SATURDAY MORNING

FOUNDED 1880.

L. Hughes, "he is made con

The unenlightened few who

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SATURDAY MORNING, DEC. 23, 1911

BACK TO THE OLD HOME.

Every day is bringing thousands of people from the Canadian West back to the Province of Ontario for the Christmas holidays. Some are coming back after a short absence, and some the state. after a long residence, there. Most of them are coming back successful, but glad to see the old province, the old friends, and the old homes they love so well. You can hear these homeward travelers, in every train, talking about the great Canadian West, talking about their homes there and talk ing about their future; but their most sorrowful tale is about the cut grain that was stacked up in sheaves and weeks, and was threshed only when the weather would permit The grain was then piled upon the ground, subject to the rain and snow A GOOD QUANTITY OF IT IS STILL IN THAT POSITION. OWING TO THE IMPOSSIBILITY OF GET-TING THE RAILWAYS TO SHIP IT. It is one of the most doleful tales fall-down that have been heard of many days, and the fall-down is on the part of the railways that got so much of the people's money for railway purposes. The energies of the railways seem to be devoted to extensions, and to melons for shareholders, and not for the bettering of the service to the people. Railways were built for public service and they ought to be made to give the service that is called for untralian people der their franchises. More will be heard on this question later on.

UNITED STATES INTERSTATE COMMERCE COMMISSION

In its twenty-fifth annual report to congress on Wednesday the United States deprecates the action of the commerce court in the matter

straining the commission from enforc-

justify the same rates from interior

ing its order reducing transcontinental the street

The Toronto World every Canadian boy. Canada is rapid- ronto in future must live almost eny preparing herself to take a leading tirely outside the present residence place among nations, but to do this, area. There is only room for about and also to help in the preservation three years more of growth in the of international peace, it is essential present city limits. Even if there were that she should have an efficient system of home defence.

But utterly apart from this aspect of for the future? Can national safety, the cadet movement ther ahead than topresents another side which in itself prefer slu should be sufficient to gain the support | Hastings says it is of every citizen who has the welfare of doubt-do we want to encou the Canadian boy at heart. It is an in- when every motive of good disputable fact, that under any millreason turns against it?

tary training, the average boy im-Mr. Sinclair thinks we abandon facts proves morally and physically to a for theory on the narked extent. He learns to appreciate question. the value of discipline, and of organwith us. ized co-operation. His physique is betw tered and his ideas of life enlarged. The Globe once said that it Best of all, to quote Inspector Jas. his relation to the state." an absolute essential to the success of popular gov-No great buildges have been built any Once a hoy has realized where that are not straight and Mr. that he is an active unit in a great nation and that upon him and upon his fellows rests the future of that nation gineers on the spot. It he is much more likely to become a English expert was invited, good citizen ,taking a moving interest opposed to the Bloor-st in the social and political welfare of ook at the place. addresses and he has not b

the cadet movement and military The straight general, are rapidly deed because it saves creasing in numbers. H. G. Wells is the truest socialist and the greatest humanitarian in England to-day, yet in only the one of his recent books he speaks very highly of the boy scout movement and of the improvement it is working among the the boys of England. Now no one can accuse Wells of being either a mili-'avenue, where the civic car lines are tarist or a blood-thirster. He is simply to provide transport. These are not one of the men of great intellectual power, who have come to appreciate

Mr. Sinclair's botched-up plan which the value of military, or of semi-military , training in building up citizen. the people are having held up to them

The absurd cant to the effect that we are "brutalizing our boys" is rap- | Yonge on Qu want to go round by King at idly being discredited. The claim that proper drill and instruction in handling it. It is almost as short, say of a rifle ,makes men more bloodthirsty is too foolish to receive support from little out of your way. But does any any but the extremely fanatical. sane man prefer to go down by King-The Government of Australia, easily street every time he wants to go from the most advanced and socialistic of the Spadina to Yonge-street along Queen modern world, has made the cadet It would be "pure theory, not common system an important part of the na- sense," if he did.

tional life, and in doing so, it has re- The opposition ceived the heartlest support of the Aus- based on this theory, that it is shorter The World does not believe in ex- then to go direct. Without

reme militarism, nor do we uphold you must take a war, but since it has been proved that Broadview-avenue. military training makes better citi- you might take a ens then by all means let the people of Canada give the minister of 1 their full support in his efforts to se- own cure a more progressive cadet system the street car peo

western freight rates. That court THE GLOBE AND THE STREET needed, they say, for ten years yet. RAILWAY. That is, until the franchise expires. That is, until the franchise expires. The Globe is very keen on having The people think differently, however. As to the extra cost, it is partly due

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AT OSGOODE HALL

ANNOUNCEMENTS.

