

The Toronto World

A Morning Newspaper Published Every Day in the Year.

WELL DONE, MONTREAL.

Montreal is to be congratulated on the efforts of its citizens, irrespective of race or creed, to reorganize their municipal government and to adopt in a measure the system that obtains in Toronto, with a smaller number of aldermen and paid controllers.

The people of Toronto may in a way feel flattered that Montreal is desirous of copying any good thing they may use, but if this is to be the rule, it is incumbent upon us not only to make good and be an example to our fellow-countrymen all over the Dominion, but also we must keep up the line of progress and extend it in all directions.

For instance, if we make good in public ownership in Toronto, as we hope we will, and in public ownership in Ontario in the distribution of power and the working of the government-owned road in the north, we will do a lot, not only for ourselves, but for our sister provinces and generally for the cause of progress.

No city could have a more glorious mission than to bear aloft the torch. Under the circumstances we, therefore, hope that Mayor Oliver and the controllers joined with him will constantly keep before their mind their responsibility and the glorious task that appears to have fallen to their hands to do.

And the final thought that comes to us is that in all probability the desire of Montreal to follow in the footsteps of Toronto has been caused by a constant perusal of the editorial columns of The Evening Telegram, published in this city.

GOVERNOR JOHNSON.

By the death of John A. Johnson, Governor of the State of Minnesota, the Democratic party of the United States loses the man who, next to William Jennings Bryan, was its most outstanding personality. What is even more to be lamented is the fact that the Republic itself loses a citizen of the finest type of American democracy in its wider meaning. Sprung from the ranks, his spirit and temper, his courage and self-reliance, his devotion to the public interest, his high ideal of public service came nearest these days to the standard set by the men whose names are bright and shining lights in the country's history. In his brave struggle with the last and greatest enemy, he revealed again the same simple heroism so conspicuous in his life.

Such men as Governor Johnson are the salt of a nation. There is no need to despair of the United States when its people have the capacity to recognize sterling quality, and can, without respect to party affiliations, set him in the highest office of the state. What the citizens of Minnesota had the wit to perceive and to secure in the first place for themselves, only required the occasion to ensure a wider appeal. That Governor Johnson stood well within measurable distance of receiving the next presidential nomination from the party with whom he was particularly associated, is unquestioned, and his untimely demise radically alters the political situation. But his

memory will long remain an inspiration to his fellow countrymen.

THE TOOTHsome REPORTER.

We have been looking for an adjective descriptive of the newspaper reporter who does so much for the nerves of the newspaper reader of these days and we have hit on the good old Saxon word "toothsome" until we can find a better. The toothsome reporter was doing stunts yesterday, and has been for some days, in regard to the Peary-Cook affair. He has not only introduced Captain Cook and Commander Peary in a mighty hand-to-hand fight for the possession of that most intangible thing called the pole, but he has also worked in the wives and bosome and children of these two bosome antagonists. Mrs. Peary and Mrs. Cook are in telegraphic touch (both by wire and wireless) as to the dolage of one another and they act accordingly, and while they do not hurl epithets at one another, they manage to appear regularly in the line light that the toothsome reporter creates and they fit across the stage with declarations of confidence in their respective husbands; the respective children of these two daring and blubber-eating men are presented, one brood waiting patiently for its fond paternal fount at New York, the other at Sydney. The highest stunt of the toothsome reporter appears, however, in yesterday's dispatches which paint Peary as so un-nerved at the prospect of meeting his wife and progeny as the home-returning Roosevelt approached the welcoming steamer from Sydney, that he could not trust himself to appear on the rails of his vessel, but with his act of family hugging for the secret recesses of the private cabin of the ship! Later on the toothsome reporter may reveal how even this great incident of home-coming was effected. For even Homer has told us how Ulysses met his dear son Telemachus in the swine-herd's hut under somewhat similar circumstances.

Conlagas Mines Appeal

The Ontario Railway and Municipal Board will hear the appeal of Conlagas Mines, Limited, on October 5, against the assessment of the Town of Cobalt. The assessment was confirmed by the court of revision.

