FRIDAY MORNING

May

The Toronto World FOUNDED 1890.

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FRIDAY MORNING, MARCH 25, 1910.

TUBES THE TRUE REMEDY.

The street railway policy is gradually coming to light. Manager Fleming developed it slightly in his letter yesterday, declining to have anything to to with the city proposals for an extension in Rosedale. The Evening Star cating the tube scheme, which it de- have no difficulty in choosing. clares to have been undigested, and which it still regards "in the light of a luxury which the city cannot afford for many years to come."

The Star has much to say about the report on the tubes prepared by Mr. Moyes, but not yet presented to the council. The Star's successful candidate for the mayoralty may be able to throw some light upon this and the correspondence which followed.

noted. It is the street railway ultima- the chairman, at the recent meeting tum, when taken in connection with Mr. Fleming's letter.

The immediate need of the city is service in the outlying districts, and the city can afford to take its time about tubes, devoting its more im-mediate efforts to the securing of surface lines to accommodate the suburbs.

The Star says that we must devote our time to securing accommodation for the suburbs, and Mr. Flemmy declares that he will not deal with the city. The Star says that tubes are for the future, but we must secure the surface lines now. As the only way to ed increase for the year in bank desecure surface lines without tubes is posits. This is evidence of the favorby making some agreement with the Street Railway Company, on its own terms, it can readily be perceived to wherever Mr. Hoare's address is cir-what end The Star argument leads, culated this opinion will be strengthwhat end The Star argument leads. The only chance the city had to build an independent system was taken it shows also where and why caution away when the railway company got is necessary. The statement of the bank itself with which Mr. Hoare had leave to occupy the streets that remain inoccupied in the down-town were satisfactory in their character. districts. With Bay and Adelaide and The Bank of British North America main inoccupied in the down-town other possible approaches to the centre other possible approaches to the centre management that has gained for it all closed, the city can do noming but the public confidence. Its capital is beg terms from the Street Rallway \$4,866,666, and its reserve fund, \$2.-Company, unless the tube policy is 530,666. It controls assets of \$51,505,000, adopted. But, says The Star, "Tubes are a luxury for the future."

ervative majority or to compet a general election whenever that majority holds the Liberal party to be without an electoral mandate. There is, of course, no likelihood that the peers will accept such a limitation of their powers, and their rejection of the premier's resolutions or their declinature 25% UMBRELLAS to consider them, will be followed by another appeal to the people. As the government have only taken a supply vote for some weeks, they evidently

frame, natural and silver-mounted handles. expect the crisis towards the end of \$1.00 lines\$.75 BUY \$1.50 lines\$1.12 \$2.00 lines\$1.50 NOW The eager, active, nervous hen is the

one that is the profit maker, says the poultry expert. Reporters please note, adds the city editor. As between the power of the dead hand and the freedom of the British follows this up in an editorial, depre- representative system, Canada should

> Tariff reform is a live issue in the United States. Canada canbest aid the movement by standing pat. But

> the omens unfortunately are otherwise



Those who are concerned in the larger aspects of the commercial situation will find much to interest them What The Star says is to be carefully in the address of Mr. E. A. Hoare, in London of the shareholders of the Bank of British North America. Mr. Hoare reviewed the whole field, not-ing what was good and promising, but also pointing out where danger lies. The eyes that he used for his survey were evidently keen for the duty assigned to them. He pointed out, also, what some Canadians may not have apprehended, that the large

récent increase in Canadian bank deposits is due in great part to the in-vestments of British capitalists in this untry's securities, Dominion, pro vincial and municipal, as well 88 transportation and industrial. These investments in the year 1909, he estinated, amounted to over \$136,000,000 or considerably more than the recordregard Canada as a field for invest-ment; and it may be added that ened, because while dwelling on

is satisfactory in the general situation to deal and the explanations he gave has a reputation for conservatism in

There is no use negotiating with the able securities of the highest class, railway company. The city must go and is kept ready for any demands

THE TORONTO WORLD. AT OSGOODE HALL

ANNOUNCEMENTS. Good Friday and Easter Monday are dies non, and the offices will not be open at Osgoode Hall.

