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THE PRIVY COUNCIL AND THE U. S. SUPREME COURT.

Commenting in Monday's issue on the judgment of the judicial committee of the privy council in the Street Railway appeals, The World contrasted the narrow and technical line of reasoning adopted by that court, with the wide and comprehensive outlook that characterizes the decisions of the supreme court of the United States. With that curious coincidence which occasionally happens, a very apposite illustration of this contrast has now been provided. In another column The World reprints an editorial from The New York Journal of Commerce, based upon a decision just issued by the United States supreme court, and involving one of the very points dealt with by Lord Collins, the spokesman of the privy council. The divergent views of the two ultimate appellate courts emphasizes the added value attaching to such tribunals, when technical legal knowledge is fortified by close and intimate touch with public conditions.

When discussing the right reserved to the city to require the street railway company to lay down new lines and extend the tracks and street car service on such streets as might be from time to time recommended by the city engineer, Lord Collins, on behalf of the appellate court, said: "To hold that the 14th clause enables the corporation to compel the company to incur the expense of making a roadway in streets where, in the view of the latter, it cannot be worked to a profit, or beneficially introduced into their system, would be to adopt an interpretation so much out of harmony with the unambiguous provisions of other clauses, that their lordships ought not to do so, unless the wording is so plain as to leave no alternative." Indeed, the dominant conception in the judgment of the privy council was that the street railway company had been called into being for the sole and exclusive purpose of securing the best monetary returns out of the public service, whose operation was entrusted to it. Not a line or word of the long opinion of Lord Collins indicates that the judges ever considered the reasonableness of the city council in imposing obligations designed to secure necessary extensions and efficient operation.

Very different is the decision rendered by the supreme court of the United States. The case before it arose out of an order granted by the railway commission of North Carolina, requiring the Atlantic Coast Line to make a certain trade connection, which would greatly accommodate the public. This the railway company opposed, on the ground that it would require a special train to a certain point, and that it could only be run at a loss, and the constitutional argument was offered that the company would thus be deprived of property without due process of law. The supreme court, however, had no difficulty in disposing of the objection. In the words of the summary given by The Journal of Commerce: "The substance of the decision of the court is that, so long as the effect is not to make the general business of the company unprofitable, but merely a detail of it, the action of the commission may be justified and cannot be invalidated on constitutional grounds. The constitutional limit controlling the power to fix rates was not involved, the court says, but only an order directing a carrier to furnish a facility which is part of its general duty to furnish for the public convenience." It is "the primal duty of a carrier to furnish adequate facilities to the public," and this may be compelled, the court says, by the public interest, so long as the general earnings of the carrier are not so impaired as to deprive it of a reasonable profit on account of this particular requirement."

The appositeness of this argument to the case of a street railway is evident. That it is sound and in the public interest cannot be questioned. Had the judicial committee of the privy council held steadily before it the primal duty of the Toronto Street Railway to furnish adequate facilities, even the peculiar loss might result from some particular requirement, the court would not have needed to ignore the express words of the agreement in order to allow the principle of monetary returns to prevail at the expense of the public interest. Canada cannot afford to have an ultimate court of appeal ignorant of local conditions, and not in touch with the demands of the people that their rights shall be respected by private companies holding their franchises.

ROOSEVELT AND TAFT.

More than one American president has been able to name his own successor. Others have been defeated for the nomination, or, if nominated, have failed of election. In 1876, General Grant desired a third term, but finding the deep-seated prejudice against a third term to be irresistible, threw his influence to "Roscoe" Conkling, who failed, however, to be nominated. In 1903, President Roosevelt will find the Republican convention inclined to defy tradition and to risk his nomination. Recent developments, however, make it reasonably certain that he will not permit his name to be presented, and that, in the meantime, his great influence will be exerted to secure the nomination of Secretary Taft.

The secretary has many elements of strength. He is a big man, physically and mentally. As solicitor-general, circuit judge, Governor of the Philippines and secretary of war, he has rendered distinguished service, and approved himself entirely fit for any office in the gift of the people. He is, moreover, frank, cordial, democratic, possessing many elements of personal popularity.

In his contest for the nomination he is handicapped by the open hostility of many Republican politicians in Ohio. This opposition is led by Senator Foraker, who has been outspoken against the president, and who voted against the Roosevelt railway rate bill. Indeed it is a fair surmise that Mr. Taft will go before the convention with his own delegation divided. This is usually fatal to any candidate, although Grover Cleveland won easily in 1892 with the solid delegation from his own State of New York arrayed against him.

