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WEDNESDAY MORNING, APRIL 5, '11.

ALDERMANIC CRASSITUDE.

Private corporation influence always stands ready to destroy, if possible, the results of any effort made by the people to relieve themselves from the tyranny and oppression of commercial monopoly. The members of modern corporations may be, and generally are, most estimable and amiable people, but the bond that unites them is on the lowest plane of their common nature, and the corporation that represents that bond is the embodiment of the united greed and selfishness of them all. In the city the ties that bind the citizens together are much more numerous and varied. Consequently a little humanity enters into the relations of a city in its dealings with other parties. But the same elements which make the commercial corporation such a dreaded influence are apt to creep into such a representative body as the city council. In no other way can the action of the city council on Monday night be accounted for, than as the result of the operation of influences other than a consideration of the interests of the city alone. And the unfortunate part of the affair is that many citizens think it perfectly legitimate to consult such influences, political or personal, rather than the interests of the city as a whole.

We can understand Ald. Maguire following the reactionary suggestions of The Globe, objecting to the appointment of a man who would be absolutely removed from political influence, and with whom no amount of wire-pulling or back-door influence would avail. An incorruptible commission does not suit the methods of the ward politician at all, whose career depends on deals and bargains and trades, in which the public is understood to lose nothing but competent service and efficient management.

But we cannot understand why Controller Hocken and Controller Spence, who both voted to appoint Mr. Ellis to the city commission on the board of control, should turn round and oppose the confirmation in council. It is freely stated on the street that Mr. Hocken wants the appointment himself. We believe were this the case he would have taken the proper course, resigned his controllership, and made his application. And he would have done so before voting to appoint Mr. Ellis. Mr. Hocken owes the public an explanation for such a quick change of mind. It is such quick changes that make the appointment of an able and stable-minded commission all the more necessary. Should the Toronto Electric Light Company decide to sell out to the city, Toronto will have an investment of $10,000,000 to look after, and will not be able to afford any experimental opinions.

Mr. Spence seems to have forgotten the principle he is fighting for in the harbor commission. He would have been quite satisfied to let the Ottawa government appoint a majority of the harbor board, but allowed himself to be overruled. We do not believe the federal authorities would have dreamed of appointing any but a competent harbor commission had it been left to them, any more than we doubt the bona fides of the hydro-electric commission with respect to Toronto.

Another suggestion has been made that the Commonwealth Edison Company, a $100,000,000 merger operating all over Taftdom, is getting afraid of the power of Adam Beck, and desires to spend about ten million dollars in administering a knock-out blow to public ownership, as it begins to be successful in Ontario. Smash Toronto City electricity and Ontario and the Whitney government are hopelessly ruined. That is the calculation. It might be worth ten cents on the dollar to do it, as a measure of insurance protection. But we doubt the Edison company's willingness to put up $10,000,000 even to smash Adam Beck. It would take all that to do it, and then Mr. Beck might still be fit.

It is to such foreign influences that some are inclined to attribute the vote of Monday night. We have a more familiar and reasonable explanation which previous experience fully warrants. It is simply the aldermanic chuckleheadedness.

Mayor Geary and Controllers Ward and Church must maintain their position with respect to Mr. Ellis. After Monday night's act of folly and a little consideration those thirteen may see their way to indulge in a little wisdom.

EXPRESS COMPANIES AND PARCEL POST.

Drastic action has been taken by the Dominion Railway Board in the case of the express companies. Their delivery limits, arbitrarily fixed for years, have been extended to all municipal areas and the rates for carrying cream have been cut from 35 cents to 15 cents for a minimum distance of 50 miles on a minimum of five gallons, and other charges proportionately. The decision shows to what an extent the public have suffered in the past from the action of these companies, really the railway companies, of which they were adjuncts. Their reform is only beginning, but there will never be a real parcel service thruout the Dominion until one is established in connection with the postofifce. Canada is far behind in this respect, and the situation, as it now exists, is directly adverse to the interests of Dominion farmers, manufacturers and traders and the general body of consumers.

