

The Toronto World

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ANOTHER LESSON.

The Ontario Railway and Municipal Board lacks the trenchant brevity of Sir James Whitney. Their judgment affirming the absolute and exclusive right of the Toronto Railway Company to lay its tracks upon any and all the streets of the city is preceded by a voluminous opinion, in which it is argued that the franchise "carries with it the right to include or exclude particular streets in or from the system."

It cannot be said that this judgment leaves the city in any worse position than it was in before the decision.

If any worse position can be imagined, it is that the one it occupied after the judgment of the privy council in April, 1937, nor can it be said that anything of value is added to the judicial literature upon this subject by the learned and lengthy opinion of Chairman Leitch.

The board rules in effect that the rights of the railway company are as sweeping under its agreement with the city as it was found to be by the privy council under said agreement in connection with the act of the legislature confirming the same. Hence the special act passed by the legislature at its last session to extricate the city from its helpless position is held to cut no figure in the case.

The board drives a coach and four thru the plain requirement of the contract that the company "will be required to establish and lay down new lines and to extend the tracks and street car service on such streets as may be from time to time recommended by the city engineer and approved by the city council."

It runs away with the notion that the Toronto Railway Company put up all the capital and therefore it has an unlimited, exclusive and absolute right to operate on any street without the consent of the city, and to refuse to construct and operate upon any other street, even though peremptorily commanded to do so by the engineer and the city council.

It cannot be said that the Ontario Railway and Municipal Board has done much to justify its creation. We have simply added another link to our endless chain of courts, whereas the understanding was that this board was established to protect and vindicate public rights. These latter apparently count for nothing.

A SIGNIFICANT SILENCE.

On Wednesday Sir James Whitney did a singularly bold and courageous act when he refused the flats asked for by the parties who are seeking to delay, or at least to delay, the city's Niagara power distributing scheme.

The position in which he found himself, as acting attorney-general for the province, was both a difficult and delicate one, lending itself easily to misconception and misrepresentation. A weaker minister might have been led away by the plausible argument that the plaintiffs in the pending suits had a moral right to ventilate their technical objections to the proceedings of the Hydro-Electric Power Commission, and to delay under the act of the legislature, empowering them to transmit and distribute Niagara electricity, as well as to procure the judgment of the courts of law, upon the issues presented. But the premier, after mature consideration, declined to permit what he knew from personal and official knowledge was the intent of the government and the legislature to be frustrated. By so deciding, he at once upheld the right of the people of the province to declare their will and to have it expressed in statutory form, and also gave full warning to the litigants that the policy to which such decisive public sanction has been given, would be maintained.

In other words, Premier Whitney has emphatically declared that on a matter of this nature the will of the people and the legislature must prevail, and that the courts of law cannot be allowed to interfere with the carrying out of a public policy that has commanded itself to the electors of the Province of Ontario. But it is very significant that yesterday only one afternoon paper—The Telegram—and one morning paper—The World—welcomed and commended the deliverance of the premier. Only the other day The World reiterated, as it will continue to do, that there are professional supporters of the Whitney-Beck power policy, both in the city council and in the city press, that are not truly in sympathy with it, and will quiver it whenever and wherever they consider it safe to throw it on. And in this connection it is not without interest to note that several of these traitors in the camp were de-

Political Intelligence

Plain Talk, "a weekly publication devoted to the interests of the people," has entered the newspaper field in Toronto and promises to make many sit up by expressing in cold print what the people are saying. It is not to be a Calgary Eye-Opener, altho it "hopes to perform as important service in the east as Brer Edwards has done in the west." Plain Talk has strong views as to "the necessity of reorganization for the Conservative party. It says: The Conservatives could have won the last election on Mr. Maclean's policy. We know of no other man in parliament who so nearly represents the true sentiments of the people as the member for South York."

The Ottawa Free Press (Lib.) gives credit to the report that A. E. Kemp, ex-M.P., is to be nominated by the Conservatives for Carleton as soon as that riding is reorganized. Kemp's election to sit for Halifax. It says: Mr. Kemp was defeated in his former constituency, but he has a 700 majority, but the party leaders have still a lot of faith in him, not entirely unconnected with his generous contribution to party funds.

When the Ontario leaders gathered for the saw-off arrangement on Saturday, Mr. Kemp's future was discussed. In addition to the services which he rendered as opposition critic of expenditures, in his committee work, and in his advice on the management of party funds was too valuable to lose.

As Carleton was the only constituency in the province that seemed available, it was decided apparently to pull whatever wires would be necessary to get him on that nomination.

