

THE TORONTO WORLD

A Morning Newspaper published every day in the year. Telephone—private exchange connecting all departments—Main 232, between 8 a.m. and 12 p.m. After midnight and on Sundays or holidays see Main 232 Business and Circulation Dept. Main 233 Editorial and News Dept. Main 254 Sports and Commercial Editors.

SUBSCRIPTION RATES IN ADVANCE. One year, Daily, including postage, \$5.00. Three months, Sunday included, 1.25. One month, Sunday included, .45. One year, without Sunday, 3.00. Six months, without Sunday, 1.90. Four months, without Sunday, 1.00. Three months, without Sunday, .75. One month, without Sunday, .25.

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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.

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 appellants, said: "To hold that the 14th clause enables the city 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.

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 one detail of it, the action of the commission may be justified and cannot be invalidated on constitutional grounds."

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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 'some pecuniary loss from rendering such service may result, 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 though pecuniary 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 their 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 1905, 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 that the Democrats will appeal to the wave of unrest which all business men in New York feel. 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 see 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.

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 to the best implementation of the law. No greater immediate neighborhood. No greater immediate future could be conceived than would attend an attempt to supersede local self-government. Yet the tendency to do this is apparent and strong. It 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 point, and this could only be done at a loss to the company. The case was carried up to the supreme court on a writ of mandamus compelling the operation of this train at a loss for the purpose of making the connection with another line at a particular place and time 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 one 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 a 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 'some pecuniary loss from rendering such service may result, 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 may be done voluntarily in itself pay. It may be done voluntarily as a matter of policy or with an eye to developing profitable business in time, or it may be required as a matter of public convenience and as part of the "primal duty" to furnish adequate facilities. Rates on a certain part of a train system may be done voluntarily to meet the expense fairly to be apportioned to that part of the system. Will that be a reason why it cannot be required to carry passengers at that rate, provided its general revenues are not 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 it is not whether the company is deprived of property without due process of law.

THE BRITISH WELCOME LEAGUE.

Toronto Telegram: The British Welcome League, the well-known packer, at 20, Toronto World. The World was ripe for the work that was seized upon and developed by volunteers. The Ontario government wisely help give the organization a home and centre for its life.

CUDAHY MEETS WITH ACCIDENT.

CHICAGO, Ill., May 1.—John Cudahy, the well-known packer, at 20, city, is ill 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 peacefully for some days, and did not seem to have any intention. He was lodged in No. 1 police station, charged with malicious injury to property. He had \$200 on him.

Plasterers Go Out.

WINNIPEG, May 1.—The plasterers went out this morning in an attempt to enforce the demand for a raise of wages to 60 cents per hour. They were unable to come to any agreement with the committee appointed 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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KORONA & ANSCO CAMERAS IMPERIAL PLATES AND OTHER PHOTO SUPPLIES INCLUDING GAS LIGHT PAPERS ANSCO FILMS CYKO POST CARDS CARD MOUNTS

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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 Socialists 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 Pettibone. One of the speakers criticized President Roosevelt's allusion to them in the Harri-mann 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.

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 and who has resided for the past year in Winnipeg, left this morning for Barrie, Ont., with his family.

SWEET CAPORAL CIGARETTES STANDARD OF THE WORLD



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.

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 routes proposed.

As was expected, the board of control yesterday, after consultation with Consulting Engineer C. E. 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 minimum 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 to easterly along Ashbridge's Marsh, until about Greenwood-avenue, crossing Eastern-avenue and Queen-street, by bridges, and proceeding northwards to the grounds. This route crosses Kingston-avenue by a bridge, and continues south of the Don to a point at 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 Geddes.

This policy was decided upon by the board of control yesterday. It was also decided 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 crossing 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 Lanesdowne-avenue subway.

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

City Hall Notes.

City Engineer Taylor reports that, during April he received 185 applications for aid, as against 181 for April of 1906, and 198 for March of this year.

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.

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UNDERWEAR Regularly 95c garment FRIDAY 29c. Elastic ribbed balbriggan—cream shade. Sizes 34 to 44.

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AT OSGOODE HALL ANNOUNCEMENTS FOR THURSDAY Chambers. Cartwright, master, at 11 a.m. Single Court. The Hon. Chief Justice Meredith, at 11 a.m. McGibbon v. Graham. McIntyre v. Newton. Re Wynn and Weston. Re Beattie Estate. Beattie v. Welland. Toronto Non-Jury Sitings. Peremptory list for 10.30 a.m.: 1. Toronto C. & B. Co. v. Crown Bank (to be concluded 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.

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