The board returned from Hallesbury yesterday, where it has been inspecting the ground upon which the Timiskaming and Northern Ontario Railway proposes to make an extension. The citizens of the town object to the proposed route. The board reserved judgment until the engineer's report.

Bodies Not Recovered

The bodies of Joseph and Hunter Gilting, who were drowned in the bay on Sunday afternoon, have not been recovered, though dragging operations were kept up all day yesterday. An erroneous report that the bodies had been recovered led to Undertaker B. D. Humphrey, who is to conduct the funeral when the bodies are found, being overwhelmed with enquiries from friends and relatives.

\$1200 New York and Return (From Suspension Bridge). Via Lehigh Valley R. R., every day, Sept. 24 to 30 inclusive, account Hudson-Fulton celebration. Particulars at King-street east, Toronto, Ont. 8.15, 20, 25, 24, 26, 28, 29, 30.

Riot Reports Denied.

ST. PETERSBURG, Sept. 21.—The report that anti-Jewish riots have occurred at Kiev is officially denied at the chancellery of Premier Stolypin.

AT OSGOODE HALL

ANNOUNCEMENTS.

Osgoode Hall, Sept. 21, 1909.
Motions set down for single court for Wednesday, 22nd inst., at 11 a.m.
1. Tower v. Martin.
2. Grimschaw v. Martin.
3. Peterson Lake v. Nova Scotia.
4. Phillips v. Argyle.
5. Gordon v. Royal College.
6. Pano v. Romanus.
7 and 8. Robertson v. City of Toronto.
9. Bigelow v. Powers.
10. Hallop v. Lester.
Peremptory list for divisional court for Wednesday, 22nd inst., at 11 a.m.
1. Scott v. Pere Marquette.
2. Crouch v. Pere Marquette.
3. Leitch v. Pere Marquette.
4. Woodstock v. Oxford.
5. Ferguson v. Heyward.
6. Audin v. Harris.
Peremptory list for court of appeal for Wednesday, 22nd inst., at 11 a.m.
1. Berkman v. Henderson.
2. McNell v. Stewart.
3. Vasil v. McDonald.
4. Ross v. Chandler.
5. Sovereign Bank v. McIntyre.
Master's Chambers.

Before Cartwright, K.C., Master.
Wright v. Jones, for plaintiff, moved for leave to file and serve jury notice. F. L. Bastedo for defendant, contra. Order made. Costs to defendant in any event.
Robinson v. C. P. Ry.—R. J. McGowan, for defendants, moved for an order giving leave to serve third party notice. Order made.
Elmira Interior v. Engineering Contracting Co.—F. J. Roche, for defendants, moved for an order giving leave to serve notice of writ, and of writ. J. E. Jones, for plaintiff, contra. Motion dismissed. Costs in the cause. Leave to defendants to contend before taxing officer that costs only as of a writ within jurisdiction should be allowed to plaintiff if successful.

Judge's Chambers.

Before the Chancellor.
Maw v. Carapell.—J. T. White, for plaintiff, moved for an order for the arrest of defendant who it is alleged is about to leave the province for the purpose of defrauding his creditors. Order granted. Defendant to give bail in \$400.

Re Robert Willis.—F. W. Harcourt, K.C., for executor, moved for an order allowing executor to pay \$1206.48 into court. Order made.

Re Louise.—F. W. Harcourt, K.C., for administrator, moved for an order allowing payment of \$104.66 into court. Order made.

Re Bowman.—F. W. Harcourt, K.C., official guardian, moved for an order dispensing with payment of part of moneys into court, and allowing a certain sum to widow for maintenance, and for payment out to infants of their shares at majority. Order made.

Williams v. Crow.—F. W. Harcourt, K.C., for infants, moved for an order allowing payment of \$502.71 into court. Order made.

Re Passmore.—F. W. Harcourt, K.C., for infant, moved for an order permitting payment of \$200 into court. Order made.

