and hard wheat at that) for their mills, and freight for their railways. That looks like big and good policy and will make some of our people and companies sit up.

We notice that The News-Advertiser of Vancouver is dealing with this question, and says that even if the railways do increase their equipment the best outlook for relief comes from the exportation of wheat by Pacific ports, and especially after the Panama Canal is opened in 1913. There is the possibility of the Hudson Bay Railway, now under construction, also affording relief, but it is still some distance away. But we in Eastern Canada may make up our minds to the fact that unless the Canadian railways get on a hustle the American railways and the Panama Canal will share in a business that they might have for themselves if they were equal to their opportunities.

## WHERE BRITONS BURY.

Alfred Tennyson Dickens is buried to-day in New York. This is according to British tradition. Very rarely are the mortal remains of British dead removed from the place of their departure. Americans are inclined to follow the Chinese idea and bring their dead back to their native land, a practice which is based on the belief that the departed will be reborn in the land in which he is buried. The Briton is not afraid to be born anywhere. He can always make himself at home.

## TORONTO LAND PRICES.

Commissioner Forman, who thinks the price of land in Toronto abnormal, should take a trip around some of the cities with the same area and population, if he can find any, as United States cities of a similar population have at least a third larger area. No city on the continent, except perhaps Vancouver, has the same prospects as Toronto. What Mr. Forman needs to do is to get his assessments equated and adjusted to commercial values. The tax rate could then be reduced.

## WHERE HAPPINESS IS FOUND.

One of the most popular of the late Sir Noel Paton's paintings was his allegory, "The Pursuit of Pleasure"—pleasure personified by a beautiful female figure. Floating along, wine cup in hand, she drew after her a crowd of men and women of all ranks and professions, unheeding the fatal flames, which ended the mad race after an elusive phantom. Another different, but kindred, moral lesson is that conveyed in Maeterlinck's "The Blue Bird," which will be at the Royal Alexandra for the fortnight commencing on Monday. This now famous children's play has a deeper meaning, which will be more easily grasped by those of larger growth, but the story itself is of strong juvenile appeal. Its underlying theme, that happiness while it may be chased far and wide, lies very near at home, is developed with imaginatively poetic truth and beauty. The wayfaring of the pursuers of the

bird of happiness leads them in turn to the kingdom of the past and then to the kingdom of the future, peopled by the children who are yet unborn. This is perhaps the act which will prove most absorbing to the adult mind from its wealth of suggestiveness. But even the children of to-day can learn that happiness lies neither in the past nor in the future, but in the present, in the doing of simple acts of love to those who need. Much has been said in these days about the elevation of the stage. There is no better way of elevating the stage than by supporting plays such as "The Blue Bird" is.

## ONTARIO'S PEST.

There is a not unnatural tendency on the part of everybody to get away from disagreeable things, and to overcome this tendency we pay for a health department. If the counsel of these health officers were followed implicitly we should probably get away from the disagreeable things altogether, but as it is there is a necessity for keeping some things on the surface all the time until they are eliminated. One of these is the tuberculosis situation, and the local M.H.O., the provincial and the conservation commission authorities are all united as to the steps which ought to be taken.

The local "Health Bulletin" once more emphasizes the need of care in each case of consumption in the interests of all the people. The rich are in just as much danger from the infection of the poor as the poor themselves. The tubercular mendicant who spits on the sidewalk is a menace to the lady driving in her motor car. "None of us are immune; we are all subject to the disease," is the warning of Dr. Hastings.

King Edward asked: If consumption is preventable, why is it not prevented? In Ontario we would have told him that Premier Whitney objected to preventive regulations. Consumption should be reported as an infectious disease. Three thousand people a year die of it in the province. One person has died of smallpox in the last twelve months, and we make a tremendous disturbance. If 2000 horses died of glanders Ontario would be regarded as a pest-ridden country. It is pest-ridden now with consumption.

Physicians are required to report the cases of consumption they attend, but they are not all doing so. The health officer says he has proof of this. A little publicity would perhaps do no harm in cases of this kind.