Another factor may be found in the half-forgotten fact that Mr. Taft, while a U. S. circuit judge, granted sweeping injunctions against the employees respecting a railway strike. These injunctions are now frequently resorted to, but Judge Taft had the misfortune to be the pioneer in granting them, and for years it was remembered against him by organized labor.

Another objection, in certain quarters, may be found in the fact that the secretary, while sharing the views of the president, differs from him most widely in temperament. His mind is of a judicial cast, and it is no secret that he would prefer to be chief justice rather than president. At present there is raging in the United States a demand for drastic economic reforms, and the people are inclined to side with the president in straining the constitution. There are those who feel that the president and congress are already too much thwarted by judicial restraint, and that Mr. Taft, as president, might have his zeal for reforms tempered by his respect for precedents.

There is no reason to doubt but that the Democrats will appeal to the wave of unrest which all but swept William R. Hearst into the governorship of New York. They will be advantaged if they can force the great corporations under the standard of the Republican party. It is unlikely that there will be a repetition of 1896, when free silver so frightened capital that William J. Bryan went down to defeat.

No wonder the Republicans wish to run Roosevelt. His policies and methods appeal to the people. The plain people, now thoroughly aroused against corporate aggression and predatory wealth, may refuse to trust the Republican leaders unless Theodore Roosevelt is placed at the head of their column.

Yet the third term tradition is deeply embedded in the hearts of the people. They fear that its violation would begin the overturn of their constitution. Thus, in spite of this, the demand for Mr. Roosevelt is so insistent, may indicate that they are

Pure Salt—prepared by a process which separates every atom of foreign substance from the salt. WINDSOR TABLE SALT is pure, indeed!

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facing a crisis which they feel must be grappled with, even though by doing so they imperil their present political institutions.

LOCAL GOVERNMENT.

At the annual meeting of the Association of Municipal Corporations in England, reference was made to the extraordinary expansion of local government during the last 37 years. Dr. Macnamara, the parliamentary secretary to the local government board, took this as his text and gave some interesting statistics regarding the number of local authorities. Of these, he said, the board took cognizance of over 25,000, and he acknowledged the obligation the country was under to the public-spirited men of every locality, who gave their labor and experience to the service of their own localities.

Local self-government is being more and more recognized as the true solution of the difficulties that attend centralized administration. More particularly is this the case in vast countries such as Canada, where local conditions are necessary for the best imperfectly known outside their own immediate neighborhood. No greater misfortune could be conceived than would attend an attempt to supersede local government. Yet the tendency to do this is apparent and strong. Resistance is shown to trust localities with the management of their own affairs. The best interests of Canada demand that this movement be restricted and greater trust placed in the people, who are the final arbiters of governments and parliaments.

CORPORATIONS MAY HAVE TO DO AN UNPROFITABLE SERVICE.

The New York Journal of Commerce says editorially:

The supreme court of the United States has just rendered an interesting and maybe an important decision, to the effect that a railroad may lawfully be required to afford a facility or perform a service which in itself can only be done at a loss. The North Carolina commission required the Atlantic Coast Line to make a certain trade connection to a certain point, and this could only be done at a loss to the company. The case was carried up to the supreme court on the ground that it impeded the operation of this train at a loss for the purpose of making the connection with another line at a particular place and time was without due process of law and denying to it the equal protection of the law.

The substance of the decision of the court is that so long as the effect is not to make the general business of the company unprofitable, but merely a detail of it, the action of the commission may be justified and cannot be invalidated on constitutional grounds. The constitutional limit controlling the power to fix rates was not involved, the court says, but only an order directing a carrier to furnish a facility which is part of its general duty to furnish for the public convenience. It is "the primal duty of a carrier to furnish adequate facilities to the public," and this may be compelled, the court says, by the public interest, so long as the general earnings of the carrier are not so impaired as to deprive it of a reasonable profit on account of this particular requirement."

The wide application of this principle is obvious. Many a single train or single car is run at a loss, but the company as a whole is profitable. Many a connection is made in itself pay. This may be done voluntarily as a matter of policy or with an eye to developing profitable business in the future, or it may be required as a matter of public convenience and part of the "primal duty" to furnish adequate facilities to the public. It is not a question of the expense of the service, but of the requirement that the company be required to carry passengers at that price, provided its general revenues are thereby impaired to such an extent as to make the requirement an unjust and unreasonable one? It is the service in its entirety that is to be considered, and whether the company is deprived of property without due process of law.