Dec. 22, 1911. Master's Chambers,

OK

Before Cartwright, K.C., Master Crossley v. Central Ontario-A. ute, for plaintiff. Motion by plain Crossiey V. Central Ontario-A. R. Clute, for plaintiff. Motion by plaintiff for an order allowing the filing and service of jury notice, Order made. Johnston v. C. P. Ry. Co.-F. Ayles-worth, for plaintiff. C. W. Livingstone, for defendants. Motion by plaintiff for

defendants. Motion by plan officer order for examination of an officer defendants to enable them to fur-narticulars. Order made. Stay of ticulars. Order made. Stay of ngs meantime. Costs in the

ndant stands till 27th Bank of Hamilton v.

re, on giving bond to account- un Order made. Referndant. J. R. Carfy K.C., for dant, who convicted of selling it Co.-F. Arnoldi, K. E. P. Brown, for de-

t. Motion by plaintiff striking out jury notice. Costs in cause to suc

al from the order of the mas nambers and for an order set ith costs to McNaught, et al., in any

heir profession

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store, and at your price. The English Breakfast Blends at 500

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\$2.00, \$2.50 to \$7.00. ADIES' GI Spicedal W

air. lik Glove

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014 range \$4.00, \$5.00

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fancy wrs \$1.75, \$2.0 pair.

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lb. are the favorites. but there are plenty

THE TORONTO WORLD

DECEMBER 23 1911

s on the new city car lin L II to others 40, and on the average 20 per it can defeat the tubes and the Bloor- of land, and partly to the change from Hob others 40, and on the average 20 per it can defeat the tubes and the Bloor-cent. Later the case, which is held to be of the greatest importance, has been appealed to the supreme court. The business and pack the passengers been appealed to the supreme court. The business and pack the passengers been appealed to the supreme court. The business and pack the passengers been appealed to the supreme court. The report says that to justify their in as usual in half as many cars as reat deal annually to keep in interpleader order. At request of two advance water competition, and to advance water competition, and to

for this country.

WATCH TORONTO GROW.

points to the Pacific coast, they rely on market competition; under which The Evening Telegram thinks that the And it will be a beautiful structure. Motion by plaintiff for a they give lower rates from all the in- east end must come to lits own and it and an ornament to the city. The terior cities, two-thirds of the way sees the way thru Ashbridge's Bay, city engineer's plans are reasonable across the continent to the same coast Why has the city council not handed and economical, and we believe the cities than to inter-mountain the property over to the harbor com- people will vote for this necessary impoints. This is the kind of discrimina- missioners yet? It is enough to make provement

tion, the commission remarks, it has those gentlemen resign their office, so attempted to minimize. Regarding the to be trifled with. The Ashbridge's THE MERCHANTS' BANK OF excuse of water competition, whose ef- Bay development on the south and the fect upon the rail rates it recognizes, development that will follow the erecit says that "we have the frank ad- tion of the Bloor-Danforth viaduct on mission of the railroad managers that the north will make Riverdale a new

to say that we do not agree with those be ordered discontinued, the commisviews. sioners say that it becomes increasing-In the first place "the expenditure