Lady Rodney, who has been for many years an active worker among the poor of London and the country districts, recently gave a summary of the information she has collected regarding the operation of the British parcel post. She reports many good results from it in helping to increase trade by facilitating the distribution of goods. Horticultural industry has benefited greatly and farmers and dairymen have largely increased their business. Cottage industries thruout England, Wales, Scotland and Ireland have all profited and their products are conveyed cheaply and speedily all over the kingdom. Complaint has only come from certain small shopkeepers in country towns of lesser importance, but the great mass, even of these, admit that the parcel post was the right thing and bound to come. Its rapid development in the United Kingdom is shown by the increase from 14,000,000 parcels in the first year of its adoption in 1883, to 118,190,000 in 1910. Outside the small trading community, public opinion is entirely in favor of the parcel post.

BACKWOODSMEN AND THE VETO.

One thousand amendments are said to have been offered to the bill restricting the veto power of the house of lords. In other words a direct campaign of obstruction has been begun in the hope that its submission to the peers may be delayed till after the coronation. The bill in principle is simple and the tactics apparently to be employed will not mislead the country. For the real question is whether the representative or the hereditary chamber is to determine ultimately the policy to be pursued. To that there can be but one answer if the majority of the people is to prevail.

Theoretically much can be said in favor of an impartial and competent revising chamber—practically and historically little or nothing can be said for an hereditary house of lords, at least since 1832. The franchise Reform Act of that year began the ever widening cleavage between peers and people—the classes and masses. During these eighty years, the house of lords has fought consistently for the retention of aristocratic and landed privileges, or if forced to yield at the point of the bayonet, has made its own terms of surrender. In this way the peers began to fill the cup of popular resentment, which, after being many times declared full, at last suddenly overflowed, with the rejection of Mr. Lloyd-George's first budget. Now they are on the horns of a dilemma and it would not be at all surprising if the backwoodsmen, doomed by their leaders to exclusion from the gilded chamber, preferred to retain their seats, even at the expense of having their house shorn of its veto power. It would only be human nature after all.

KNOCKING THEIR BEST ASSET.

The one live asset the Conservatives as a party have in all Canada to-day is the public power policy in Ontario. If Conservatives continue to help its enemies to smash it, it will soon be the end of Whitney rule in this province. Conservatives in the city council who are afraid of the hydro-electric commission's influence in the city's power policy, are afraid of Whitney and Beck. It is all right for The Globe and The Star to knock it, but why Conservatives?

FOR A FIFTH TERM.

CHICAGO, April 4.—Carter H. Harrisnn, Democrat, was elected mayor of Chicago to-day. It was the fifth time he had been given the office, and his plurality was in the neighborhood of 18,000. Charles E. Merriam, his Republican opponent, conceded the election two and one-half hours after the polls closed.

Annexation propositions failed to get majorities in Oak Park and the Town of Cicero, but the Village of Morgan Park decided to join the city.

The socialists polled nearly 24,000, a gain of 11,000 over four years ago, while the prohibition vote fell from 5875 to about 3000.

Want New Agreement.

WINNIPEG, April 4.—The Canadian Northern carmen, from Port Arthur to Edmonton, have given notice to the management that they wish to obtain a new agreement this year. The men are working in conjunction with the Canadian Pacific carmen. A meeting with the management will probably be arranged next month.

AT OSGOODE HALL

ANNOUNCEMENTS.

4th April, 1911.

Motions set down for single court for Wednesday, 5th inst. at 11 a.m.:
1—Reilly v. Doucette.
2—Neal v. Rogers.

Peremptory list for divisional court for Wednesday, 5th inst. at 11 a.m.:
1—Re Michael Fraser (to be continued).
2—Geller v. Loughrin.

Master's Chambers.

Before Cartwright, K.C., Master.

Harris v. Standard Bank.—Cochrane (Francis & Co.) for defendants. Motion by defendants on consent for an order dismissing action. Order made.

King v. City of Toronto.—G. F. McFarland, for plaintiff. H. Howitt, for defendants. Motion by plaintiff for an order for the examination of another officer of defendants for discovery. Motion enlarged until after production has been made by defendants.

