The Toronto World

A Morning Newspaper Published Every Day in the Year.

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GOVERNOR HUGHES AND STOCK MANIPULATION.

Governor Hughes of New York stands firmly by his policy of controlling public service corporations and compelling them to act squarely by the people. In answer to the attempt that is being made in the state election to have "government by commission abolished" he has again placed on record his attitude towards these corporations. In his speech of acceptance he said: "The question is, shall the effort to maintain administration which shall place the interests of the people above selfish advantage be repudiated or supported? Shall the effort to correct abuses and to regulate effectively our public service corporations be condemned or sustained?" And in a speech the other day at Syracuse he declared that "the public service commission stands between the public and certain transactions the traction companies are desirous of accomplishing. We want to make these stock manipulations impossible now."

The traction companies of New York managed to load their systems with close upon $500,000,000 of capital. As they together own 769 miles of track, this means an average capitalization of over $645,000 per mile, and the companies found it impossible to continue the issue of transfers and indeed represent that with a five cent fare the lines cannot be worked at a profit. They want reorganization and they also want to reorganize on their own terms, but between them and their desire stands Governor Hughes' public service commission, which has already shown its determination to impose reasonable safeguards in the public interest. It is the new manipulations the companies have in view which called forth the emphatic declaration of the governor that they must be made impossible now.

The public service commission of New York has set a force of experts to appraise the actual value of the lines on the Manhattan surface system in order that when reorganization comes the new capitalization may itself be on a fair and reasonable basis. In this the commission is following the precedent set by Chicago. In that city when the incubus of watered stock finally brought the street railways to rack and ruin, reorganization also became necessary, and an appraisal of the value of the property was made. The valuation became the basis of the new capitalization, and it was agreed between the city and the companies that the value per mile of Chicago tracks should be 129,000. "Upon this new capitalization the Chicago roads are now earning a good profit on a five cent fare with universal transfers, altho the volume of travel per mile is only one-third that of Manhattan," whose present capitalization averages $756,520 per mile of track. Stock manipulations of the kind noted are the direct result of private ownership and operation of public services, but no wails are ever heard from its upholders over the "widows and orphans" and "innocent shareholders" impoverished to make multi-millionaire out of enterprising "high" financiers.

UPHOLD RIGHTS OF WAY.

More than individual rights are concerned in the application before Judge Winchester for the closing of a lane back of Victoria-street. The proposal is understood to be made for the benefit of St. Michael's Hospital, the owner of the ground affected by the right of way, in which, however, a third party appears to have an interest.

The owner of the service easement opposes any interference with the passage, but it seems to be in contemplation to close the lane in spite of his protest.

An easement right is property quite as much as is the ownership of the land over which it extends, and a bad precedent will be set if in this case it is arbitrarily brought to an end. If there are public grounds for the closing of this particular lane then the ordinary procedure should be followed and compensation made. If the question only involves individual interests and the right of passage is undoubted, it ought not to be affected against the wish of the proprietor of the easement. This much is evident enough, and the law should not be strained to the detriment of any citizens.

CO-PARTNERSHIP IN PUBLIC SERVICE.

Were the boards of management of public service corporations more in sympathy with the principles and ideals that actuated the late Sir Geo. Livesey, less would be heard to-day about the evils associated with them. Entering the service of the South Metropolitan Gas Company of London, England, in 1848, when a boy of 14, he climbed upwards step by step until 37 years later he was appointed chairman of the board of directors. From the moment when the affairs of the company passed into his control, he began to give effect to his views regarding the relationship between the shareholders and the consumers, and between those who held the capital and the workmen in their employment. Sir George Livesey, altho in every sense of the word a "captain of industry," did not belong to the number of "high financiers" whose one aim it is to extract from a public service all that can be squeezed out of it. His guiding principle was co-partnership, both between producer and consumer and employer and employed.

Over thirty years ago Sir George Livesey "drew up a sliding scale under which the dividends of shareholders varied inversely with the price of gas. In the case of most commodities a rise in price means a rise in profits. The Livesey sliding scale is so contrived that the profits rise as the price of gas falls." And under the pressure of public ownership and operation of this particular service now so general in the cities and larger towns of Britain, the Livesey method of harmonizing the interests of consumers and shareholders has been almost universally adopted by private gas companies. The late chairman of the South Metropolitan was also in other directions ready to adopt new schemes for increasing the sale of its product. He was largely instrumental in extending the use of gas as a motive power and in promoting the adoption of the penny-in-the-slot meter, which has brought it within reach of the humblest homes in London.

