The Toronto World

FOUNDED 1880.

A Morning Newspaper Published Every Day in the Year by The World Newspaper Company of Toronto, Limited, H. J. Maclean, Managing Director.

WORLD BUILDING, TORONTO, NO. 40 WEST RICHMOND STREET.

Telephone Calls:
MAIN 5308—Private Exchange connecting all departments.

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Postage extra to United States and all other foreign countries.

Subscribers are requested to advise us promptly of any irregularity or delay in delivery of The World.

WEDNESDAY MORNING, June 18.

LAUGHING LAST.

The Winnipeg Free Press would be more than human if it failed to call the attention of Colonel J. A. Currie, M.P. for North Simcoe, to the recent decision of the United States Supreme Court in the Minnesota rate case.

Two years ago The Free Press exhaustively investigated the subject of railway freight rates and called attention to the extortionate and discriminatory rates prevailing in western Canada. To meet the stock argument that the rates in the Canadian west were no higher than those in the American west, The Free Press compared the rates established by the railway commission in the State of Minnesota with the rates permitted by law to be charged in Manitoba.

About this time a United States circuit judge enjoined the State of Minnesota from enforcing the reduction in rates prescribed by the state railway commission upon the ground that the rates were confiscatory. This decision was made much of by the railway companies of the United States and Canada alike, and a great deal of literature was circulated which was intended to discredit The Winnipeg Free Press and the Minnesota Railway Commission. No doubt misled by such literature, Colonel Currie, from his place in the house two years ago, denounced the Minnesota Commission as socialistic in character, stating that its schedule of rates had been declared illegal, and attacked The Winnipeg Free Press for citing such rates as a standard of comparison. He said:

> The railways succeeded in showing the courts that the rates established by this board were absolutely wrong, that they were virtually confiscatory in their nature, inasmuch as it was impossible for the railways to carry freight for the rates that this revolutionary board had established there. The courts have given a decision against the State of Minnesota and its board, and, as I say, the arguments advanced by The Free Press in using this comparison of freight rates between Minnesota and Canada are not trustworthy and of no value.

No wonder The Free Press feels vindicated now that the United States Supreme Court, by unanimous vote, has upheld the Minnesota rates and ordered two of the big railways to disgorge some three million dollars in excess fares. Colonel Currie made merry at the expense of The Free Press two years ago, but it looks now as tho The Free Press had the laugh on the colonel.

U. S. NAVIGABLE WATER POWERS.

What is described as one of the most momentous decisions ever rendered by the United States Supreme Court was recently given by that tribunal in connection with the ownership of running water in navigable streams. The essential point decided is that ownership of land on the banks of a navigable river confers no vested right in the flow of the river, no right to construct works to utilize the flow and no valid basis for a claim which includes "an element of value not inherent in the parcels of land." The court committed itself to the broad statement that the running water in a great navigable stream is not capable of private ownership—is, indeed, inconceivable that it should be. Nor can the government justly be required to pay compensation for the loss of the water power of navigable rivers.

In substance, the supreme court holds that the power of congress over navigable streams is absolute and that the power of the states within which they are situated is secondary to that of congress. Further, that the existing power of congress and the fact that permits from the secretary of war are a prerequisite to the construction of any work on a navigable river qualify the title of those availing themselves of permission to use such water power. That qualification is not only understood in advance, but is binding in the final analysis and therefore under condemnation proceedings instituted by the government compensation is confined to the actual value of the property without consideration either of the actual water power loss or of the prospective enhancement due to improvements to be made by the government itself in the future.

IS IT A STOOL PIGEON?

Is the wireless controlled by the cable combine?

It is significant that whenever the popular demand for a state-owned cable under the Atlantic becomes almost irresistible, public attention is suddenly diverted to the consideration of the great advantages possessed by the wireless over the cable. We are told to go slow in constructing a wire cable because it might soon become junk in view of the rapid development of the Marconi and kindred systems.

Of course all this sort of advice is supposed to be philanthropic, but in the meantime the people get no relief from extortionate cable charges. Many eminent public men have stated that the cable monopoly for years has exercised a strange influence over one government after another in the United Kingdom. Postmaster-General Samuels, we know on the best authority, has discouraged the project of a state-owned Atlantic cable, relying upon the Marconi system to bring down rates. Certain it is that the Marconi Company has been much in evidence so far as some members of the Asquith government are concerned and just now is responsible for rather a sorry spectacle in British politics.

