

The Toronto World

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Main 5388
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Number.

TUESDAY MORNING, MAY 2, 1911.

THE POWER CELEBRATION.

Toronto will to-day celebrate with
official recognition the establishment
of the hydro-electric system as a part
of the municipal activities of the city.
There will be an illumination and
speeches and a banquet. Sir Henry
Pellatt and Sir William Mackenzie
should be honored guests at the festive
board, so that they might see what it
is like for those whom the people de-
light to honor.

There are still headshakings and
warnings and repetitions of the old
saw about not shouting until out of the
wood, in quarters where the public
operation of civic utilities is not ap-
proved. Perhaps the gentlemen who
profess to doubt that hydro power can
be a success in Toronto are really con-
vinced of that view, just as they were
really convinced five years ago that
hydro-electric power would never be
delivered in the city, and that the cost
of constructing the transmission line
would be double the estimate.

Power is here, and the cost is under
the estimate, but we must not be too
hard on gentlemen who are accustomed
to rule themselves by prejudice,
and to make the wish father of the
thought.

The truth is that they had some
grounds for their fears, when they
based them on the records which were
to be obtained elsewhere. But their
fears were not complimentary to Sir
James Whitney, nor to Hon. Adam
Beck, nor to the numerous other gen-
tlemen who supported the policy. And,
least of all, were their fears compli-
mentary to Mr. P. W. Sothman, whose
engineering skill and experience have
done so much to make success possible,
and whose reward chiefly consists in
that success.

It has been a long fight and there
have been times in the seven years
past when even the most ardent sup-
porters of cheap light and power fear-
ed that the strong combination against
the policy might defeat it. But the
people knew what they wanted, and
those who voted that wish, and those
who fought for it, may be excused a
little happy triumph at the fortunate
issue. The hardest part of the struggle
has yet to come, and it rests with the
city electric department to continue the
policy which has been brought to such
a splendid consummation, by making
it the commercial and domestic suc-
cess which it is now seen to be in the
public service.

FIRST HAND CORROBORATION.

In connection with the suggestion
that Canadians should write to Wash-
ington and obtain for themselves offi-
cial documents which make the an-
niversary sentiments of the American
Government clear, the following docu-
ments are cited. A perusal of these will
point the moral that as things stand
at present, Canadians do not know
what the situation is, and how it men-
aces their national existence:
Senate document No. 810.
House of representatives document
No. 1350.

Reciprocity hearings before commit-
tee of ways and means of house of re-
presentatives.
Hearings of committee of finance,
senate and house of representatives,
\$2,218.

Also the English report of the tariff
commission, published by P. S. King &
Sons, 2 Great South-st., Westmin-
ster, London, S.W.; price three pence.

PREMIER AND CONFERENCE.

All the efforts of the ministerial
press will not suffice to convince other
than rabid partisans that Mr. Borden
did not make a perfectly fair proposal
in order to permit the premier to at-
tend the imperial conference. De-
fenders of the reciprocity deal cannot
charge the opposition leader with in-
sincerity when he declares his convic-
tion, the all but unanimous convic-
tion of his followers, that it carries a
serious menace to Canada and the
empire. Having that conviction the
opposition would fall in their duty
should they refrain from using every
legitimate compulsion to force an
appeal to the country. In adopting
this extreme course they are not only
absolutely within their right, but have
ample justification. The government
had no mandate to reverse the set-
tled fiscal policy of the nation and
none to force reciprocity thru parlia-
ment without reference to the elec-
tors.

Liberal party organs will not suc-
ceed any better in their attempt to
rattle the opponents of reciprocity
with responsibility for Sir Wilfrid
Laurier's absence from the imperial
conference. He wants the deal sanc-

tioned before he leaves and uses the
conference to compel submission. The
opposition leader has been more gener-
ous and by making a fair offer which
in no way prejudices either side of
the controversy has turned the edge of
the premier's attack. Now that Presi-
dent Taft has declared himself as de-
siring of withdrawing Canada from
the chain of British states and turning
her from an imperial to a continental
nation His Majesty's opposition has all
the more reason to discharge its duty
to the empire.

LONG DISTANCE TELEPHONE.

When the Ontario Railway and Mu-
nicipal Board makes an important rul-
ing in fairness and justice to the peo-
ple, it should receive due credit, since
the press and the public generally seem
eager to denounce the board when it
cannot make its decisions and the law
square with the popular desire.

The last ruling of importance settles
a pretension of the Bell Telephone Co.
to control all the independent lines in
touch with their own system so as to
prevent the transmission of long dis-
tance messages from one of these com-
panies to another.