Non_Jury Assize Court.

Peremptory list for non-jury assize court, Tuesday, March 29, at city hall, at 11 a.m.: 192 Wasren v. Forst.

171 Auerbach y. Hamilton.

trial judge.

will soon be over. Are you get-ting your share of the many bar-gains daily? Wear one of our new islk Knit Ties on

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that a time of stress might cause. has been extending its business in Canada, the number of its branches being now sixty-eight, or forty-four more than seven years ago. yearfits new branches were established mostly in the prairie provinces, the call of the west appealing to it as to other financial institutions. The net profits of the year reported were \$494,705, a good increase over the figure of 1908. They, with the balance from the preceding year, were appropriated, \$340,666 in dividends to the shareholders, \$97,333 to the reserve fund, and \$73,000 to reduce the bank premises item in the assets statement. The officers' pension funds were remem-The bered, and a liberal bonus was voted to the staff. The record was all thru a creditable one

RAN OFF WITH STREET CAR.

BRANTFORD, March 24 .- (Special) -For taking a street car from its terminus in West, Brantford, during the absence of the conductor and motor-man, and operating it at a mad pace several blocks up street, Frank Kelly was fined \$25 and costs The railway-men were severely reprimanded for leaving their car unprotected. Rev. S. J. Farmer, pastor of First

Baptist Church here, has received a call to Regina.

Boys Will Be Boys.

WASHINGTON, D.C., March 24.-Secretary Dickinson has won his long fight to secure amelioration of the law regarding hazing at West Point, and no longer will every cadet guilty of full tellef of the truth, that he should some trifling horseplay at the expense give particulars of the grounds of his of some newcomer be subjected to the unvarying rule of expulsion.

Service to Hanlan's Point.

To-day, to-morrow and Sunday a 20-minute ferry service will be given to Hanlan's Point and Island Park. the plea of apology there is no need Queen and John Hanlan will be in com-mission. apology, which he has pleaded. The judgment in appeal is reversed as to

the 7th, and affirmed as to the 6th ground of defence. Costs in the cause. Before Riddell, J. Re Littlejohns-I. B. Lucas, K.C. (Surrogate Guardian). F. W. Harcourt, K.C. for infant. Motion for an order eller fillow fillow. allowing \$100 a year from April 1, 1905, to April 1, 1910, and from April 1, 1905, \$200 a year for three years, also for \$135 to be allowed for clothing. Order made made. Single Court. Before the Chancellor. Lamond v. Kircher - F. Morrison (Hamilton) for plaintiff. F. W. Har-court, K.C., for infant. Motion to set aside and to have it declared that the

181 Bugg v. Bugg. 190 Hodgins v. Anderson. 142 Cudahy v. Diamond. 194 Watt v. Nesbitt.

Master's Chambers.

Before Cartwright, K.C., Master. Re Sanderson Estate-J. M. Fergu-son for plaintiff. F. W. Harcourt, K. Imperial Trusts v. Pethick-H. Symons, K.C., for plaintiff. Ex parte mo-tion by plaintiff for leave to issue confor defendants. Motion for an order confirming report and for payment out of court of moneys thereunder. current writ for service out of the Order confirming report as asked, with jurisdiction. Order, made. costs as of a chan

hoeplin v. Sharpe-R. S. Johnston, per motion for defendant. R. McKay, for plain-tiff. Motion by defendant to postpone trial on the ground that house of com-defendants. Motion to continue injunctrial on the ground that house of com-mons, of which defendant is a menition. 'It appearing that one of the da-fendants was only served last night, ber, is in session. Motion referred to motion enlarged for one week. Injunc

official guardian's costs.