THE BRITISH WELCOME LEAGUE.

Toronto Telegram: The British Welcome League, a new organization to help, humane enthusiasm. The Toronto Telegram.

Toronto was ripe for the work that the World originated. The idea was seized upon and developed by volunteers. The Ontario government wisely help to give the organization a home and centre for its life.

The formalities at the headquarters of the British Welcome League last night were successful. The organization will be a still greater success.

CUDAHY MEETS WITH ACCIDENT.
CHICAGO, Ill., May 1.—John Cudahy, the well-known packer, lost his life as the result of an accident which occurred in his home April 29. Mr. Cudahy slipped and fell while descending a flight of stairs, fracturing his right arm above the elbow. Complications have arisen, and Mr. Cudahy's condition is now so serious that his brothers, E. A. Cudahy of Omaha, and Patrick Cudahy of Milwaukee, have been summoned to his bedside.

Made Rough House.
George Thompson, who has been living at the York Hotel at George and King streets, broke loose last night and demolished the door. He had been acting peculiarly for some days, and did not seem to have any occupation. He was lodged in No. 1 police station, charged with malicious injury to property. He had \$250 on him.

Plasterers Go Out.
WINNIPEG, May 1.—The plasterers went out this morning to attempt to enforce the demand for a raise of wages to 80 cents per hour. They were unable to come to any agreement with the committee pointed by the Builders' Exchange to meet them yesterday.

The Way to Muskoka.
Tourists and summer residents will find the best service to Muskoka will continue to be via the Grand Trunk Railway System via Muskoka Wharf.

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BLUE PRINTING

DRAWING MATERIALS

NEW YORK SOCIALISTS

SING THE "MARSEILLAISE"

Sympathize With Men Under indictment of Murder—Adopt Resolutions of Sympathy.

NEW YORK, May 1.—With the "Marseillaise" as their marching hymn, more than 6000 Socialist and labor unionists paraded thru the Brownsville and east end New York sections of Brooklyn to-day to show their sympathy for Moyer, Haywood and Debs, the labor leaders under indictment, charged with murder of Governor Steubenburg of Idaho. Every man wore a picture button of the accused men, and several large banners, picturing them as martyrs in a righteous cause, were also displayed. Red flags and American flags were equally in evidence. During the parade and meeting in Congress Hall, which followed it, there was no disorder. This meeting adopted resolutions of sympathy for Moyer, Haywood and Debs, and also resolutions which criticized President Roosevelt's allusion to them in the Harri-

son letter.

RATIONAL SUNDAY LEAGUE.

Branches Will Be Formed in Several Canadian Cities.

A committee meeting of the Rational Sunday League was held last evening at 133 Bay street.

It was decided to apply for incorporation. Thirty new members were enrolled.

Letters were received from London, St. Catharines, Calgary, Ottawa, Lindsay and Sarnia, asking for information, and offering to establish branches of associate leagues in those cities.

The incidents of the barber at Ottawa, who was brought before the police magistrat for finishing shaving a man after the stroke of 12 o'clock on Saturday night, as well as the arrest of a newsboy at Guelph for selling a paper on the train on Sunday, were discussed. The opinion was expressed that the police were too ready to enforce laws, to the great demoralization of the service.

Elevators Filled With Grain.

PORT ARTHUR, May 1.—(Special.)—British-American elevators are practically bulging with grain, there being in storage here 6,200,000 bushels. This is the most grain ever stored by any elevator company in America.

New Postal Rates.

The reduced English postal rate to Canada, of two cents per pound for magazines and newspapers, went into effect yesterday. In a week the international rate of four cents per pound between Canada and the United States goes into effect.

Missionary Coming Home.

WINNIPEG, May 1.—Rev. E. J. Peck, the veteran missionary of the Church of England among the Eskimos in Hudson Bay and Baffin Land, who has resided for the past year in Winnipeg, left this morning for Barrie, Ont., with his family.

EARL GREY, HORTICULTURIST.

He Gives the School Children a Lesson.

OTTAWA, May 1.—(Special.)—Earl Grey this afternoon gave the children of the separate schools a lesson in horticulture and presented each with several bulbs. The governor-general is an enthusiastic amateur gardener and this is one of his methods of inculcating in others a love of the beautiful in plant life.

Pacific Coast Excursion.