And now comes some philanthropic gentleman from the United States, who has a wireless system, not the Marconi, and proposes to establish stations, build towers and give cheap rates for messages between Canada and the mother country. He joins his voice to others in urging the Dominion Government to stave off the popular demand for a state-owned cable and await further experiments with the wireless system, which many declare has not yet passed the experimental stage. The Cable Combine owns the telegraph land lines in the United States and controls the Bell Telephone Company there and in Canada.

Is it behind this wireless company which has prevailed on the Dominion Government to postpone, to an indefinite period, the construction of a state-owned cable across the Atlantic? Mr. Pelletier should investigate and act quickly. He should not give his blessing to any combination of the hands of Esau with the voice of Jacob.

ONTARIO FOR A HOLIDAY

People who are thinking of their holidays just now should not overlook Ontario. It is a reproach to the people of the province that they know so little of the beauties of their own division of the British Empire. People who come from all over the world to see Niagara are astonished to find that most of it belongs to Ontario, and that Ontario has created one of the most beautiful parks in the world around the great cataract. But they are far more surprised to learn that thousands of people in Toronto have never seen the Falls.

Ontario, however, has many remarkable scenes as well as Niagara. Four of the five great lakes are associated with Ontario, and along their coasts, especially perhaps in the Georgian Bay region, and in the 1000 Islands and stretches of the St. Lawrence River, Ontario has a wonderful birthright. Inland there are other and as bewildering scenes of beauty. Muskoka is the resort during the summer of hordes of United States visitors, but there are districts much nearer Toronto which afford the most charming sylvan and rural landscapes. Victoria County and the Rice Lake and Stony Lake territory for sport and holidaying are unrivaled, and then away up in Hastings and Renfrew Counties are to be found scenes as strange as almost anywhere on the continent, outside the mountain ranges. The Ottawa River is an outlet for many tourists, canoeists and others who go up into Algonquin Park, and beyond this, north and west, are the marvels of Nipissing and Timagami and Timiskaming, while the trip up the Montreal River is one never to be forgotten. All of these places are not outside convenient range, while westward lies Nepigon, and beyond that the wonders of the Rainy River country. The poets have confined themselves chiefly to the lakes, but these wider fields must soon attract literary attention. The novelists have a boundless store before them in these endless millions of acres.

Before the recent accession of territory Ontario was just the same size as the German Empire. It is now more than half as large again. A more fertile land does not exist on earth. The forests of Ontario have paid the people's taxes for some generations, and the forestry department hopes to maintain the record. Water power exists in abundance. The only thing that is scarce is people. If Ontario people would make haste to get acquainted with Ontario, all over its 375,000 square miles, they would soon have the rest of the world spending their vacation here, and finally settling down in residence. Then would be fulfilled the saying, uttered twenty years ago by a World man, that the centre of the British Empire shall yet move over to Canada.

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THE SYSTEM ON DEFENSIVE

Ald. Wanless appeared to sum up the common sense of the council on Monday, in seconding Ald. Hubbard's motion to appoint Ald. Anderson and Wickett to act with the treasury board, in an investigation of the city's financial conditions. Alluding to Controller Church's gentle chidings, Ald. Wanless remarked that "all this volume of sound and fury indicates to my mind that there is something to cover up. Otherwise I cannot conceive of the controller working himself up to such a pitch." The controller, of course, had to defend the policy he and his backers have pursued for years past, the results of which Mayor Hocken has to repair.

MR. BURNHAM SPEAKS OUT.

Elsewhere on this page is a letter from Mr. J. H. Burnham, M.P., of West Peterboro. Never dull, he is sufficiently courageous in speaking his mind to always command attention. He is hardly fair, however, in saying that none of his fellow members responded to his appeal against granting railway subsidies at the late session. When the Canadian Northern subsidy and the Grand Trunk Pacific loan were under discussion, many amendments, some of them providing for equality of rates as between east and west, were proposed and voted down. The subsidy bill itself was passed on a yea and nay vote. Upon the several divisions on the subsidies we do not find Mr. Burnham's vote recorded.