ly evident that entire freedom from discrimination can be secured only by of an extra half million dollars" has a complete separation of the business nothing to do with the plan of the viaduct at the present time. The viaof transportation from every form of commercial or industrial enterprise, duct could have been built ten years Among its recommendations are an ago for about one-third of the present amendment of the law so as to re- amount. But short-sighted people quire telephone, telegraph and cable who ten years ago were telling us companies to publish, file and post that real estate was too high and that their interstate tariffs; that trans- Toronto was on the verge of a slump. portation companies be required to cried "blue ruin" in the press until the adopt a system of uniform classifica- people were scared, as they have contion of freight' and to provide addi- stantly been scared since, into voting sta.ements. tional safeguards for employes and the against the Bloor-street vladuct. It ought to be sufficient to point out public. Also to provide for the regulation and control of capitalization and that The World has been advocating for the valuation of railroad property, the same plan for the viaduot since During the year ending June 30 last, the question was first raised, while the net operating income of the rail- objectors shift their ground every year

roads was \$776,232,865.25, as compared on finding their old arguments untenwith \$837,810,808.09 for the year pre- able. ceding.

THE CADET MOVEMENT.

has, it has gone to gold pieces. Nor No one who keeps in touch with the will Toronto go to pieces in the next progress of modern thought will quar- ten years, in which the population rel with the minister of militia in his will probably come near doubling attempt to make a certain amount of itself. military training easily accessible to The people who will come into Tra-

costs nothing. In the long run the concrete viaduct will be the cheaper. Toronto people are making progress. It will not be noisy, as steel would.

CANADA

will be found the report of the direc-tors of The Merchants' Bank of Can-for infant. Motion on behalf of infant

were opened in Vancouver, Coronation, Re Ellis and Chosen Friends-L. Lee Calgary, Chauvin, Pincher Station and (Hamilton) for the society. F. W. Edgerton, Alta: Frobisher, Regina and Harcourt, K.C., for infants. Motion Moose Jaw, Sask.: Hartney and Winni- b ythe society for leave to pay \$1007 will be for defendants, dismissing ac peg, Man.; and Wallaceburg, Ont. No into court to credit of four infants, and offices were closed. The liabilities to for payment out at majority. Order Before Falconbridge, C.J.: Riddell, J the public at 3'th November, totaled made.

rec'or express their pleasure in ac- Re Smith and Independent Order of

DR. SHEARER BACK

Council returned yesterday from an official visit to Winnipeg.



Toronto real estate has not gone to have our prices.

n. K.C., for Bank of Hamilton 23rd inst.

Toronto General Trusts Co. v. McKee -S. H. Bradford, K.C., for plaintiff. Motion by plaintiff for a final order of

Judge's Chambers.

Before Falconbridge. C.J.) Spence v. Spence-C. B. Jackes, for oplicant. Motion by applicant on nsent for an order for payment of applicant.

money out of court. Order nade. Hodgins v. C. P. Ry Co.-F. W. Har-court, K.C., for applicant. Motion by applicant for an order for distribution

Elsewhere in this issue of The World of share of a deceased party. Order

\$70,470 (38.31 against which were held Re Wickall and Chosen Friends-L. in readily available assets, \$31,863.- Lee (Hamilton) for the society. F. W. 471,81, a proportion testifying to the Harcourt, K.C., for the infants. Motion

made.

Brown v. Warnock-J. T. White, for mother. F. W. Harcourt, K.C., for in-fant. Motion by mother for an order for maintenance. Enlarged sine die.

Re Wiggins-J. J. Maclennan, for ap-**BS, Limited** Plicant. D. W. Saunders, K.C., for ad-should have an opportunity of so do-ministrator. Motion by applicant for ing: but if he refuses, it would not in payment out to party entitled and to our judgment be proper to allow the award to stand. If then the appellant

a an Mahada Boller Co.-W. J. McLarty for defend-ants. H. S. White for plaintiff. Motion by defendants for an order of certiowo clients do the same thing Motion two clie procuring four persons to back story, and the one arbitrator rari removing actions from county court into the high court and for con-solidation with high court action. Ap-plication dismissed with costs, fixed at radicted by the other two hocking state of affairs

shocking state of affairs and loudi calls for a thoro investigation. Some times local officers are loth to act the whole mass of affidavits hen should be brought at once to the at tention of the attorney-general, whi is charged with the supervision of the administration of the criminal law The fountains of justice are too often polluted with falsehood and a lesson should be taught offenders that they cannot perjure themselves with impu-nity even in an affidavit. Driscoll v. Luick; the Empire City-Briscolt v. Luick; the Empire City-Gerard Co. v. Luick; Robinson v. Luick; Ogilvis v. Luick-W. C. Mackay for defendant. G. Grant for plaintiff. Motion by defendant of consent in each action for an order extending time for appearance and for putting in se-curity under the order of capias. Or-ders made. ders made.

cannot perjure themselves with in nity even in an affidavit. Trial. Divisional Court

Clute, J.