Re Pocock Brothers.—F. R. Mackelcan, for petitioners.—F. Aylesworth, for the company. Enlarged sine die to be brought on again on 24th inst. Notice.

Re John A. Brooks Estate.—J. F. Hollis, for widow moved for an order allowing \$150 for maintenance of each infant. F. W. Harcourt, K.C., for infants. Order made.

Re Dowling and C. P. Ry. Co.—R. J. McGowan, for the Co., moved for an order for possession. No one contra. Enlarged for additional material.

The King v. Hawley.—M. H. Ludwig, for defendant, moved for an order quashing conviction for unlawfully selling intoxicating liquor without a license. No one contra. Upon obtaining consent of attorney general for Ontario, order may go. No costs. Usual order for protection of all parties.

Re Snider.—H. R. Frost, for Mary A. Ackerman, moved for an order for payment out to her of certain moneys

in court. F. W. Harcourt, K.C., for infant. Order made.

Re Scilly and Canadian Order of Chosen Friends.—S. Lee (Hamilton), for the society, moved for liberty to pay certain moneys into court. F. W. Harcourt, K.C., for infants. Order made.

Re John R. Robinson.—F. McCarthy, moved for an order declaring John R. Robinson a lunatic. Application enlarged to enable officer guardian to intervene.

Re J. D. McLaughlin Estate.—J. E. Jones, for the widow, moved for an order for the payment out of \$111.09 now in court. F. W. Harcourt, K.C., for infant. Order made.

Re Bicknell and Canadian Order of Home Urcles.—J. H. Spence, for Elton S. Bicknell, moved for an order declaring Charles Bicknell dead, and for payment of certain insurance moneys. J. M. McIntyre, K.C., for the society. Order made.

Re Humphries, Mortimer & Humphries.—F. Aylesworth, for two infants, moved for an order allowing certain moneys to be vested in infants. F. W. Harcourt, K.C., for infants. Order made.

Re Sundry.—W. E. Middleton, K.C., for four infants, moved for an order for payment of \$800 per year for maintenance. F. W. Harcourt, K.C., official guardian. Order made.

Re McDonald.—M. Mowat, K.C., for trustees, moved for order for payment of certain moneys into court, and for payment out at majority. F. W. Harcourt, K.C., for infants. Order made.

Re Cuban Realty Co.—W. J. McWhinney, K.C., for the company, asked two weeks' enlargement of motion to wind up J. A. Macintosh, for petitioner. Enlarged as asked, and may be brought on on one day's notice.

Re Weston and Canadian Order of Chosen Friends.—S. Lee (Hamilton), for the society, moved for an order for the payment of \$375 into court, and for payment out at majority. F. W. Harcourt, K.C., for infant. Order made.

Re McNeely.—W. E. Middleton, K.C., for mother, moved for an order for maintenance, and for payment out of certain moneys in court. F. W. Harcourt, K.C., for infants. Order granted for maintenance for five years.

Re McCort.—W. E. Middleton, K.C., for widow, moved for an order allowing certain costs of \$500, and for payment of certain moneys out of income. F. W. Harcourt, K.C., for infants. Order made.

Re Brown.—W. E. Middleton, K.C., for executors, moved for an order approving of a sale of certain lands and dispensing with examination of witnesses, and for payment for maintenance. F. W. Harcourt, K.C., for infants. Order made.

Re Gregg Estate.—F. Aylesworth, for all parties, moved for order confirming report, and for payment out. Order made.

Re Nelson.—G. Osler, for applicant, moved for order for payment out of \$408.58, being part of the money in court. F. W. Harcourt, K.C., for infant. Order made.

Re Trust Co. administrators, moved for an order for leave to pay certain moneys into court. Order made.

Re Hockley and G. T. R. Co.—E. S. Williams (Brampton), for the company, moved for order for payment out of \$50 for maintenance, and for the payment of interest as it accrues, for maintenance. F. W. Harcourt, K.C., for infants. Order made.

