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LONDON, FRIDAY, MAY 7.

SMITH VS. THE CITY OF LONDON.

There is one point in Mr. Justice Riddell's decision in the case of Smith vs. the City of London, which raises an interesting question in constitutional law.

It has been contended that the action of the Legislature in taking away the plaintiff's right to have his claim passed upon by the courts, was a breach of Magna Charta. Justice Riddell replies that much of Magna Charta is obsolete, and that the Imperial Parliament has not hesitated to legislate away its provisions. "Civil rights," he adds, "have been taken from numerous persons by statutes of limitations and similar legislation of undoubted validity."

These assertions are undisputed, but they do not cover the whole ground. The supremacy of parliament is a principle of the British constitution—a good democratic principle, too—but should not the lawmaking body be bound by its own laws? For instance, if the Ontario Legislature passes a general act within its competency, has it the right to exempt particular persons or communities from the operation of the act? When the Legislature wishes to confer some power upon the corporation of the city of Toronto it does not specially mention Toronto, but applies the legislation to "all cities over 100,000." Can it, then, lawfully decree that London, Galt and other municipalities embraced in the Niagara power scheme shall not be subject to the Municipal Act? Having made a law that the property of municipal ratepayers shall not be mortgaged without their consent, has the Legislature the right, while that general law is on the statute book, to take away its protection from a limited number of ratepayers? It would be well if these questions could be submitted to the Privy Council, and Justice Riddell himself has expressed the same wish. By all means let parliament make the laws, but let us have government by law.

The case of Smith vs. London has been decided by Justice Riddell on the same grounds as were advanced in Beardmore vs. Toronto, and in the Cobalt Lake suit. Contracts were made by London and certain other municipalities with the hydro-electric power commission for a supply to them of electric power for a certain sum per horsepower, delivered, based on bylaws passed by the ratepayers. The terms of these contracts were subsequently varied by the commission charging a price per horsepower at the place of development, instead of that of delivery, leaving an undetermined sum to be paid for transmission. This, of course, was different from the contract to which the ratepayers had agreed, and its consent being necessary to its validity, the variation was fatal. The mayor of Galt refused to sign the changed contract, in which he was sustained by the courts.

To meet the situation, the Government secured the passage through the Legislature of a measure which in effect compels the ratepayers to accept the changed contract, whether they like it or not, and no matter what may be the cost to them of the change; and, to crown all, they are denied the right of appeal to the courts. Thus the illegal is declared legal, and no one may protest. Justice Riddell decides, accordingly, that Mr. Smith has no standing in the courts, and the action is stayed because the Legislature has so decreed. The statute says that every action calling in question the validity of the Niagara power contracts shall be "forever stayed," but Mr. Justice Riddell does not go to this length. He doubts the power of the Legislature to "forever" stay any action, as a succeeding Legislature may amend or repeal the Act; but while it remains on the statute book there can be no litigation.

Upon the moral and legal aspect of such legislation the Canada Law Journal, in its last number, makes some biting comments. It says the Premier "has shaken public confidence in the stability of contracts legitimately entered into, and in the ability of the courts to maintain them." The Law Journal adds:

"The rolls of parliament will be searched in vain for action of such a character. Failing to find a precedent in any modern code of laws, the Premier has personally responsible for this precious piece of legislation, has evidently sought for one in the record of the decrees of the King of

Babylon, with which he is doubtless familiar, for in them will be found, both in language and in substance, a very close resemblance to the Act to validate (sic) certain contracts entered into with the hydro-electric commission, etc." The leader of a government that will introduce and force through such legislation may be relied upon in any emergency."

THE ATTACK UPON MR. PUGSLEY.

The debate on the Pugsley case ended unexpectedly yesterday afternoon. The resolution attacking Mr. Pugsley was rejected by a majority of 27, many Government supporters being absent without pairs, in the belief that the division would take place at the evening session.