Before Britton, J. The Canadian Contracting and De-velopment Co. v. Jamieson-F. H. Tel-fer, K.C., for plaintiff. R. J. Mc-Laughlin, K.C., for defendants. An action by plaintiff for damages for breach by defendants of a contract made between the partice. Ludement mission of the railroad managers that the north will make Riverdale a new for so the Merchants Bank of the steamship lines and terrorized the north will make Riverdale a new for so the Merchants Bank of the intervent of the steamship lines and terrorized the stamship lines and terrorized the the fet of the sea has been stabilished thru its orders in the continuent in the optimised.
The commission holds the first function and should not be subject to the commission, have no the courts. The will benefit every citting the matching is claring the prosecutions for review sump rescuences and the stars the state for the sea has been stabilished thru its orders in the continuent in the corticing is within the terms of the continuent of the state matching is states and the antervent to the commission. And the intervent the rank continuent is clear that the courts of the states matching the prosecutions for review sump rescuences and the a hearter from Mr. Angus Sinches that many practices have to the same the value of every courts in the care throw marks and the a letter from Mr. Angus Sinches that make marks the diverse that the court its almost method to ter per cent. The set shall she terms of the contract. The states matching the prosecutions for remining values of the same marks and the anterve was the terms of the contract. The states are the terms of the contract to the differences in the courts of the states and the states of the contract. The states are not states and the states are not states and the states of the contract. The states are the value of every citters and the states of the states are not states and the states are not the courts in the courts in the courts. The states are the value of every citters and the states are not states and the states are not the courts in the courts in the courts in the states are that many procedues that the courts are the value of every citters and the states are not the courts in the courts are the value of every citters and the courts are the value o made between the parties. Judgment. The breach of contract alleged is that the defendants did not out the roads

fendants were always ready to re-ceive the supplies carried when plaintiffs were ready to deliver. Judgment will be for defendants, dismissing ac-

Before Falconbridge, C.J.; Riddell, J .:

Latchford, J. Re Zuber and Hollinger-An appeal by E. Hollinger from the order of Teet-41.81, a proportion testifying to the Harcourt, K.C., for the mants, motion by E. Honninger from the order of rest-conservative character of the manage-by the society for leave to pay \$5'0 zel, J. of Oct. 27, 1911, setting aside ment. Altogether the report cannot into court to the credit of two infants an award made by P. J. Mulqueen and but prove highly satisfactory to the and for payment out at majority. Or-shareho'ders. In concluding the di- der made. ture, goods, etc. Judgment: It would

award. If then Hollinger were to bring his action to enforce the award. Zuber should be at liberty to move in the action to set it aside under the special circumstances; we (or if there be technical diffoulty in the way of Re Gardiner-D. I. Grant, for appli- be technical difficulty in the way of cant. F. W. Harcourt, K.C. for 'n- the divisional court making such an fants. Motion by applicant for an or- order, one of us sitting as a judge) der amending former order. Enlarged could give leave to Zuber to make such a motion (limited as hereinafter mentioned), notwithstanding its large pleces in the last ten years, or if it place no orders or renewals until you fants. Motion by applicant for an or- be fourth out on viva voce evidence der for peyment out of court of \$6400, given by witnesses in open court, and not upon aff davit. If Holinger is willing that this course be pursued be

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of others.

Court of Appeal, efore Moss. C. J. O.; Garrow, J. A.; Maclaren, J. A.; Meredith, J. A; Magee, J. A.