The ideal relationship of capital and labor Sir George Livesey once strikingly expressed in a letter in which he said: "Of all the relations of man with his fellows, next to that of the family, none is of more, if so much importance, as that of employer and employed, for on it the national welfare largely depends. Who can say that the relationship is at all satisfactory with the two sides of the industrial army each trying to get as much as possible out of the other and giving as little as possible." Carrying out his own theory in the face of early and severe opposition he brought the company's employes into the undertaking, and they have now close on $2,000,000 invested, with three representatives on the board of directors. "Co-partnership of this kind has ensured complete immunity from labor troubles in these great works in South London for close on twenty years." Sir George Livesey's belief in individualism of the older type kept him aloof from the social reform movement, which seeks to ameliorate conditions by collective action. But his particular ideals that achieved such important results have not been adopted to any considerable extent and the interests at stake are too great to be left at the mercy of other persons less scrupulous about the rights of consumers and employes.

STOCK YARDS DEAL FAIR.

Holders of Preferred Stock Not Discriminated Against, Says J. Dallan.

J. D. Allan, who was president of the Union Stock Yards Co. up to the time of its absorption by Swift & Co. of Chicago, gives an emphatic denial to the statement in an evening paper that the transaction discriminates against holders of preferred stock as compared with possessors of common shares.

Mr. Allan says that the vote was about seven to one for acceptance of the big syndicate's offer, and that the majority of holders of preferred signified their willingness to sell out on the basis of 60 per cent. of the face value of the preferred shares and 80 per cent. of the common. He says also that the statement that the Swift Company's offer only provided $280,000 to preferred holders, who had invested $350,000, does not take into account that the Chicago firm assume in addition liabilities amounting to about $130,000.

As to the suggestion that the sum of $90,000 to be distributed among holders of common stock is a good deal in the nature of a gift, Mr. Allan strongly denied that such was the case. Some of the common was issued to owners of land acquired by the company, and while it was true that a portion of the allotment went to the promoters of the company, some of them had paid for the shares in time and service ten times over.

GAS OVERCOMES WOMAN.

Miss Hainer of St. Catharines Found Unconscious on Floor.

ST. CATHARINES, Oct. 22.—(Special.)—A serious case of asphyxiation occurred yesterday on Henrietta-st., when Miss Henrietta Hainer, who resides alone on Henrietta-street, was overcome by coal gas. Her brother-in-law, Mr. Henry Shickluna, was buried yesterday afternoon and she was expected at the funeral. When she did not arrive a messenger was sent to her home across the canal and found her lying on the floor in an unconscious condition and the house permeated with gas. She was removed to a neighbor's house, and later recovered.

KITCHENER MAY COME.

Noted General May Go Home Via Canada and U. S.

VANCOUVER, B. C., Oct. 22.—The World publishes the following as a Calcutta, India, cable:

Upon the completion of his term of service as military commander in India, General Lord Kitchener has announced that he will return home to England by way of the United States.

"It is my desire," said the general, "to see Canada and the United States, the countries and their people, that prompts me to include them in my itinerary."

Lord Kitchener will also visit China and Japan on the way, possibly traveling thru Australia and New Zealand.

An immense volume of correspondence is pouring in upon the general from England urging him to take up a reorganization of the British war office. There is no doubt but that he would be appointed to the post if he wished to accept the position.

A SQUARE DEAL

JAMIESON'S

AT ROUNDED CORNER

OVERCOATS FOR MEN

The probabilities say colder weather. Have you noticed how shabby your last year's overcoat has become? Our fall and winter stocks are in. They are crisp and fresh, the lines unbroken, and the selection almost unlimited. Now is the time to buy. The weather is right, the goods are right, and the prices are right. In fact, we think we can give just a little better value and more satisfaction than you can get elsewhere.

Below we quote you five lines, which shows the deep cut we are making in prices, and which should draw you in to see our full stock. If you don't find your fit, don't buy, but

LET US SHOW YOU.