The discussion showed clearly the unfairness of the resolution and the futility of raising the question in the House of Commons when in the nature of things it must be decided elsewhere. Mr. Pugsley was able to prove conclusively that the New Brunswick commission had suppressed or overlooked necessary information in framing its report, and had made statements at variance with the facts. He unequivocally charged the commission with partisan motives. Two months before his own examination, and on the eve of the general election, it had caused to be issued a report alleging a deficit of \$14,000 in connection with Central Railway, of which Mr. Pugsley was a director. Fortunately he was able to prove the statement to be erroneous, but it had been deliberately timed for political effect. Mr. Pugsley also charged that Judge Landry, the chairman of the commission, had angled for a party nomination at every election since his elevation to the bench.

The question involves a multitude of financial details relating to the affairs to the Central Railway, and can only be satisfactorily dealt with in the courts. Mr. Pugsley has taken the proper course by bringing it before the supreme court of equity in New Brunswick for an accounting. He will be content to abide by the finding, and could do no more, or less. The attack upon him in the House of Commons, before he had the opportunity to submit evidence in rebuttal before a tribunal competent to pronounce upon it, was unjust, and not called for by any consideration for the honor of parliament.

"A PUT-UP JOB."

The Hamilton Times, commenting on the London conspiracy case, says it bore every appearance of "a political persecution and a put-up job." The defendants contended that the trial should have taken place in London. Not one of the prisoners resided in York County, yet, by a gross stretch of arbitrary power, the accused persons were dragged from London, and obliged, at great expense and disadvantage, to defend themselves in a Toronto court. This was effected by alleging a conspiracy in Toronto, and in having a preliminary examination before the police magistrate of that city. Efforts were made by the defendants to secure a change of venue in the effort to get a free and unprejudiced trial; but they were unsuccessful. The Times adds:

"Hon. Mr. Foy evidently feels keenly the humiliation of the court of appeals judgment, and he is quoted in the Globe as protesting his good faith in the entire matter. The less said about it now, for Mr. Foy's peace of mind, the better. The judgment should mark the end of a performance which is far from reflecting credit upon the attorney-general's department, or tending to respect for, and confidence in, Ontario administration of justice. It would be a pity if the public should have reason to believe that our administration of criminal justice is prostituted to partisan ends."

The public is now told that the case will not be revived by the attorney-general's department. It would have been better for the reputation of the department if the case had never been opened. The ends of justice cannot be served by outraging justice.

Of course, the Attorney-General's department will drop the London election case—like a hot potato.

Colonel Denison wants Canada to buy the Brazilian Dreadnoughts. It is fearful to contemplate what might become of the British empire without Colonel Denison.

The Canadian House of Commons should break away from the juvenile custom of singing songs during divisions. This vaudeville does not comport with the dignity of a legislative chamber. Imagine some British M. P. singing a solo to the mother of Parliament!

Aid, Beattie should press his motion to keep new factories out of certain residential districts. There are some districts where the proximity of factories adds to the value of property, and others where property is depreciated by them. There will be no unfairness to anyone in prescribing factory areas, and much unfairness to many citizens will be prevented.

The London Times has performed a service for Canadian journalism, as well as for itself, in securing an order from the railway commission compelling the Canadian telegraph companies to transmit telegrams to the wireless station at Glace Bay, N. S., at their regular rates. Probably the telegraph companies are satisfied with the ruling, but were obliged to make a show of objection to please the cable companies with which they exchange business.

land in Canada would thrive better if it Canadianized itself and shook off some of the traditions and practices which were suited to conditions in England, but not to this young country.

THAT BABY!

[TIT-BITS.]
I'm a married man of forty, and my wife is forty-one.
She'd a daughter when I spliced her, who to womanhood had grown.
Now this daughter's my stepmother. My old dad, aged sixty-three.
Has married her, they've got a babe.
Now what is babe to me?
Then my father's now my stepson, by his marriage, that is plain.
But his wife is my stepmother. Oh, 'twill soon drive me insane!
For if I'm my father's father, then it follows I must be
Why, my blessed own grandfather—that's quite evident, you see.

I've thought baby was my grandson, but again that cannot be;
I cannot be grandfather to a brother, you will agree.
But if it is my brother, then it is very plain to me
That my wife must be grandmother to her husband, don't you see?

Oh, what pretty complications, little baby, have you made!
You have boxed up all relations, and that, too, of every shade.
Am I brother, am I cousin, am I grand-dad, or, in fine,
Can I be your aunt or uncle, or is it that you are mine?