Magee, J. A. Joinston V. Township of Tilbury East-O. L. Lewis, K.C., and W. E. Gundy (Chatham) for plaintiff. M. Wilson, K.C., and J. G. Kerr (Chat-ham), for defendant. An appeal by relating from the drainage referee. G plaintin from the drainage ref F. Henderson, K.C., of Feb. Before Mulock, C. J.; Teetzel, J.; Clute, J. Re Village of West Lorne-A. StC. Leitch (St. Thomas), for Damon M. Mehring, W. E. Raney, K.C., for Du-gald McPherson. An appeal by D. M. Merhing from the order of Middleton, J., of April 13, 1911. The order appeal-ed from was made on an appeal by D. M. gald McPherson from the ruling of the c unty court judge of Elgin, that on an application for a scrutiny in a local option contest he was entitled to go behini the voters' list and enquire into the right to vote of persons whose names were entered upon the voters' list unon whole the voters of the applicants, new an application the voters' list and enquire into the right to vote of persons whose names were entered upon the voters'

being the voters' list and enquire into the right to vote of persons whose names were entered upon the voters' list upon which the voting on the said bylaw took place. The order prohibit-ed the county court judge from certi-fying that the bylaw has not been ap-In fying that the bylaw has not been approved by three-fifths of the qualified voters voting thereon, until he has made enquiry and ascertained how certain ballots were marked or a sufficient number of them to enable him to certify as a matter of fact and not as improper. improper ballots must be deducted fron those cast in favor of the bylaw. ence to procure the appointment sa d loungs to the office of kee the common fail and for the The appeal was argued before another divisional court who disagreed in their o. Ox ord, on which charge defendant dispo ition of the appeal and directed was convicted and sentence sus it to be reargued before another court. Judgment: The first question Judgment: The first question is an-swe ed in the affirmative. Conviction sustained. The other questions are not Juigment: The exceptions mention ed in sec. 24, ss. 2, have refernce in our sustained. The other questions are no answered otherwise than as involved

ed in sec. 24, se. 2, nave reference in our sustained. The other questions are in oblinion to a change of residence after answered otherwise than as involve the list is certified. This change did in the first question. Nex v. Norman Tansley-H. E. M of the votes sought to be struck off, Kittrick for defendant. E. Bayly, K.C and inasmuch as such persons' names for the crown. Motion by defendant were upon the certified list at the time for an order directing His Honor Jud for an order directing His Honor Judge the election they had, in our opin- Wi che ter, chairman of the qu a right to vote, altho then non-sessions, to state a case for the ion a right to vote, altho then non-res'dent. We think the act contemion of the court in a case of co Judgment: Leave granted to an

resident. We think the act contemplates a change subsequent to the list the for indecent assault. bing certified and no change having Judgment: Leave granted to as taken place the votes cast by them and case to be stated confined to are good. When it is once conceded questions, (1) whether the eviden that the certified list is final, unless Mis. Pearson was properly adm a case can be brought within evcep-tion two it seems to us clear that the as corroborative of the evide given under oath of the three ch court ought not to go behind the list Minnie Field, Morris Lever and Alfre b course during an investigation it in- Field, (') whether there was misdir et'ertally appears that the name of a tion in the learned chairman chars voter had been improperly left upon the jury as specified in the seven the certified list. The vote then should ground of objection set out in the the jury as specified in the sev ground of objection set out in the tice of this application, (3) whe s'and: For the briaw, 14%; against, 9%; argrera'e, %34; deluct, 1; leaving 233 three-fifths of which is 139 4-9; suffithere was any evidence corro three-fifths of which is 139 4-9, suffi-cient to carry the bylaw. With defer-ence we think the appeal should be allowed, and the order of Middleton, Gibbons K.C., for defendant, Uffelman.

J. varied b" striking out an one "tion by defendant, one after "qualified voters voting thereon" tion by defendant, one of a striking of der varying judgment. In the first paragraph, and by striking of der varying judgment. No order made other than Jud-ment: No order made other than Jud-ment: No order made other than varied b" striking out all the wordout the second and third paragraphs Jud ment: No order made other than thereof, and there should be no costs that the costs of application be costs here or below to either party. In the action to the plaintiffs.

Rev. Dr. Shearer of the Moral Reform

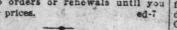
ed-7

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before Teetzel, J. Re Cumming-J. G. Smith. for appli-