Tickets to Los Angeles and San Francisco and return at special low convention rates are advertised by the Canadian Pacific Railway. The low rates are in effect for a few days only, when fares will be back at their normal level. Everyone who recognizes a bargain and wants to profit will travel now, and make money. Rates and full particulars at all C. P. R. ticket offices, or corner King and Yonge streets, in Toronto.

Tourist Rates

are now in effect and embrace Muskoka, Lake of Bays, Georgian Bay, Lake Simcoe, Sparrow Lake, Temagami, Cobalt, Grand Trunk agents will give full information and issue tickets which will permit stop-over, or address J. D. McDonald, district passenger agent, Toronto.

Hudson River Route to New York.

All through trains by the New York Central run to Grand Central Station.

CIGARETTES

STANDARD

OF THE

WORLD

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CITY TO ASK THE PUBLIC TO SUPPORT TUNNEL PLAN

Meeting of Interested Bodies to Be Held in Preparation for Visit to Ottawa.

With the date for the hearing at Ottawa of the applications of the railways for eastern entrances into Toronto only three weeks off, a public meeting is to be held within the next few days, when an effort will be made to agree upon an alternative common route to be submitted. A special meeting of the city council will then be held to authorize the choice of a route, and it will then be for the representatives of the city and of the interested bodies to appear before the acting minister of railways and urge that the route so chosen be accepted as a common entrance, in lieu of the separate objects of the railways to the city. As was expected, the board of control yesterday, after consultation with Consulting Engineer C. B. Smith and City Engineer Rust, decided in favor of the tunnel route from east of Victoria Park to the Little Don Valley. It was agreed that such a route would do the minimum of damage to the property east of the city, but there is understood to be strong opposition by the railways to this particular plan, as it would involve a roundabout course in entering the city, and would provide for a 5.10 grade, whereas the special object of the railways is the obtaining of a 3.10 grade.

After the meeting the mayor said that the sentiment of the board was in favor of the tunnel route from a point 1 1/2 miles east of Victoria Park to Little Don Valley, the entrance to the city to be by way of the Don Valley. This route was agreed to be most in the interests of the city.

"If however, it is found impossible to get this route, No. 2 is the next choice," added the mayor.

The route in question provides for practically following the C. N. R. proposed route from the Don, easterly along Ashbridge's Marsh, until about Greenwood-avenue, crossing Eastern-avenue and Queen-street, by bridges, and proceeding northward to the golf grounds. This route crosses Kingston-road by a bridge, and continues south of the road until about opposite Scarborough Heights, when it turns to the north.

The meeting also discussed arrangements for the meeting of the Hydro-Electric Commission to obtain advice as to procedure now that a policy of duplication of the Toronto Electric Light Company's plant has been decided on.

The railway commission will be asked by the city to order the Grand Trunk to build a subway under the railway track on Brock-avenue, in return for conceding the company the right to add another track to the right of way between Parkdale and the Junction.

This policy was decided upon by the board of control yesterday. It was also determined to fight the C. P. R.'s application to be allowed to build a spur line from the main line north of Winchester-street, eastward and across the Don to a point at the foot of Leslie-street.

The city engineer reported in favor of the additional track asked for by the G. T. R. being granted, the crossings at Brock-avenue and Bloor-street being protected. Controller Ward maintained, however, that a subway should be built at Brock-avenue, owing to the importance of the crossing, and the fact that the city was paying the whole cost of Landowne-avenue subway.

The C. P. R.'s application to be allowed to build a spur line on Front-street, from Beeslie-street to Jarvis-street, will be met by determined opposition from the city.

City Hall Notes.
City Relator Taylor reports that, during April, he received 135 applications for aid, as against 121 for April of 1906, and 138 for March of this year.

Mr. Rust will report on the request of a deputation that the Rosedale sewer be extended from Bedford-road to Porter Plains-road, a distance of 600 feet.

The receipts of live stock at the City Cattle Market continue to show results gratifying to Property Commissioner Harris. The statement for the first three months of the year, as compared with a like period of 1906, is as follows:

| | 1906. | 1907. |
|--------|-----------|-----------|
| Cattle | 41,547 | 47,977 |
| Sheep | 23,068 | 22,843 |
| Hogs | 37,599 | 37,711 |
| Calves | 6,808 | 6,715 |
| Weight | 108,960 | 113,730 |
| Feet | \$1801.32 | \$1953.88 |

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Hudson River Route to New York.

All through trains by the New York Central run to Grand Central Station.