Mr. Ingram, vice-chairman of the
board, has pointed out that the Bell
Company can do as it pleases with its
own system, but under Ontario law
it is unable to tie up the independent
companies. The board consequently
refused to sanction a clause in an
agreement between the Bell Company
and the Consolidated Telephone Co.,
which would have had this effect.

AT OSGOODE HALL

ANNOUNCEMENTS.

Judges' chambers will be held on
Tuesday, May 2, at 11 a.m.

Peremptory list for divisional court
for Tuesday, 2nd inst., at 11 a.m.:
1. Geller v. Loughlin (to be con-
sidered).
2. Burket v. Berlin Robe.
3. Harris-Maxwell v. Goldfields.
4. Re Fitzmaurice and Newburgh.
5. Clark v. Maple Leaf.
6. Hunter v. Richards.

Peremptory list for court of appeal
for Tuesday, 2nd inst., at 11 a.m.:
1. Stuart v. Hamilton Jockey Club.
2. National Trust Co. v. Trust and
Guarantee Co.
3. Smith v. Royal Canadian Yacht
Club.
4. Latimer v. Park.

Master's Chambers.

Before Cartwright, K.C. Master.
Rex ex rel Slater v. Homan, A. C.
Kingston (St. Catharines), for re-
lief. A motion by relator for an order
sequestering respondent as a person
liable to be taken into custody, and
adjoining until May 10, at 2 p.m., un-
less otherwise arranged by counsel.
Slitt v. Sutton, R. F. Segsworth, for
plaintiff. Motion by defendant for
an order of a divisional court of
S. T. Sutton, J. T. White, for garnishee.
Motion by judgment creditor for an
order making absolute the attaching or-
der hereon. Enlarged until 10 a.m. of
May 3, 1911, for cross-examination
of S. T. Sutton.

Whalen v. Shier Lumber Co., A. J.
Thomson, for defendant. W. Laidlaw,
K.C. for plaintiff. Motion by defen-
dant for an order of a divisional court
for particulars of statement of
claim. Reserved.

Re A. O. U. W. and Inzerelli, A. G.
P. Lawrence, for the society. Motion
by society for leave to pay \$200 into
court, or for leave to serve notice of
motion on two claimants who reside
respectively in the Provinces of Saskat-
chewan and Alberta. Order made for
service of notice of motion, returnable
May 26 inst.

Fraser v. Costigan, J. T. White, for
plaintiff. Motion by plaintiff for an
order to issue a concurrent writ for
service out of the jurisdiction. Order to go
on filing the usual affidavit.

Clark, Brown and Irwin, C. Evans-
Lewis, for defendant. Irwin, Motion by
defendant, Irwin, as owner, for an or-
der vacating certificate of lien under
S. 27 of the act. Order made.
Denton v. Schofield, J. E. Jones, for
defendant. C. J. Holman, K.C., for
plaintiff. Motion by defendant for an
order dismissing action for want of
prosecution, or in default for an order
for security for costs, as plaintiff has
left jurisdiction. At request of plain-
tiff, motion enlarged until 22nd inst.

Single Court.

Before Britton, J.
Re Clinton Thresher Co., J. F. Ba-
land, for liquidator. W. Brydon (Clin-
ton), for the town. An appeal by the
liquidator from the report of an official
referee, declaring that the Town of
Clinton is entitled to be paid by the
liquidator of the thresher company, the
amount of a sum of money which accrued
upon the lands and premises of the
thresher company for 1909. Enlarged
until 4th inst.

Adamson v. Crain, J. D. Montgomery,
for plaintiff. C. A. Moss, for defen-
dant. Motion by plaintiff for judgment
in terms of consent filed. Judg-
ment, by consent, adding Annie Adam-
son as a party plaintiff, discharging
and vacating a mortgage from Edward
Adamson to William McCourt, vesting
certain lands, except 2 1/2 acres, in C.
A. Moss as trustee for the parties, vest-
ing the 2 1/2 acres, also lands on Sher-
bourne-street in Annie Adamson. Con-
sent. Enlarged until 4th inst.

Dundas v. Wilson, J. B. Clarke, K.C.,
for plaintiff. F. Aylesworth, for defen-
dant. Motion by plaintiff for an or-
der continuing the injunction granted
by the local master at Woodstock. In-
junction continued one week. Motion
enlarged for one week.

Re Phelps Estate, D. Urquhart, for
petitioners. F. W. Harcourt, K.C., for
infants. An application by the execu-
tors of John Phelps estate for leave to
sell lands under provisions of Settled
Estate Act. Enlarged until 2nd inst.