n continued meanwhile. McLaughlin v.-Ontario Iron and Steel Marguerett v. Ribble-R. McKay for plaintiff. A. H. F. Lefroy, K.C., for one defendant, A. Cohen for the other defendant. Motion for order extending -Saunders (Smith. R. and G.), for de-fendant. Motion by defendant on consent, for order dismissing action without costs. Orde . made. time to appeal from an order of the Bank of Hamilton v. Chandler-R. S. nuning commission. Defendant asked enlargement, but it appearing that be-fore next court day the time possible Smellie, for defendant, Chandler, Kerwin (Douglas, K.C.), for plaintiff, contra. Motion by defendant to set aside notice of trial as too late, or in the to give leave will have passed, plaintiff given leave to serve notice at once, but alternative to postpone trial on ground of inability of defendant to attend or prepare. Motion enlarged until 26th order not to issue until defendants have opportunity to show cause.

Zahalan v. Canadian Contracts-R. McKay for plaintiff. H. L. Drayton, K.C., for defendants. Motion for an injunction to restrain defendants from Price v. Collins-J. C. Sherry, for defendant. Motion by defendant, on consent, for an order vacating certificates of lien and lis pendens. Order made. using dynamite or other explosives in blasting in connection with the con-struction of a railway spur line from Re C. M. B. Association and Z. Bonnin-F. Morrison (Hamilton), for the the right of way of the Timiskaming and Northern Ontario Railway to the association. F. W. Harcourt, K.C., for infant beneficiary. S. G. Crowell, for father of beneficiary. H. L. Drayton, waterfront of Lake Timiskaming, in the Town of New Liskeard. Enlarge ing, in K.C., for assignes, Bouchard, Motion by the association for leave to pay for two weeks to complete materia! defendants undertaking not to injure \$1000 into court, less their costs. Order to go for payment into court of plaintiff's property in meantime.

Re National Press-T. J. W. O'Con amount in question, less costs fixed at nor for landlord. S. H. Bradford, K. C., for liquidator. An appeal by F. W. \$20, leaving claimants to move for payment out as they may be advised. Stair, landlord, from the finding and report of J. S. Cartwright, O.R., find-Judge's Chambers. ing and declaring that the said Stair is not entitled to a lien for rent of the Before the Chancellor. premises known as 29 Temperance-st. for \$2295.80, or in any sum. Appeal dis-

Harrison v. Madill-H. S. White, for defendant. M. L. Gordon, for plaintiff, missed and judgment affirmed with contra. An appeal by defendant from order of His Honor Judge Huycke costs. of Peterboro. Judgment: I think the

May v. May-E. Meek, K.C., for plaintiff. No one contra. Motion to weight of authority is in favor of the clare a marriage entered into July 1, contention that if the defendant will 1893, between plaintiff, Mary May, and defendant, Robert May, null and void as contrary to law, being within pronot eliminate the statement as to his hibited degree. No order. belief. If he pleads simply privilegs without allegation as to bona fides and Divisional Court.

truth, a case cited goes to show that particulars will not be ordered, but I doubt whether that course will be fol-Before the Chancellor, Magee, J.,

Latchford, J. Hough Lithographing Co. v. Morley-An appeal by plaintiffs from the judgof the county court of York of Steamers Primrose, Ada Alice, Island to add words qualifying the written Jan. 19, 1910. Plaintiffs' action was to recover from defendant, sued as a partner in "Non-alcoholic Beverage Co.,'

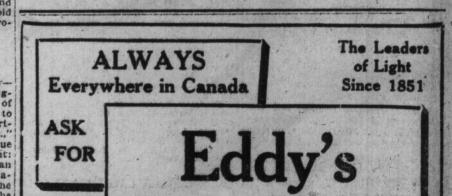


MARCH 25 1910

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right ahead and get the best legal, the best engineering, and the best traction advice, and start to build its tube system. As soon as that is done the Street Company will be more than to make terms. Only when the independent, will the company sonable.