BRITAIN'S PERIL.

[Calgary News.]
The London (Ont.) Advertiser says that Great Britain has more to fear from Germany's navy system than from Germany's navy. Which is absolutely correct.

AT THE VILLAGE CHURCH.

[Exchange.]
City Cousin (at village church)—Is that a voluntary the organist is playing?
Village Cousin—Oh, no; she gets paid for doing it.

WOMAN'S MIND.

[Judge.]
"What have you got that piece of string tied around your finger for?"
"My wife put it there to remind me to mail a letter."
"And did you remember?"
"No; she forgot to give it to me."

HORSE AND HORSE.

[The Village Grocer.]
The Village Grocer (peevishly)—Look here, Aaron! What makes you put the big apples in the top of the bar?
The Honest Parson (calmly)—What makes you comb that long scalplock over your bald spot?

POST-MORTEM TRIUMPHS.

[Toronto Globe.]
A tax on land values appears in the British budget. How Henry George and the other "single taxers" would have rejoiced to see this!

THE SOIL FOR US.

[Regina Leader.]
Canada will continue to have her Cobalts, her Gowandas and her Klondikes, but after all, the Canadian farmer will always be the source of Canadian wealth. As a wealth-producer, Saskatchewan will, therefore, occupy a foremost place.

HANG THE EXPENSE.

[Ottawa Citizen.]
While advocates of the Georgian Bay Canal got slight encouragement from Sir Wilfrid yesterday, the agitation must not be allowed to drop. The projected work is the natural means of channel communication between the east and west, and is a great national undertaking of the not far distant future.

WORTH WATCHING.

[Detroit Free Press.]
Speaking of the numerous lives of a cat, the alertness of the Irishman's flea, the slipperiness of an eel, the shifting colors of the chameleon, and the deceitfulness of a sleepy-looking mule, Mr. Abdul Hamid has 'em all played off the board.

HOUSE-CLEANING TIME.

[Detroit Free Press.]
I cannot find my razor stop.
My shaving mug is off the shelf;
There's not a chair for me to drop into, while I dress myself.
One shirt must last me through the week,
One collar do, though thick with grime;
The laundry she forgot to send—
Once more it is house-cleaning time.

I call for fresh and mended socks,
"Just wear the ones you have," says she.
"I've had no time for darning hose—
I wish you wouldn't bother me."
My pipes have disappeared from view,
My books have vanished from my den,
There is no comfort in the home,
For she is cleaning house again.

My favorite armchair now holds
Three statues and a rose-leaf jar;
Upon the couch six portieres
And heaps of laundered curtains are.
There is no place for me to rest.
At eight o'clock the stairs I climb,
And find my bed upon the floor,
Because it is house-cleaning time.

I note the window shades are gone,
There is no curtain in the room,
So I must shut off all the light—
It's like undressing in a tomb.
And as I tumble into bed,
I think some poet ought to rhyme
Of woman's industry
To man about house-cleaning time.

A QUIET YEAR.

[Dunville Gazette.]
With Teddy Roosevelt in Africa and Joe Martin in England there is likely to be a quiet summer in America.

TEDDY IS FAR AWAY.

[Springfield Republican.]
If Mr. Roosevelt were still president the cable would be hot with congratulations to Queen Wilhelmina.

THE REASON.

[Baltimore American.]
"Why do the folks call a good-for-nothing fellow a bad egg?"
"I suppose it is because every egg has a streak of yellow in it."

ITS OWN BUSINESS.

[Puck.]
"One-half of the world does not know how the other half lives."
"Well, it is gratifying to think that one-half of the world attends to its own business."

NOT SO BAD.

[Musical America.]
"Has the girl next door still got her melodeon?"
"No! She's changed it for a cornet."
"But if she plays the cornet, that's worse, isn't it?"
"Now it's only half as bad. She can't sing while she's playing the cornet."

IMITATION.

[Punch.]
Mother—Why, baby, what are you doing?
Baby (with her ear to crack in floor)

above the dining-room)—Don't know, but nurse does it.

THE HERO.