Men's Full-length Chesterfield Overcoats, in black beaver cloth, with silk velvet, hand-padded collars and cut on the latest New York models. We have made a deep cut in the prices for Saturday's selling. Below we quote five prices as a sample of the reductions we have made:

Regular $10.00 Overcoats for 7.50
Regular $12.00 Overcoats for 8.95
Regular $13.50 Overcoats for 10.00
Regular $18.00 Overcoats for 15.00
Regular $25.00 Overcoats for 18.00

OVERCOATS FOR BOYS

They must have them — overcoats dressy and durable—that will withstand the rigors of winter and the wear and tear of school life. We have them in all shades, shapes and sizes. Look over these prices and

LET US SHOW YOU.

Boys' Fancy Overcoats, in browns, greys and royal blue, with leather belts, fitting boys from 3 to 6. Prices, 3.75, 3.95 and 4.95.

Boys' Overcoats, in black beaver cloth, with velvet collar, sizes 24 to 28. Prices, 3.50, 4.50 and 5.50.

Youths' Overcoats, in blacks and greys, melton and beaver cloth, with black velvet collars. These goods are made in our own workshop, and we guarantee stylish and well-fitting garments. Prices, 5.50, 6.75, 7.95 to 10.00.

SPECIALS IN THE UNDERWEAR DEPT.

English natural wool, 1.00 per garment.
Watson's elastic ribbed, 75c and 1.25 per garment.

Glove Specials

Dent's Dogskin, 1.00 per pair.

Dent's Silk-lined, 1.25, 1.50, 1.75.

BOYS' THREE-PIECE SUITS

In dark tweeds, stripes and checks, sizes 28 to 32. Special price 3.95

Three extra special lines in Boys' Fancy Suits, sailor, Buster and Russian styles. In mixed tweeds, in brown, green and grey shades. Regular prices $3.95 to $6.25. Extra special prices, 1.98, 2.98 and 3.50.

Shoe Specials

Have just placed in stock two special lines of fall and winter shoes that should interest the shrewdest buyers, viz.:

120 pairs Men's Tan Russia Calf Bluchers, with heavy double soles and full toe, also 120 pairs Men's Dull Calf Bluchers, heavy double soles, made on good full-fitting lasts. Those shoes are regularly sold at $5.00 per pair. While they last, 3.50 per pair.

FALL HATS

We have a big range of "Sovereign" Hats, all the latest shapes, at 2.00

A clearing line of Men's Caps. Regular 50c 19c

Remember always the palatial Barber Shop in connection with Jamieson's. Clever barbers, moderate prices and immaculate cleanness.

P. JAMIESON

GUILTY OF "FRENCH LEAVE."

Italian, En Route to Italy, Brought Back to Settle Claims.

A verdict of guilty was returned by the sessions' jury yesterday against Vincenzo Constantino, accused by McWilliam and Everist on behalf of several creditors, of attempting to skip to Italy, leaving unpaid debts amounting to $340. The accused man conducted a fruit store on West Queen-street, and bought goods from several wholesalers on credit.

On Oct. 2 he left the city and was later arrested in Montreal upon information sworn out by Chas. E. Dawson of the Dawson Provision Company. It was then found, according to report, that his baggage was checked to Boston, and on his person was found a steamship passage to Italy.

The prisoner was released upon the renewal of his $600 bail to await sentence at the conclusion of the general sessions.

12,000 Dozen Eggs in This Case.

Justice MacMahon concluded the hearing of the case of J. A. McLean Produce Co., Limited, of London, v. Jacob Freedman of Ottawa to recover damages of $377.85 upon 12,000 dozen of eggs alleged to have been improperly shipped, which allowed the eggs to freeze on Jan. 24 last. Judgment was reserved.

The next case up for the non-jury assizes is "Los Angeles v. Equity."

Five Indictments.

Five indictments were returned by the sessions' grand jury against A. E. McLean for forgery.

In the county court before Judge Winchester Harry Deacon was remanded until Nov. 4 on a charge concerning a young girl.

Smoke

Old Gold

Cigarettes

Sweet and Mild

5c

IN THE LAW COURTS

IN THE HIGH COURT.