There is considered to be no obstacle to Kemp's nomination. Mr. Borden is concerned, Mr. Kemp was not at the conference. Mr. Kemp and the leader are close friends, and on his Toronto visits Mr. Borden usually makes his home at Castle Frank, the attractive residence of the ex-member for East Toronto.

Mr. Kemp, when interviewed by The World, declined to treat the report from Ottawa as a "rumor," but there are things more unlikely than the former member for East Toronto succeeding to Mr. Borden's seat in Carleton.

Under the caption of "A Tact Resignation," The Montreal Herald (Lib.) thus discusses a current political rumor.

An Ottawa despatch says Mr. Borden will issue a circular letter to the Conservative members-elect, on the subject of the resignation of Mr. Borden. It is pointed out that he will not himself appear in the house until after the question has been decided. This intimation has been interpreted as a warning to the members-elect that they are to be treated as a unit, and that they are to be treated as a unit, and that they are to be treated as a unit.

We have some tremendous problems before us, which we are aiming to solve. Our principal work is in an earnest endeavor to reduce the number of deaths in coal mines. Another phase of the work is to stop the mining of coal, not only in the mining of coal, but also in its utilization.

The government is also endeavoring to save the timber resources. According to Chief Engineer Leitch, the timber supply of the present increasing rate of consumption, cannot last beyond 35 years.

Last year the forest lands of the United States amounted to the tremendous total of \$215,000,000. This is from six to seven times the fire losses of Europe. Three-fourths of the entire loss in the United States occurred in frame buildings, which means faulty, defective construction.

Do we ever pause to consider or imagine what effect the wastefulness of present generations will have on those who will people the earth a hundred years hence? Or do we care?

DOCTORS AND HOSPITALS.

Editor World: In reference to the demand made by the "Associated Physicians and Surgeons" for increased hospital facilities, the board of management of the Western Hospital desire to state that the specific terms upon which the Associated Physicians and Surgeons wish to attend to patients in the hospitals of the city have been in existence for some time at the Western. Any patient paying public rates, and who is not a member of the hospital, has the right to the services of any physician, surgeon or specialist; he may engage to attend him, and a safeguard appended to this rule is one that we believe applies to all hospital staff. It is as follows: "The hospital will be necessary for such surgeon to obtain the concurrence of the medical superintendent of the hospital, and give notice to the staff, before he can proceed to operate. This rule is one that is based upon the best interests of the public, to whom the hospital ministers, as well as the medical profession at large."

Chairman, Management Committee.

REAL NEWS!

The London Daily Mail, which argues the case for the "colonial" press, publishes the following in its overseas edition:

"Tag Day" was observed in Toronto on Sunday, and over 40,000 ladies took part in the campaign, which began as early as 6 o'clock, and hardly an adult male in the city, whether resident or visitor, escaped the tag at prices ranging from a halfpenny to a pound.

Mr. Sheldon's Statement

LEAMINGTON, Ont.—Here is most manifest proof that only one remedy exists for catarrh: "For two years I sought a remedy to cure my son of catarrh, but permanent results were not obtained till he used 'Catarrh-zone,' which cured like magic. It has been quite free from catarrh since using Catarrh-zone." No wonder! Catarrh-zone has such an enormous sale, that it will cure any case of catarrh, no matter how long it has been there. Moral—Use Catarrh-zone yourself, two months' treatment costs \$1, and is guaranteed; sample size, 25 cents, at all dealers in medicine.

canes and umbrellas

are always desirable gifts—See ours and save money. We engrave them free of charge.

J.D. BAILEY, Ltd.

JEWELERS

Yonge Street Arcade

GROUND FLOOR

MERCHANTS SHOULD BE CAREFUL.

The Canadian Fire Underwriters' Association are sending out a warning to the merchants and others to be careful in regard to extra Xmas lighting.

The notice issued by the association reads: "Wherever any kind of a display is made, special care should be given to electrical installations, particularly those of a temporary nature. They should only be put in by competent electricians, and all fuse blocks and switches should be properly installed. The use of inflammable material, and what is known as 'enclosed' or 'candle' type fuses should be avoided. 'Candle' type fuses are particularly dangerous. The use of inflammable material in the display should be avoided, and is highly dangerous."

BIG MAN, NOT SMALL LAWYER.

Toronto Telegram: Ontario has reason to be proud of the government of this province was headed by a big man, not a small lawyer. The colors of public rights have been called to the aid of the province, and the clear-sighted simplicity of Sir James Whitney speak for itself.

The Ontario Government stood and whether it is moving on the cheap power issue, the Ontario Government is a big man, not a small lawyer. The colors of public rights have been called to the aid of the province, and the clear-sighted simplicity of Sir James Whitney speak for itself.

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