HOUSE OF LORDS REFORM.

ord Rosebery's three resolutions lling for reform of the house of :ds had academic rather than pracical interest. Two of them passed without objection-those affirming that a strong and efficient second chamber is not merely an integral part of the British constitution, but necessary 10 the well-being of the state and the balance of parliament, and that a second chamber can best be obtained by reforming the house of lords. The third, about which some trouble arose, declared that the necessary preliminary of such a reform and reconstruction is the acceptance of the principle that the possession of a peerage shall no longer in itself give the right to sit and vote in the house of lords. After a debate which revealed considerable differences of opinion, the last resolution carried by a vote of 17: to 17-a large majority, but of less account then at first sight appears, since less than one-third of the peers took part in the division, and the abmentees, mostly "backwoodsmen," will not be whipped into line without difficulty. As it was, Lord Lansdowne, in order to secure its acceptance, had to express an assurance that the resolution would in no way sacrifice the henditary principle, and he added that "a peer may vote for the resolution and then vote that every meinber of this house should have an hereditary title." Obviously the character of the vote does not betray any marked enthusiasm on the part of the peers for self-reformation.

Mr. Asquith's resolutions, which he will ask the house of commons to adopt, have been tabled, and like Lord Rosebery's, include three propositions -that the lords shall have no say whatever in financial legislation, that in general legislation they shall have only a suspensive right, and that the duration of parliament be limited to five years. The meaning of this appears to be that only bills introduced in the first or second session of parliament could become law without consent of the lords, since they must be passed by the representative house for three successive sessions before that result obtains. The premier's plan is ingenious, since it provides for single . chamber legislation only on matters upon which the commons have received the mandate of the people, and secures that it will in any case be submitted to the electorate without any long delay. The house of lords will thus be deprived of its right either to reject measures unpleasing to its Con-



238.47, claimed to be balance du for lithegraphing work. Judgment. We do not see how the plaintiff car escape from the payment of the liaescape from the payment of the lia-bility. He is primarily liable, as he ordered and procured delivery of the goods sued for. Taking his own ver-sion of the case, he did this in the name of Non-alcoholic Beverage Co., and for the purpose of the company, which was then about to be formed by the junction of three others with by the junction of three others with himself. But according to the defennimself. But according to the defen-dant this company never came into existence. We cannot agree to the view that the original claim was in any sense affected as against the de-

fendant by a judgment on the note against another also jointly liable. The right to recover may also well rest on Co .- D. L. McCarthy, K.C., for defendants, appellants. A. H. Clarke, K.C. for plaintiff, contra. Judgment: New the new promise to pay made upon the urgency of the plaintiff for a settletrial directed. Costs of the former trial ment in May, 1909. Both parties knew and of the appeal to the successful party. all the material facts and the fact that judgment was recovered on the note. Metropolitan Trust and Savings Bank whether known or not to the defend-

v. Seborne-H. S. Osler, K.C., and W. S. Edwards, for appellants, defendants, W. J. Elliott, for respondents, plainant, was not important, seeing that he knew how the note had been given. The tiffs. Judgment: Appeal dismissed with udgment should be reversed and entered for the plaintiff, with costs below costs and on appeal. Leitch v. the Pere Marquette Railway

Before Mulock, C.J.; Clute, J., Sutherland, J.

H. D. Smith (Chatham) for respond-ents. Judgment: New trial directed. No costs to either party of former trial. Costs in divisional court and in appeal McKim v. Ontario Seed Co .- W. Reade, K.C., for defendants. C. Reade, K.C., for defendants. C. F. Smith for plaintiff. An appeal by de-fendants from the judgment of the county court of York of Feb. 3, 1910. Plaintiff's action was for \$414.81 for ad-