Re Horton, a lunatic.—R. U. Macpherson, for Dugald McCall, moved for order for confirmation of report of local master at St. Thomas. F. W. Harcourt, K.C., for infants. Order made.

Re Sons of England and Wales.—S. W. Burns, for infant, moved for order for payment out of \$102.21 of the moneys in court. F. W. Harcourt, K.C., for infants. Order made.

London and Western Trusts Co.—S. Johnston, for plaintiff, moved for an order allowing settlement of claim of City of St. Thomas against the defendant company, and allowing receiver to purchase or erect new car sheds. No one contra. Order made.

Re Maple Leaf Amusement Co.—J. L. Counsell (Hamilton), for creditors, moved for order to wind up company. H. E. Reese, K.C., for the company. Order granted to wind up. W. H. Love, appointed interim liquidator. Reference to local master at Hamilton.

Re Neff.—E. Williams (Brampton), for Jean Neff, moved for order for payment out of certain moneys in court. F. W. Harcourt, K.C., for infant. Order made.

Re Green, Green v. Green.—F. W. Harcourt, K.C., for infant, moved for an order for payment out of court of \$200 for maintenance. Order made.

Thomas v. Butler.—F. Aylesworth, for all parties, moved for order confirming report, and for distribution. F. W. Harcourt, K.C., for infants. Order made.

Re Bate and Canadian Order of Chosen Friends.—W. E. Middleton, K.C., for executor and adult child, moved for order for payment out to trustees. F. W. Harcourt, K.C., for infant. Order made.

Re York and Canadian Order of Forerisers.—L. Lee (Hamilton), for the society, moved for an order allowing payment of certain insurance moneys into court. F. W. Harcourt, K.C., for infants. Order permitting money to be paid in to credit of infants.

The King v. the Corporation of Sault Ste. Marie.—W. E. Raney, K.C., for defendants, moved by way of appeal from the order of the master in chambers of Sept. 18, 1909, adding five plaintiffs. W. E. Middleton, K.C., for the King. No order. Costs in the cause.

Sewell v. Clarke.—T. J. Blain (Brampton), for plaintiff, moved by way of appeal from the order of the local judge at Brampton, granting order for particulars. W. H. McPadden, K.C., contra. Appeal dismissed. Costs in the cause to defendants.

Counsell v. Hendrie.—G. Osler, for defendant, asked enlargement of motion for judgment. J. L. Counsell (Hamilton), for plaintiff. Enlarged until trial.

Goldthorpe v. Huron Construction Co.—J. R. Roaf, for Huron Construction Co., Grayson Smith for Ontario West Shore Railway Co. Motion by defendants to strike out statement of claim and to dismiss application. No one for plaintiff. Enlarged until 24th inst., and plaintiff to be notified.

Titchmarsh v. McConnell and Titchmarsh v. Graham. J. B. MacKenzie, for plaintiff in each case, appealed from the order of the master in chambers granting order for security for costs. W. E. Middleton, K.C., for McConnell. W. H. McPadden, K.C., for Graham. Reserved.

Re Joyce.—W. E. Middleton, K.C., for applicant, moved for an order for payment back to administrator of the share of an absentee who has returned and who has been paid by administrator. F. W. Harcourt, K.C., for former absentee. Order made.

Re Bolton.—W. E. Middleton, K.C., for administrator, moved for an order to pay to absentee, now returned, the amount of his share less advances made by administrator. F. W. Harcourt, K.C., for absentee. Order made.

Lee v. Cook.—J. MacGregor, for plaintiff, appealed from order of the master in chambers, refusing to strike out certain paragraphs of defence. J. Mitchell, for plaintiff, contra. Appeal dismissed. Costs in cause.

Little v. Wright.—T. Hlop, for plaintiff, moved on consent of two defendants for an order staying perpetually the registration of two tax deeds. Order made.