## OUR PROMINENT CITIZENS.

Great men have to live somewhere. This is frequently overlooked in localities where people of eminence happen to have their residence. The prophet, thus, has to find an advance agent that makes him famous abroad who ought to be distinguished most at home. Millions of people know Toronto as the place where Goldwin Smith lived, and know little else about it. Great numbers of people know Toronto for its university, the largest in the empire, and many know it only as the home of Prof. Macmillan, or of Prof. Maclellan, or Prof. Coleman, or Prof. McCord, or of one of the other specialists who, like Prof. Eakins, make a special appeal to a particular circle. Thousands of people know Toronto as the home of Dr. Vogt and the Mendelssohn Choir. Mr. Aylward is bringing distinction to the city. The recent settlement of the Hamblin family in Toronto has attracted international attention, and to hear Jan and Boris Hamblin is a privilege other cities covet. In literature Toronto has not so much to point to, but this is chiefly the fault of the stereotyped conventions of Toronto's editorial mandatories. The best men flee from this city of the plain and everyday literary code. Toronto editors can show Rudyard Kipling just where he is wrong and how he ought to improve himself.

"Great men have been among us," wrote Wordsworth when he was moved to deplore the lack of similar genius in France. We in Toronto have other great men than those mentioned, and we rejoice that Ottawa, Hamilton, Winnipeg and other towns in the Dominion have their notabilities. But it would do no harm to cultivate them a bit. They do it in Europe. "A rose for the living is more than a wreath for the dead."

## ALL THE WEST WITH MACLEAN.

From The Saskatoon (Sask.) Capital. The Toronto World has not allowed the change of government to interfere any in its criticism of the methods of the Canadian Pacific Railway. When Laurier was in power his pre-election remarks in regard to the C.P.R. monopoly did not restrain him and his government from allowing the big railway corporations to "cut a meion" occasionally so that the earnings of the company would not overstep the mark whereat the agreement with Sir John Macdonald provided that rates in the west must be lowered. Mr. Maclean never lost an opportunity of impressing this fact upon the country, both in parliament and thru his newspaper, and he has taken an early opportunity of bringing the matter before the new government.

The scarcity of rolling stock in the west affords The World ample scope for complaint at this time, and it sounds a warning which will be echoed in every part of Western Canada. The abuse began under the Laurier

government, and it is a matter for report that legislation was not drafted during its tenure of office that would effectually curtail the practice.

In five years the percentage from the street railway has doubled, being now nearly 2000 a day. In five years more it will probably double again and yet The Globe will tell its readers that it is too soon for tubes.

In reply to a correspondent we have to say that De Lesseps was the man who built the Suez Canal, and designed the Panama Canal. He was a little ahead of his time and not appreciated by his contemporaries, but his successors are carrying out his plans and erecting monuments to his memory.

The Telegram does not know the difference between a vindict and a canal, and now The Globe is unable to distinguish between an aqueduct and a vindict. We commend Mark Twain's advice to them. "First get your facts, and then you can distort them as you please." Even The News gets astray as to facts, if we are to judge by its scurrilous cartoon. Truth is the foundation of all humor—even good humor. This is why The Globe cannot discover any.

## HUB OF SOUTHERN SASKATCHEWAN.

Nothing has been more remarkable than the recent extraordinary development of the Canadian Northwest. Few Canadians realize exactly what it means. The older conception made that district a howling wilderness, barren in summer and given over to Arctic blizzards in winter. Now the limit of cultivation is being steadily driven northward. Areas formerly considered outside the productive zone are now known to be able to improve even upon the unrivaled excellence of Canadian wheat. That means far more than has yet been realized in the making of the Canadian Northwest.

Among the towns that have made phenomenal progress in the prairie provinces none has exceeded Swift Current. In the Province of Saskatchewan, Centrally situated, 110 miles from Moose Jaw and 125 miles from Medicine Hat, in which, by the way, Rudyard Kipling looks so indignant at the future Swift Current, is such that it can hardly fail to boom. At least is the opinion of the editor of The Swift Current Weekly News, as given during a recent visit to Winnipeg. A freight divisional point, where lines running northwest and southeast, certainly has vast possibilities in the great Canadian West. Swift Current as a name is attractive enough and it is not belied in the character of its citizenship. The town has already many civic undertakings, including its own municipal system of electric light, in this proving true to the progressive ideas of the western prairie. The population of the town is 40,000 and its assessment values are rising by leaps and bounds. All indications point to Swift Current becoming one of the big Northwest cities in the great Canadian West.