Osgoode Hall, Oct. 22, 1908.

Announcements.

Judges' chambers will be held at 11 a.m.

Peremptory list for divisional court for Friday, 23rd inst.

1. Rex. v. Calcutt B. and M. Co.
2. Eby, Blain v. Montreal P. Co.
3. Re McGrath and Durham.

Writs Issued.

George Eulas Foster against James A. Macdonald of Toronto, for $50,000. Issued by Kingsmill, Heilmuth, Saunders and Torrance.

Masters' Chambers.

Before G. S. Holmsted, Registrar.

Carriage Mountings v. Skinner Co. G. M. Clark for plaintiff, moved for better particulars of defence in an action for infringement of patent. Haynes, for defendant, asked enlargement. Enlarged until 23rd inst.

Red Book Co. v. Imperial News Co. G. M. Clark, for plaintiff, moved for a commission to Chicago to take evidence of 11 witnesses. W. M. Boultbee, for defendant, did not object. Usual order for commission, to be returned by Nov. 20.

Cook v. Slattery. T. F. Slattery, defendant, in person, moved to set aside judgment entered for default of defence, and for leave to file defence, etc. Locke for plaintiff. Motion adjourned until 23rd inst. Proceedings on judgment to be stayed meantime.

De Winter v. Phillips Co. R. S. Smellie, for plaintiff, moved for leave to examine secretary-treasurer of defendant company, the president having been already examined. R. R. Denison, for defendant, objected that examination of defendant only adjourned. Order granted, costs in the cause.

Maughan v. Layton. G. C. Fowler, for plaintiff, moved for judgment for possession under mortgage held by plaintiff and now in default. G. R. Geary, K.C., for defendant. Judgment for plaintiff, with costs.

Campbell v. Bailey Mining Co. M. J. Hearn, for defendants, moved, on consent, to dismiss. Order dismissing action, without costs, and removal of claim from office of mining recorder. Notice of settling order to be given plaintiff's solicitor.

Single Court.

Before Britton, J.

Re Solicitor, etc. D. Donald for the Law Society. No one contra. Matter partly arranged and motion enlarged for one week, pending negotiations.

Pitt v. Warren. W. N. Ferguson, for plaintiff, asked enlargement of his motion for injunction to complete his material by examination. F. Arnoldi, K.C., for defendant, objected. Motion enlarged for one week.

Wilson v. Rutherford. G. M. Clark, for plaintiff. W. H. Price for defendant Gill. Settlement being aarranged and motion enlarged one week to complete.

Re Hamilton Estate. M. S. Mercer, for the executors of will of Alexander Hamilton, late of Sturgeon Falls, moved for construction of his will. H. A. Chadwick, for inspector of asylums. M. C. Cameron, for infants. Reserved.

Re Farmer and Reid. J. H. Spencer, for vendor, on an application under the Vendors' and Purchasers' Act, asked enlargement of motion. V. A. Sinclair (Tillsonburg), for vendors. Enlarged for two weeks.

Re Walton Estate—Walton v. Walton. W. A. Skeans, for applicant. C. H. Porter, for adult defendant. F. W. Harcourt, K.C., for infant. Enlarged until 28th inst, unless parties can arrange for earlier hearing.

Morrison v. McKenzie. F. J. Dunbar, for plaintiff, moved to continue plaintiff as receiver of defendant's interest in the estate of late Hon. James Sutherland to extent of plaintiff's judgment and costs. No one contra. Order to go as asked.

Smith v. Steen. J. A. Macintosh, for plaintiff, moved to commit for contempt of court in retaking possession of plaintiff's property, from which they had been evicted by sheriff. Stands until 28th inst., unless another judge can hear it to-day.

Before Anglin, J.