[Washington Star.]
"So Bilgins has written a historical novel?"
"Yes," answered Miss Cayenne.
"Who is the hero of the book?"
"The man who has undertaken to publish it."

WHERE HE GOT IT.

[Judge.]
His Friend (admirably)—Where did you get your wonderful knowledge on social and economic subjects?
The Admirer (proudly)—From my daughter's graduation essay.

A CORKSCREW.

[Browning's Magazine.]
"Why do you call that grating politician a 'corkscrew'?"
"Because, although he's crooked, he has a good pull."



Toronto Rowing Club Minstrels.

Minstrelsy and luxurious surroundings will be given at the Grand Opera House tomorrow afternoon and evening by the members of the Toronto Rowing Club, and their band of black-faced comedians, singers and dancers, who each season give Torontonians one of the merriest and most varied entertainments of the kind ever given by an amateur organization. This year, we are told, the curtain will go up on a gorgeous first part, with the entire company, numbering 75, in evening garb, intermingled during the first part will be sung several new ballads, said to be excellently executed by some of Toronto's best vocalists.

In the second part several up-to-date specialties will be given, and include Eddie Pigott in imitations of the celebrated "Crotch vaudeville, Harry Lauder; Hill and Swinton, in a very clever buck and wing dancing turn; Ladlamme and Strathdee, in their farce, "Stranded"; Toronto Rowing Club's Quartette—J. Elders, W. Milne, W. Quinn and V. Gaynor—and Len Cameron and his troubadours.

The usual street parade will be given, starting from the Grand Opera House at 11:45 a.m. sharp.

"Shadows of a Great City."

[Puck.]

Such a big production is "Shadows of a Great City," the famous melodrama, which is to be seen at the Grand Opera House on Monday and Tuesday evenings, that the management of the attraction find it unprofitable to play less than two days in any city, owing to the fact that it costs too much to move and set up. New number has to be bought everywhere, and carpenters begin work several days in advance preparing the stage for the big real water scene. A tank covering one-half the stage, and ranging from one to six feet in depth, is used. The characters sail about the stage in boats, and the young hero plunges head-foremost into the waters of Hell Gate and saves a little girl from drowning. It is said to be one of the most realistic scenes ever enacted on the theatrical stage.

There are many other big effects in the play, including the revolving scene, Blackwell's Island prison, the hothouse overlooking Harlem River, the rainstorm on real water, the beautiful moving clouds and forked lightning. All of which are embodied in a splendidly written drama from the pen of the late Joseph Jefferson.

Chapman's

It's Time to Prepare the Summer Dress Wash Goods

A big gathering of the season's newest

You'll deem it a treat to view such a display of these lovely materials as our Wash Goods Section shows. Here are a few descriptions that should bring you Saturday:

POPLINS FROM NEW YORK—These beautiful goods are for coat suits and skirts. They have a pretty stripe border for trimming. Colors are white, tan, natural, navy, grey and pale blue. 45 inches wide, at a yard **35¢**

MERCERIZED LINEN—Plain Suiting in Dutch blue, sky, natural, green, cream, tan, copenhagen; 27 inches wide, at a yard, **25¢**

AMERICAN CAMBRIC, in light grounds, with stripes of blue, tan, brown, green and fawn; splendid for shirtwaists and suits; fast color; at a yard, **18¢**

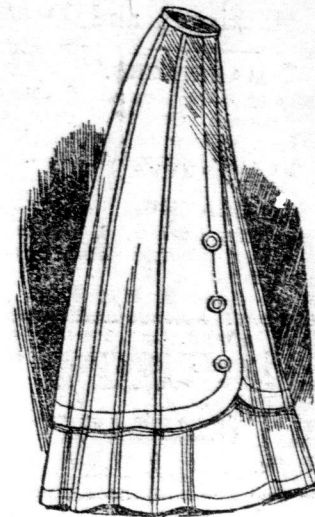
FIGURED MUSLINS—Pretty, and dainty spots, sprays, figures, etc., at a yard **12½¢**

MONOTONE SILK—A beautiful sheer fabric, and as dainty as can be. Stripes in two-toned effects of taupe and black, Alice blue, light blue, pink, tan and brown, green and brown. This swell material is from New York, at a yard **35¢**