Re Solicitors, F. E. Hodgins, K.C.,
for the solicitors. R. A. Pringle, K.C.,
for Beach Brothers, clients. An appeal
by the solicitors from the report of J.
H. Thom, senior taxing officer, for dis-
allowing claim of said solicitors for re-
muneration for services in negotiating
and completing a sale of stock and
bonds of Cobalt Power Co. for \$180,000,
and declining to consider and make an
allowance for said solicitors for ser-
vices performed by them in acting as
directors and officers of Cobalt Power
Co., and two appeals from the said

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come possessed of the ready
money which will enable him to
avail himself of the opportuni-
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Mortgage Corporation

Toronto Street - TORONTO

report, on the ground that the fees, etc.,

allowed the solicitors were excessive.

Appeals argued and judgment reserved.

Divisional Court.

Before Macleod, C.J. Clute, J.

Riddell, J.

Harris-Maxwell v. Goldfields, F. E.
Hodgins, K.C., for plaintiffs. No one
contra. Motion by plaintiffs for an
order speeding the appeal of plaintiffs
from the order of Riddell, J., of April
24, 1911. Leave given to argue the
motion on 2nd inst. If counsel for de-
fendants consent.

Re Estate, Asphalt, D. C. Ross
for defendants. C. J. Holman, K.C.,
for plaintiff. An appeal by defendants
from the order of Tettel, J., in cham-
bers of Feb. 28, 1911. The motion here-
in was to quash a conviction by a justice
of the peace for having unlaw-
fully established and carried on with-
out the consent of the municipal coun-
cil of Eastview a certain noxious and
offensive trade, business and manu-
facture of heating and preparing as-
phalt and other paving material. The
motion to quash was dismissed with
costs and this appeal is from that de-
cision. Appeal argued and dismissed
with costs.

Scott v. Vining, J. M. McEvoy (Lon-
don) for plaintiff. M. K. Cowan, K.C.,
for defendants. An appeal by plaintiff
from the judgment of Meredith, C.J.,
of Jan. 27, 1911. This action was
brought by plaintiff against the ex-
ecutor of his father's estate for a de-
claration that by virtue of a verbal
agreement between plaintiff and his
father, made in 1880, whereby plaintiff
remained and worked the farm with
his father, and that he is the owner of
the land in question, notwithstanding a
different disposition of same by his
father's will. At the trial plaintiff's
action was dismissed without costs.
Appeal argued and judgment reserved.

Court of Appeal.

Before Moss, C.J.O.; Garrow, J.A.

Macleod, J.A.; Macge, J.A.

Manufacturers' Lumber Co. v. B.
Garrow, R. T. Harding (Stratford) for
plaintiffs. R. S. Robertson (Stratford)
for defendant. An appeal by plaintiffs
from an order of a divisional court of
Dec. 9, 1910, allowing with costs an
appeal of defendant from the order of
Miles, J., of Oct. 6, 1910, allowing an
appeal from the local judge at
Stratford dismissing an application by
plaintiffs for an order continuing the
appointment of the sheriff of Perth as
receiver of all moneys coming to the
defendant from the City of Stratford.
Appeal argued and judgment reserved.

Before Moss, C.J.O.; Garrow, J.A.

Macleod, J.A.; Macge, J.A.

Caruthers v. Toronto and York Ra-
dial Railway Co., I. F. Hillmuth, K.
C., and C. A. Moss for defendants. J.
C. Macleod, K.C., for C. P. R. pro-
moters. An appeal by plaintiffs from
the judgment of Miles, J., of Jan. 27, 1911. An action
by the widow and three children of
Robert Caruthers, deceased, for dam-
ages for the death of the said
Robert Caruthers on Sept. 10, 1910,
who while standing at a platform at
the station at North Toronto, was
run over by a moving car and the said
platform and killed. At the trial
judgment was given plaintiffs for
\$2000 and costs. Appeal argued and
judgment reserved.

Re Krenz-Lenz v. Lenz, I. F. Hill-
muth, K.C., for official guardian of in-
fants. E. D. Arnott, K.C., for C. P.
R. promoters and Emma Lenz, J. Bick-
nell, K.C., and W. M. McClelland
(Hamilton) for Mary B. Lenz, H. J.
Hartley for executors. An appeal by
the official guardian on behalf of in-
fants from the judgment of Miles, J.,
of Feb. 9, 1911, in which he con-
firmed the order of Charles Frederick
Lenz and held that upon the true con-
struction of the said will the sum of
\$15,000 covered by three policies re-
ferred to therein had been effectively
disposed of and that there was no in-
testacy as to that amount. Appeal
argued and judgment reserved.