It is, too, the centre of a magnificent district, comprising the rich and beautiful valleys of the South Saskatchewan and Swift Current River Valleys. It has a tributary population of 40,000 and its assessment values are rising by leaps and bounds. All indications point to Swift Current becoming one of the big Northwest cities in the great Canadian West.

## Master's Chambers.

Before Cartwright, K.C., Master. Keel v. Brown—E. Meek, K.C., representing all parties. Motion by defendant on consent for an order dismissing action without costs. Order made.

Playfair v. Wakenfield—T. H. Barton for plaintiff. J. G. Smith for defendant. Motion by plaintiff for judgment

## AT OSGOOD HALL.

### ANNOUNCEMENTS.

5th January, 1912.

On December 23, 1911, the judges of the supreme court passed the following new rules, which are of considerable interest to the profession and public:

132.—(1) When an application is made to a judge in chambers under section 110 of the Ontario Judicature Act and it appears to him that the action is a jury, he shall direct that the issues shall be tried and the damages assessed without a jury and, in case the action has been entered for trial, shall direct the action to be transferred to the non-jury list. (2) The refusal of such an order by the judge in chambers shall not interfere with the right of the judge presiding at the trial to order made in chambers striking out a jury notice, inserting with the trial a trial by judge, or (3) The judge presiding at a jury sitting or a non-jury sitting in Toronto may in his discretion strike out the jury notice and transfer the action for trial to a non-jury sitting and this power may be exercised notwithstanding that the case is not on the peremptory list before the judge. Rule 98 is hereby further amended by adding thereto the following sub-section: (4) From and after the 31st March, 1912, the interest on the accounts mentioned in sub-section 1 shall be increased to four and one-half per cent. per annum, and shall be payable at the said rate so long as the state of the funds in the hands of the court justifies the continuance thereof. 132A.—(1) When money is in court to the credit of an infant or lunatic it may be paid out upon the fiat of a judge in chambers without formal order. Such fiat shall be prepared by the official guardian and shall be entered at length in the order book of the clerk in chambers and shall be deposited with the accountant. No law stamp shall be required upon such fiat. The judge may, in his discretion, find and direct payment of the costs of the application to the solicitor and disburse with the affidavit required by rule 131A. The fiat may be signed either by the judge or the clerk in chambers. (2) When an order has been made for payment of maintenance out of money in court, to which an infant is entitled the cheque shall upon application to the official guardian be obtained and forwarded by him without expense to the applicant. A notice to that effect shall be stamped upon all cheques issued for maintenance. No law stamp shall be required upon any such cheque. 132B.—(a) Where land has been sold under the provisions of the Devolution of Estates Act and money has been paid into court to the credit of non-concurring heirs and devisees, the same shall be paid out to them upon application to the accountant without order. (b) When money has been paid into court under the said act to the credit of an absentee, it shall be paid out to him upon the fiat of a judge, to be obtained upon proof of identity after notice to the official guardian.

## Before Middleton, J.

Minneapolis and Ontario Power Co. v. Rat Portage Lumber Co.—G. Osler for plaintiff. H. Watson, K.C., for Rat Portage Lumber Co. and Shelvick Co. R. B. Henderson for Northern Construction Co. and Rat Portage Lumber Co. Motion by plaintiffs for an order restraining the defendants and each of them from interfering with the material flow of the waters of the Rainy River past the lands and works of the plaintiff at or near Fort Frances, by damming and storing the waters of certain lake.