Peck v. Dusty.—Slaght (Beatty & Co.) for plaintiffs. Motion by plaintiffs for leave to issue a concurrent writ of summons for service on a defendant in Vancouver. Order made.

Royal Trust Co. v. Fortin.—M. S. Gordon, for plaintiffs. Motion by plaintiffs for leave to issue a writ of summons for service out of the jurisdiction on a defendant in New York State. Order made.

Northern Sulphite v. Craig.—H. W. Mickle, for defendants. R. B. Henderson, for plaintiffs. Motion by defendants, the Occident Syndicate, for leave to deliver fresh statement of defence. Reserved.

Judges' Chambers.

Before Sutherland, J.

Re Warwick.—G. H. Killiver, K.C., for administrator. F. W. Harcourt, K.C., for infants. Motion by administrator for an order dispensing with payment into court. Order made.

Daniel v. Birkbeck Loan Co.—Plaintiffs in person. F. Aylesworth, for defendants. Motion by plaintiff for an order. Enlarged for one week.

Re Hollis.—F. E. Hodgins, K.C., for Emma Preston. F. W. Harcourt, K.C., for infants. Motion by Emma Preston for an order for past maintenance. Reserved.

Re Kennedy, deceased.—B. F. Justin, K.C., for maternal grandmother. F. W. Harcourt, K.C., for infants. Motion by maternal grandmother for an order for maintenance. Order made for payment of $390 per year. Costs out of fund in bank.

Rex. v. Johnston.—E. C. Coatsworth, K.C., for defendants to quash conviction and an appeal against same. Reserved.

Re Cuerrier.—J. A. Macintosh, for executors. F. W. Harcourt, K.C., for infants. Motion by executors for an order sanctioning sale of land to son of deceased. Order sanctioning sale at $3,000 less the amount of the mortgage paid by the purchaser. Purchase money to be paid into court after deducting costs of action. No order as to maintenance.

Re Fick.—W. C. Brown, for executors. Motion by executors for an order allowing sale by them. Order made.

Re Tocher.—W. C. Brown, for executors. F. W. Harcourt, K.C., for infants. Motion by executors for an order allowing sale free from mortgage, there being doubt as to whether mortgage paid. Order made for payment of $250 and six years' interest into court, and thereupon sale authorized.

Bank of Ottawa v. Broadfield.—J. A. Macintosh, for defendant. S. G. Crowell, for plaintiff. Motion by defendant for an order appointing a guardian ad litem for defendant. Reserved.

Before Middleton, J.

Brown v. Clendennan.—A. E. H. Creswicke, K.C., for plaintiff. W. J. McMaster, for defendant. Motion by plaintiff for leave to appeal from the order of Latchford, J., refusing to stay registration of defendant under the Land Titles Act as the owner of lot 17, on the south side of Humberside-avenue. Judgment: The aspect of the case indicated by Skill v. Thompson does not appear to have been presented to my brother Latchford. If the trial judge should determine in the plaintiff's favor, and in the meantime the deed had been recovered, there would be embarrassment. Apparently the court thought in Skill v. Thompson that the brining of an action was enough to be found a caution, and that on a motion to vacate a caution, the merits of the case should not be gone into. It may well be that the principle should govern here. At the same time I have so little confidence in the plaintiff's bona fides that I require him to proceed with diligence, and as a term of this order to give security for the costs of the appeal by paying $25 into court within a week, and agree to expedite this action if the court so order in the appeal. In default of security this motion dismissed with costs. If security given, costs in appeal.

Single Court.

Before Sutherland, J.

Peck v. Dusty—T. P. Galt, K.C., for plaintiff. An exparte motion by plaintiff for an injunction. Injunction granted restraining defendants from offering for sale or selling, transferring, disposing of or in any other manner or way dealing with 10,000 shares of stock owned by the defendant William A. Dusty and standing in his name upon the books of the Swastika Mining Co., until the 19th day of April, instant.

Royal Trust Co., v. Fortin—M. L. Gordon, for plaintiffs. An exparte motion by plaintiffs for a receiver. Order made appointing the plaintiffs receiver of defendant's property, &c., for two weeks.

Before Middleton, J.