The King v. Murdoch-Gordon Russell, for prisoner, moved for order for Edward Bayley, K.C., for attorney-general for Ontario, contra. Upon giving two sureties of \$1000 each and prisoner himself in \$1000, order for

The King v. Palangio and nine other

EATON'S DAILY STORE NEWS

These New Fall Suits Cost Men Little

English Worsted Suit for 8.00: a dark olive with faint blue stripe; coat cut in fashionable three-button single-breasted sack shape and well lined; every garment shows the thorough, satisfactory workmanship that makes for a good fitting, serviceable suit. Sizes 36 to 44. Price 8.00

At 10.00: Saxony and worsted finished tweeds; the sturdy wear of the tweed is there, while a smooth dressy surface is imparted by the Saxony and the worsted finishes; comes in dark gray and dark brown striped designs; cut in three-button single-breasted sack shape; durable trimmings throughout; sizes 36 to 44. Price 10.00

Navy Blue and Black Suits 8.69

Made from an English clay worsted of nice twill finish. Three button single breasted sack coat, with raised seams; twilled Italian cloth linings; sizes 36 to 44. The suit is an uncommonly strong value, owing to the fact that the material was bought to rare advantage some time ago; it is a 20-ounce cloth, which assures a suit of substantial Fall weight. And the tailoring being our own work, a suit of dressy cut and lasting shapeliness may be depended upon. Either navy blue or black—your choice. 8.69

Now Style Paramount Cloth Rain-coats, \$11.00
THE T. EATON CO LIMITED
TORONTO CANADA
EATON Cabinet Sewing Machine, Now \$22.00



MAINTAIN YOUR SUITS
Check Worsted Suits
value in every N. E. Coat application.

For all kinds of close touch of Dress Fabric and the recognized sure custom made. And Mail Order

The Home Beer

A beer may taste all right—and yet not BE all right. Beer, not properly aged—"grecs"—will make you bilious. Beer, not pure or improperly brewed, will upset the stomach and be absolutely unhealthful. O'KEEFE'S "Pilsener" Lager is brewed with filtered water, choicest hops and pure barley malt. It is always fully aged, filtered again before bottling and pasteurized.

It is the Ideal Beer for the Home. As famous for purity, as for its delightful flavor. Insist that your dealer always send O'KEEFE'S "PILSENER."

"The Light Beer in the Light Bottle" (REGISTERED)
THE O'KEEFE BREWERY CO., LIMITED
TORONTO.



Assorted flavors, 30c. lb. For sale only by MICHIE & CO., Ltd. 7 King Street W.

person allowed in part—\$250 to be allowed to her for compensation—\$200 to be deducted from the item as to personal jewelry. In other respects the order approved. No costs.

Before Meredith, C. J., MadMahon, Teetzel, J.

Willinsky v. Anderson.—J. F. Heilmuth K.C., and Sinclair, for plaintiffs, appellants. H. H. Dewar, K.C., for defendants. Judgment. This was an appeal by plaintiffs from judgment of non-suit by Falconbridge, C.J. The action was for maliciously and wrongfully causing a search warrant to be issued and the premises and property of the plaintiffs to be searched and plaintiffs' goods to be seized and taken away.

In granting the non-suit the C.J. was of opinion that the plaintiffs had failed to establish want of reasonable and probable cause with reference both to the search warrant and to the proceedings before the police magistrate and at the sessions. As to all the proceedings other than the search warrant, he was of the opinion that the defendants were not responsible, because they were instituted solely by the court authorities and not by the defendants. We agree with the trial judge so far as respects the claims for malicious prosecution, that the action was properly dismissed, but are unable to agree with him that the plaintiffs claim for damages by reason of the search warrant should have been dismissed. In view of the contradictory character of the evidence we think it should have been left to the jury so far as respects the search warrant to decide whether the defendants did lay all the facts of their case fairly before counsel, and whether they acted bona fide upon the advice given. The result is, we dismiss the appeal as far as respects the claims of both plaintiffs for damages for malicious prosecution and

Continued on Page 9.

"Old Chum" Cigarettes

Equal in quality to the well-known pipe-tobacco and specially blended for cigarette smoking.

TEN FOR TEN CENTS