Dispute Over Estate.

After reading in the papers about the
claim made by Mrs. Ida Sewell against
the John Graham estate for over \$1100
for nursing the deceased, A. D. Nicol,
manager of the T. Woodhouse Co.,
ring up Judge Winchester by phone
the next morning and said he refuted
the statement of Mrs. Sewell that Mr.
Graham was dying. He was dying, he
said, in her parlour, telling her it was
hers.

When Mr. Miller, acting for Mrs.
Sewell, asked for a further evidence
on behalf of the claimant, his honor
granted it.

CANADA'S PARLIAMENT ABASES ITSELF

AT THE FEET OF THE C. P. R.

(From The Toronto Telegram.)

There was a humiliating and dis-
creditable scene which was enacted in
the Canadian House of Commons when
W. P. Macleod, M.P. for South York,
introduced an amendment providing
that the capitalization of railways be
placed under the control of the rail-
way commission.

The most important, economic and
political problem before the people of
Canada (and of the U.S., too, for that
matter) is this very question of cap-
italization—or over-capitalization.

Over-capitalization is the evil.
It lies at the very root of nearly
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the Ontario parliament can hardly be
induced to glance at it and treat
with a stupid, sneering hostility nearly
every effort to compel it to look the
question in the face.

Mr. Macleod made the record of the
C.P.R. the subject of illustration. Al-
though it may be said, in justice to the
fact that its financial methods have
not been worse than those of any
other Canadian railway, a brief glance
at that record may be interesting.

The specified cost of the transcon-
tinental line, from Callander to Van-
couver, was, according to the com-
pany's estimate, \$55,000,000. The
actual cost, however, was \$91,500,000.
To "aid" the company to finance this pro-
ject it got from the Dominion, cash
\$25,000,000, constructed railway \$35,000,
000, selected lands 25,000,000 acres, ex-
emption from taxes on its railway prop-
erty and on its land grant for twenty
years. There were other important
concessions. Up to June 30, 1909, the
lands sold had realized a net return
of \$2,700,753. There still remained un-
sold 8,477,534 acres of private prop-
erty and 4,005,505 acres in B.C.

The railway when built belonged, be-
lieved the promoters, to the people. Ac-
cording to the company's estimate, the
land made these "insane" donations
(Mr. J. S. Willson's expression), but
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early artifice of \$55,000,000 of stock had
been issued by these gentlemen to
themselves, which produced only \$24,-
500,000 in actual money. In the
magnificent donations above describ-
ed, it may be wondered what became
of this \$24,500,000.

"Crawling" to the C. P. R.
Listen to the solution of the mys-
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ed to the house of commons on June
17, 1909.

"The company raised by the
new finance on stock \$24,500,000, and
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That \$25,000,000 of stock represents,
therefore, really nothing of actual in-
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from 10 to 10 per cent. have been paid on it
continuously. "It has now a market
value of about \$140,000,000, and stands
practically as if it were a mortgage
on the earnings of the Canadian
railway producers. There is now over
\$200,000,000 (par value) of stock
bearing 10 per cent. dividends.

Mr. Macleod has very properly taken
the view that instead of issuing stock
for new capital requirements, the pay-
ment of excessive dividends, the money
should have been borrowed on mort-
gage bonds bearing 4 per cent. inter-
est. This is simply unanswerable, and
must be the consideration that no for-
tunes can be made by "playing the
stock market" with 4 per cent. bonds.

Macleod's argument is that the
primary object of the C. P. R. promo-
ters was not to provide transporta-
tion for the people, but to make for-
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In order to pay these great dividends
and so "boost" this aqueous stock, the
Canadian freight and passenger rates
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"Insane" Generosity to C. P. R.
This very railway, which has been
the object of so much "insane" gen-
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pockets of the Canadian people. Do
our legislators know these things or
realize their import? If they do not,
they are unfit to represent the inter-
ests of the people. If they do realize
them their position is still worse, in
view not only of their inactivity, but
of their haste to quash all discussion.

What is the determining motive of
their attitude? Is it fear, as reasonable
as it would be contemptible, of the pol-
itical and financial power of the cor-
poration, or is it simply ignorance of the
actual facts, and a childlike acceptance
of the romantic legends of the great
"sacrifices" of the C. P. R. promoters,
and of the almost superhuman ability
displayed in the management of the
railway. There are two myths which
die hard in the Canadian people. Do
they have no "sacrifices." Quite the
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The railway is quite well managed,
but no better than a hundred private
concerns in Canada, and not so well as
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vices, such as the postal and telegraph
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What happens when this all important
subject is brought up for discussion

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