SERPENTINE CREPES, also from New York. Very naturalistic Japanese and flower patterns; suitable for dressing gowns and kimono, at a yard **25¢**

AMERICAN GINGHAM—We guarantee them to be fast color, and the new patterns are the prettiest we ever saw. Greens, pinks, blues, black and white, brown, rose, copenhagen and red. Very special, at a yard **17¢**

SATURDAY



Ladies' Dress Skirts of Broadcloth, Panama and Venetian, in black, navy and brown; many models; all good. Among this special group for Saturday are all sizes, and regular \$6.50 to \$8.50 values, reduced to **\$3.69**

Ladies' Handsome All-Wool Tweed Skirts, made in 9, 11 and 13 gore styles. Sold regularly at \$4.50, \$5 and \$6. Saturday **\$2.59**

A big sale of Ladies' Percale House Dresses at **95¢**

C. P. R. FLOWER SEEDS

Fifty Thousand Packages Are Now Being Sent to Employees of the Big Railway.

Mr. N. S. Dunlop, the chief of the claims department of the Canadian Pacific Railway, is now sending out the usual flower seeds, which he so liberally dispenses to the employees of the road.

Fifty thousand packages, representing 32 varieties, are being shipped out to be distributed in 1,500 gardens across the continent.

The stations and grounds of the C. P. R. are always noticeable for their neatness, and the excellent flower gardens attached. Travellers appreciate this, and this is one of the reasons that makes the C. P. R. such a popular road for the travelling public.

ASHPLANT'S REMOVAL SALE



Women's Colored Oxfords

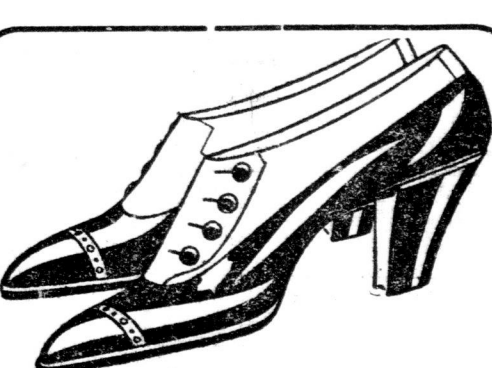
Chocolate, Ox-Blood, Tan Calf
Chocolate, with Suede top, Blucher cut, with extension sole.
\$1.49, \$1.69, \$1.79, \$1.89

STILL IN FULL BLAST

Not moved yet. We're still at the old stand—down the steps. May have to go, though, any day. We are only "three-day" tenants. While we're here the bargain list is being kept up by daily additions of

NEW SPRING FOOTWEAR

Think of that; all the new styles at REMOVAL SALE PRICES. Tan, chocolate, ox-blood and Patent Colt Boots and Oxfords, in all sizes, in all new styles. Seeing is believing. No disappointment here.



Women's 4-Button Shoes

In Chocolate In Tan In Black
Blucherette Pattern, Extension Soles
\$1.79 and \$2.29

19c	29c	59c	69c	89c	99c
A PAIR	A PAIR	A PAIR	A PAIR	A PAIR	A PAIR
Babies' Boots, in black, brown or red.	Children's Strap Slippers, toe caps, spring heels. Sizes 3 to 7.	Children's Chocolate Strap Slippers, bows. Sizes 3 to 7.	Children's Black or Chocolate Slippers, bows on straps. Sizes 8, 9, 10.	Misses' 3-button Slippers, satisfactory wearers. Sizes 11 to 2.	Women's Oxfords, Patent Tips, good style. Sizes 3 to 7.



DOWN THE STEPS ASHPLANT'S DOWN THE STEPS

NEW ARRIVALS FOR MEN
120 pairs Box Calf Bluchers, all solid, new and bright. On sale with the others for **\$1.69**

A New Colored Boot

60 pairs Tan Kid Bluchers, a dandy summer Boot. They are **\$2.29** on sale for

A Suitable Sunday Boot

90 pairs Dongola Kid Bluchers, foot form last, good soles. We **\$1.69** have all sizes, for