Re Wadsworth—G. F. Henderson, K.C., for executor. H. Aylen, K.C., for widow. T. Lewis, K.C., for official guardian. A motion under C.R. 938 by the T. G. T. Corporation, executors of the last will and testament of J. A. J. Wadsworth, for the opinion, advice or direction of the court as to whether or not the said executors should allow to Rose Wadsworth, widow of the said J. A. J. Wadsworth, dower in the lands of deceased in addition to the provision made for her in his last will.

Judgment: This case appears to me to be governed by the principles laid down by V. C. Kindersley in Gibson v. Gibson (1852),1 Drew 42. The doctrine of election is precisely the same and founded on the some reasons, and governed by the same rules, when applied to dower, as when applied to any other case. The rule is that it must appear from the will that the testator intended to dispose of his property in a manner inconsistent with his wife's right to dower, a blending of the real and personal estate not for the purpose of its equal division, but in order to obtain an income out of which payments are to be made annually to his wife and other objects of his bounty is not enough. And the fact that in this case the share of the income to be paid to the wife is to be paid her for the maintenance of herself and the children makes against the contention. If the testator intended to purchase the dower, the widow would be given the price free from the obligation to maintain. All the provisions of the will can be carried into effect by regarding the will as operating upon that which was his own property. The widow, by asserting her claim, will no doubt reduce the income, and it is two-thirds of the reduced income that is to be paid to her. Costs of all parties out of the estate. The executors, as between solicitor and client.

Divisional Court.

Before Mulock, C.J., Teetzel, J., Middleton, J.

Dixon v. Pritchard—J. F. Hollis, for defendant. W. Laidlaw, K.C., for plaintiff. An appeal by defendant, Oliver Master, from the judgment of Meredith, C.J., of Dec. 20, 1910. The action having been dismissed as against defendant Pritchard. An action for the recovery of certain shares alleged by plaintiff to have been procured from defendant by fraud, deceit and misrepresentation of defendant. At the trial judgment was given against defendant Masters, for $280 and costs on county court scale without set off, and dismissing action as against defendant Pritchard without costs. Appeal argued and allowed to the extent of reducing the damages to $200. In other respects appeal dismissed. No costs of appeal.

Pratt v. Waddington—M. Macdonald, for defendant Grundy. R. G. Hunter, for plaintiff. An appeal by defendant Grundy from the judgment of the county court of York of March 17, 1911. An action to recover $150, value of plaintiff's horse hired to defendant, alleged to have been overworked and underfed by defendants, causing its death, and for $50 for damage to plaintiff's wagon and harness and loss of stable requisites. At the trial judgment was given plaintiff against defendant Grundy for $100, with costs and dismissing action against defendant Waddington without costs. On appeal to divisional court, this judgment was sustained and parties proceeded to tax costs. The taxing officer held plaintiff only entitled to division court costs and on appeal to the county court judge, this ruling was reversed and plaintiff declared entitled to county court costs. This appeal is from that order of the county court judge. Appeal dismissed with costs.

Re Michael Fraser—A. E. H. Creswicke, K.C., and A. McL. Macdonell, K.C., for appellant. J. King, K.C., and F. W. Grant (Midland) for respondent. An appeal by Catharine McCormick from the judgment of Britton, J., of Nov. 12, 1910, and Jan. 14, 1911. The judgment complained of was made upon and issue directed to determine whether Michael Fraser was at the time of the enquiry of unsound mind and incapable of managing his affairs as was sought to be established by plaintiff in the issue. At the trial the judge found that Michael Fraser at the time of the enquiry upon the issue stated, was not of unsound mind and was not incapable of managing himself or his affairs. Appeal partially argued, but not concluded.

Called to Sunbury.

KINGSTON, April 4.—(Special.)—Rev. R. Drinnan of Rosseau, Muskoka, has been extended a call to the Presbyterian Church at Sunbury. He graduated from Knox College seventeen years ago. He is clerk of the North Bay Presbytery.

Found Dead in Bed.

KINGSTON, April 4.—(Special.)—Mrs. Jane Todd, widow of the late Wm. Elliott, was found dead in her bed this morning of heart trouble. She was in her usual good health yesterday.