MEN'S BARGAINS

Telling you as quickly as possible of six whirlwind bargains for Friday's early comers. They're SO good that you will have to be quick, too.

RAINCOATS Regularly 6 50 and 10.00 FRIDAY 4.95 Cravenette and rubberized covert cloths. Cut long and loose.

FELT HATS Regularly 1.50 and 2.00 FRIDAY 69c. Latest derby, fedora and soft spring shapes. Broken lots.

TROUSERS Regularly 3.50 and 4.00 FRIDAY 2.69 Best all-wool imported worsteds—dark and mid grays.

UNDERWEAR Regularly 50c garment FRIDAY 29c. Elastic ribbed ball-briggen—cream shade. Sizes 34 to 44.

WORK SHIRTS Regularly 43c. and 50c. FRIDAY 33c. Black sateen and galatea. Attached collar.

LINEN CUFFS Regularly 15c. and 25c. FRIDAY 10c. Our own odd lots. Some show handling.

MAIN FLOOR—QUEEN STREET.

THE T. EATON CO. LIMITED

AT OSGOOD HALL

ANNOUNCEMENTS FOR THURSDAY

Chambers. Cartwright, master, at 11 a.m. Single Court.

The Hon. Chief Justice Meredith, at 11 a.m. Single Court.

McGibbon v. Graham. McIntyre v. Newton. Re Wynn and Weston. Re Beattie Estate. City Wants Connection. The railway commission will be asked by the city to order the Grand Trunk to build a subway under the railway track on Brock-avenue, in return for conceding the company the right to add another track to the right of way between Parkdale and the Junction.

Toronto Non-Jury Sitings. Peremptory list for 10:30 a.m.: 1. Toronto C. & B. Co. v. Crown Bank (to be abandoned argument). 2. Alexander v. Cook. 3. Carriere v. Hyslop.

Court of Appeal. Peremptory list for 11 a.m.: 1. Attorney-General v. Hargrave. 2. Moir v. C. P. R. Co. 3. Russell v. City of Toronto.

The suit brought by Annie Elliott against the St. Lawrence Starch Works Co. has now been settled and by consent all orders have been dismissing the action without costs.

Action for Damages.
Giovanni La Sala of Toronto has begun an action against J. A. Pigott of Godrich, claiming \$1000 for damages suffered by the plaintiff thru the alleged negligence of Pigott.

Winding Up a Company.
A petition has been filed in the court for the winding up of Charles H. Davies, Limited, Stratford. The company was incorporated in August, 1905, with a capital stock of \$40,000, for the purpose of carrying on the business of clothiers, furriers and outfitters. The assets are estimated at \$16,000 and the liabilities at \$30,000. Bartum, Harvey & Co., petitioners, claim to be creditors in the amount of \$1024, of which \$670 is past due. The application will come before the court on May 7 inst.

Action Settled.
The action brought by the J. D. King Co. against Charles A. Johnson, former treasurer of the company, and Helen K. Johnson, his wife, over certain accounts, having been settled, an order has now been obtained on costs, dismissing the action without costs and discharging and vacating the lis pendens registered.

Embarrassing Paragraphs.
The Western Commission Co. have an action pending against Robert T. Walker, a contractor, over certain bricks supplied one C. S. Morton for the building of 847 College-street, Toronto, and valued at \$365.75. Walker filed a defence to the action, but the company alleges that some of its paragraphs are embarrassing, and have asked Master in Chambers Cartwright to strike them out. Judgment was reserved.

Chocolate Candy.
Alfred Craigie, a confectioner of Toronto, in October last went to Macleure and Langley to purchase chocolate. A certain brand called "Eclipse" was recommended and Craigie ordered a sample to test. Instead of the "Eclipse" brand a more expensive brand called the "Cet" was sent. Unaware of the change Craigie made a test and finding

it satisfactory ordered two cans of what he believed the sample to be, namely, "Eclipse" brand chocolate. After he had manufactured over \$1000 of candy it was found that the "Eclipse" chocolate was worthless and the candy was utterly spoiled. In the statement of claim in the action he has brought, claiming \$10,000 damages, he alleges that thru the defendants' fraud or negligence he has lost customers and his business has been ruined. Now Macleure and Langley are asking Master in Chambers Cartwright to direct Craigie to give particulars of the quantity and value of the candy spoiled, the names of the customers lost, and the damage suffered. Judgment has been reserved.

5.20 P.M., C.P.R. for New York. 2 Pullmans daily, arriving Grand Central Station by the New York Central 7.50 A.M.