Judgment: No case has been made, which would warrant the granting of an interim injunction. The plaintiffs' rights are by no means clear and there can be no doubt that the defendants have for years used the water in the manner contemplated. When one is satisfied that there is a real question to be tried I ought not to interfere with the ordinary course of litigation save in cases where a modus vivendi can be suggested which is on the whole advantageous. The plaintiffs may amend as they desire and if a trial can be had with advantage at an earlier date than that fixed for the Fort Frances sittings no doubt some arrange-

## Before Middleton, J.

Before Riddell, J. Simpson v. Village of Caledonia.—J. G. Farmer, K.C., for applicant. H. Arrill (Hamilton) for the municipality. A motion by Plaintiff Simpson of the Village of Caledonia in the County of Halton, for an order that bylaw No. 137 passed on the 26th October, 1911, by the corporation of said village, or so much thereof as provides for the closing of all shops belonging to the class known as grocery, green grocery and fruit and vegetable shops, be quashed.

Judgment: The statute gives the council the power to pass such a bylaw as this without petition. I cannot think that the power given by the statute is diminished by the fact that wholly unnecessary petitions have been filed. Motion dismissed with costs.

## Divisional Court.

Before the Chancellor, Latchford, J.; Middleton, J.

Ferguson v. Ayer—H. Ferguson for defendant. R. MacKay, K.C., for plaintiff. An appeal by defendant from the order of Meredith, C.J., in chambers, striking out the jury notice.

Judgment: The chief justice was not "the judge presiding at the trial" within sec. 110, O.J.A., and he had no jurisdiction to strike out the jury notice. The rule passed Dec. 23 last, since the case was argued, the jury notice would, upon application, be struck out because the case is clearly by one "which ought not to be tried with a jury." We can see no good purpose to be served by putting the parties to the expense of a motion under the rule, so while we allow the appeal we make a substantive order striking out the jury notice and directing that the action be transferred to the non-jury list. Costs thrust in the cause.

## under C. R. 60A. Enlarged until 12th inst.

Brown v. Keel—E. Meek, K.C., for plaintiff. Motion by plaintiff on consent for a judgment for possession. Judgment as asked.

Mullin v. Payne—S. G. Crowell for defendant. E. C. Cattanch for plaintiff. Motion by defendant for an order changing venue from Hamilton to Cayuga. Motion adjourned until after examination of parties for discovery. Trial postponed. Costs in cause.

A. Laisler v. Crawford—G. Bell, K.C., for plaintiff. Motion by plaintiff for an order for substitutional service of writ. Not amended statement of claim on adj. defendant. Order made.

Robson v. National Accident—E. C. Cattanch for plaintiff. F. Aylenworth for defendant. Johnston, H. Ferguson for defendant. Wigmore, W. A. P.O. for defendant. Anderson and Mills. Motion by plaintiff for an order to take his evidence de bene esse. Motion enlarged for one week to allow of cross examination by defendants.

Canadian Knowles v. Lovell McCannell—M. L. Gordon for plaintiff. Proudfoot (Proudfoot & Co.) for defendants. Motion by plaintiffs for an order for a commission to examine a witness at New York. Order made.

Gelinas v. Toronto Electric Light—J. S. Lundy for defendants. T. J. W. O'Connor for plaintiff. Motion by defendant for an order postponing trial on the ground of absence of a material witness. Order made postponing trial to March sittings, defendant undertaking to be ready then. Costs in cause.

Crabbe v. Crabbe—W. G. Thurston, K.C., for defendant. W. Laidlaw, K.C., for plaintiff. Motion by defendant for an order changing venue from Milton to Toronto. Enlarged until 5th inst.

## Single Court.

Before Riddell, J.

Simpson v. Village of Caledonia.—J. G. Farmer, K.C., for applicant. H. Arrill (Hamilton) for the municipality. A motion by Plaintiff Simpson of the Village of Caledonia in the County of Halton, for an order that bylaw No. 137 passed on the 26th October, 1911, by the corporation of said village, or so much thereof as provides for the closing of all shops belonging to the class known as grocery, green grocery and fruit and vegetable shops, be quashed.

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## RAN ASHORE IN STORM.

KINGSTON, Jan. 5.—(Special)—While trying to pick her way to Brophy's Point, the steamer Wolfe Islander ran ashore in a fierce snow storm. The captain lost his bearings. Word was sent to Garden Island and the Calver Company sent the tug Frontenac to the rescue. After several hours hard work the vessel was released, undamaged. A span of ice is now stretched from Garden to Wolfe Island.

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