In re Flatt and the Northern Engineering and Supply Co.:

Judgment: (G.) This was a motion by the Northern Engineering and Supply Co., to set aside the award of Joseph Barnes, a sole arbitrator, dated July 28, 1908. Only two matters were urged, first, that the arbitrator had made his award solely upon an inspection of the premises, concerning which the dispute arose; and, second, that the award covered matters outside and beyond the submission. A careful perusal of all the material filed has led me to the conclusion that Joseph Barnes was selected as arbitrator because of his special skill and knowledge of the subject matter in dispute. At the time when he undertook the arbitration, he expressed his intention of examining the premises alone and distinctly refused to have either party, or a representative of either party, attend him while making his inspection. In this course the parties appear to have acquiesced. It is in evidence that after the arbitrator had made his inspection a representative of the present applicants several times urged him to make his award, altho fully aware that he had taken no evidence and that any award which he might make must be upon the result of his personal inspection alone. In these circumstances the applicants cannot successfully impeach his award, because of his having failed to take evidence.

Upon the face of the award it is quite clear that the arbitrator included in his award matters which did not form part of the subject matter of submission. And he had allowed $276 for matters not included in the submission . . as to this the award is clearly void, otherwise may be treated as good. The present motion will, therefore, be disposed of by reducing the amount of the award from $336.60 to $560.60, and in respect of this latter sum the award will be affirmed. In view of the divided success on this motion, there will be no costs of it to either party.

W. E. Middleton, K.C., for the appellant. C. J. Holman, K.C., for respondents.

Divisional Court.

Before Falconbridge, C.J. Britton, J., Riddell, J.

Fraser v. Pere Marquette Railway Co. Judgment on appeal from the judgment of Mr. Justice Teetzel. The action was to recover the price of grass, stored near defendant's railway by plaintiff, for transmission to Toronto, and while awaiting shipment was burned by fire originating in sparks from the defendants' locomotive. No negligence was proved on the part of the defendants, but the trial judge considered this not necessary, and held the defendants liable, giving judgment against them for $375 and costs. The defendants appealed. Appeal dismissed with costs.

D. L. McCarty, K. C., for defendants, appellants. A. B. Carscallen, for plaintiff.

Before the Chancellor, Magee, J., Latchford, J.

Johnston v. Kayler. Judgment: The plaintiff could not prove the receipt of any money by the defendant, to which he was entitled, but by calling the defendant, and the defendant being so called for the plaintiff, proved as certified by the judge, that he received a cheque for $275 from the solicitor of the plaintiff, with instructions to retain $75 for his services, and to pay $200 to the plaintiff. To this there was no contrary evidence given, and upon this state of the testimony the trial judge might well be of the opinion that there was no evidence to go to the jury, and so direct a non-suit. The judgment should be affirmed with costs, as the situation is not one for a mandamus. J. MacGregor, for the plaintiff, appellant. G. Grant, for the defendant.

Welch v. Esperanza Co. T. H. Loxombe, for the plaintiff, appealed from the judgment of Mulock, C.J., of March 23, 1908. White, for the defendant Co., contra, asked enlargement upon payment by the defendants to the plaintiff of the costs of tthe day, to be fixed by the registrar. The argument of this appeal will stand adjourned until the next sittings of the court.

Piper v. Thomson. E. A. Du Vernet, K.C., A. H. F. Lefroy, K.C., and A. R. Clute, for the plaintiff, appealed from the judgment of Mulock, C.J., dated March 21, 1908. G. H. Kilmer, K.C., for the defendant, contra. The action was by five plaintiffs to recover $1200 for each of them, which, as they alleged, they paid for stock in the North Bruce Lumber Co., on the false and fraudulent statements of the defendant, and the trial judge dismissed the action without costs.

(Not concluded.)

TO-NIGHT Cascarets

10c. 25c. 50c.

THEY WORK WHILE YOU SLEEP. All Druggists

The Empress of Britain clipped 26 minutes of her record, arriving at Quebec after a passage of 5 days 20 minutes and 28 seconds.

A two months old boy baby was abandoned near the Frontenac Club, Kingston. The child was sent to the Infants' Home, and the police will seek to locate the mother.

O'K

Extra Mild, Remember

Many people would drink ale, in preference to all other malt beverages, if ale did not make them bilious.

This O'K brew is brewed especially for those people. It is extra mild and extra light, and lets you enjoy the creamy deliciousness of real old English ale without the heaviness and excessive bitterness.

O'Keefe's Special Extra Mild ALE

"The Beer that is always O.K."

30

Michie's Teas are regular in their superior quality and flavor.

The English Breakfast Blends at 40c lb. and 50c lb. are favorites, but there is variety to suit all tastes.

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