Smith for plaintiff. An appeal by de-fendants from the judgment of the county court of York of Feb. 2, 1910. Plaintiff's action was for \$414.51 for ad-vertising for defendants for six months under a contract with the Ontario Seed Co., whose assets were afterwards transferred to the Ontario Seed Co., Ltd. At the trial judgment was given for plaintiff for the full amount claim-ed, and this appeal is from that judg-ted and this appeal the full amount claimed, and this appeal is from that judgmen. Appeal dismissed with costs. Morris v. Stein-H. E. Rose, K.C., for

Morris v. Stein-H. E. Rose, K.C., for plaintiff. J. A. Oglivie (Hamilton), for defendants, contra. An appeal by plaintiff from the judgment of the county court of Wentworth of Jan. 19. 1910. An action by a judgment creditor of defendant Stein to set aside a con-veyance from Stein to Petrtye as fraudulent and void as against plaintiff and other creditors of Stein. At traiul judgment was given for defendants with costs. Appeal therefrom dismiss-ed with. costs. argument). ed. No order thereon.

Goodison v. McNab—An application for leave to appeal to the supreme court. Judgment: Leave to appeal to supreme court granted. Time for ap-pealing extended to the end of next Court of Appeal. Before Moss, C.J.O.; Osler, J.A.; Garrow, J.A.; Maclaren, J. A.; Meredith, J.A.

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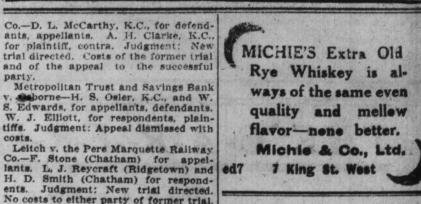
Davies v. James Bay Railway Co.-E. D. Armour, K.C., and R. B. Hensittings of the supreme court. Costs in the proposed appeal. derson, for the railway company, ap-pealed from an award under the Rail-Wright v. Toronto Railway Co.-D. L. McCarby, K. C., for defendant. Judgment: Appeal allowed in part and judgment in favor of Mrs. Wright re-duced by the sum of \$600. No costs to other narty. way Act of Canada by Judge Morgan. N. Silverthorne and J. T. Small for the arbitrators. C. H. Ritchie, K.C., and J. Pearson, for R. Davies, claimant, respondent. Judgment: The amount either party.

respondent. Judgment: The amount of the award is reduced to \$20,000. No costs of appeal. Attorney-General v. Devlin-G. H. Kilmer, K.C., for the attorney-general, appealed from the judgment of Latch-ford, J., dismissing the action with costs. J. H. McCurry (North Bay) for the formation of the f

costs. J. H. McCurry (North Bay), for ton, K.C., and R. G. Hunter, for plain-defendant, contra. Judgment: Appeal tiff, respondent: Judgment: Appeal al-allowed. Judgment avoiding the patent lowed in part. Rental of 38 Carlton-Small v. Claffin-J. Bicknell, K.C., num. No costs to either party. lief and no costs of action or appeal. Small v. Claffin-J. Bicknell. K.C., and F. R. Mackelcan, for defendants,

and F. R. Mackelcan, for defendants, appealed from the judgment of the ex-chequer division, affirming the judg-ment of Anglin, J., at the trial. J. S. Bicknell, K.C., and G. M. Gardner for Counsell for respondents. Judgment: Appeal allowed and action dismissed. plaintiff. Judgment: Appeal dismissed with costs. Judgment on counter-claim in favor of

Igfendants for \$950. Costs to defend- The Lambeth Guardians have selectsits thruout. el 22 pauper children for emigration Galusha v. the Grand Trunk Railway to Canada.



Annual Exhibit of Books on Gardening Beginning on Monday next there will

be on exhibition and for use of the citizens of Toronto in the Reference Library, corner St. George and Col-lege-streets, one hundred of the best books on gardening. There were thousands of people who used the books last year when the experiment received from them (Meredith, J. A., was tried for the first time. These takes no part, not having heard all the books will be available for six weeks and the library is open from 10 a.m. to 9.30 p.m.



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to avail sreeting ance her ed to be he has e is the 1 Brawne, ling's