The Liberal party in power did not give the country a progressive government, but the Liberal party in opposition might become the progressive party of the country. The Conservative members, named by Mr. Burnham and others, will not accomplish much in making the Conservative party progressive, unless they speak as they think, and vote as they speak. A progressive government should be eager to hear and act upon suggestions from any quarter which make for the welfare of the people. And perhaps this is what Mr. Burnham wishes really to say.

An excellent selection has been made by the Local Council of Women, for the membership of the proposed vice commission. When the commission is appointed, the first thing it should do would be to publish a list of the landlords who rent houses for immoral purposes.

THE CONSERVATIVE PARTY AND PROGRESSIVES.

Editor World: Your news item in The Sunday World regarding Mr. Arthur Meighen, M.P., and the Progressives, is so timely from many points of view that I hope you will allow me a few words with respect to it. First of all, Mr. Meighen deserves all that can be said of him. He is not only profoundly capable, but absolutely straight. His departure from the house of commons would be a calamity to Canada. And now for the Progressives. Let me say that Mr. Borden encourages freedom of thought and speech. He is too great a master of both to grudge to others the right to explore for themselves. While Mr. Maclean is the champion of cheap transportation and Mr. Meighen demands a reconstruction of freight rates, banking regulations, etc., I regretted to find that when my humble self girded up my loins and attacked bounties, I received no manifest support. Last year the rank and file knocked steel bounties in the head, and this year I did my level best against lead bounties and railway bounties. But I got no support. Why? I give it up. No one had a word or argument against my contention, but probably I looked rash in the face of the "interests." This brings me to my point. The Progressives are fighting "the interests," whose supporters on both sides of the house are neither few nor uninfluential. The hope of the Progressives lies in Mr. Meighen, Mr. R. B. Bennett and Mr. Nickle. The Liberals are hopelessly bound to the wheel of reaction in more ways than one. With that really great man, Mr. Borden, at the head, the hope of Conservatism for the future is indeed bright. I only hope that nothing will induce him to adopt any part of Sir Wilfrid's Canadian navy scheme, for the advent of Canada into the throng of nations, ready and willing to fight, instead of providing for such contingencies by the very simple process of co-operation within the empire, would be, in my opinion, a crime against modern civilization. J. H. Burnham.

The Philosopher of Folly

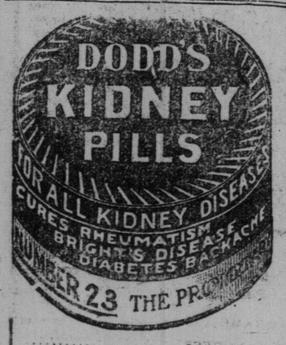
By Sherwood Hart

PALS.

My old straw hat, where art thou hid? 'Tis summer-time once more, and I must sport thee, brave old lid, as in the days of yore. For many years we two have faced the summer's scorching heat, tho latterly our path's been traced by smiles down every street; thy shape, it I may call it such, which once was smart and trim, is frankly now not up to much—thy bent and ragged brim no longer hurls defiance at the sun on torrid days. Alas! thou art no more the hat I loved in many ways. The color, which was creamy white, is yellow now and sere; thy ribbon, once so glossy bright—ah, what a change is here! Time's hand has fallen on thee hard since in our youth we met—but we will stick it out, old pard, for many summers yet. Each time I see thee, comrade true, I think of bygone years; I sob and weep and wail anew with bitter, poignant tears. What visions on my mem'ry flash — again I seem to see an eager youth who paid his cash and proudly sported thee—I groan when I recall, alack! how many years have fled since first, in all thy pristine glow, I placed thee on my head. Could I now throw thee in the can and cart thee to the lane, or sell thee to an Hebrew man for mercenary gain? No, no, old friend, not thusly so! Dost think I can forget the happy days of long ago so soon already yet?

PICKPOCKET GETS 14 YEARS.

MONTREAL, June 17.—"I am giving you this heavy sentence so that it may be a lesson to other New York pickpockets who may think of coming here to ply their trade," said Judge Bazin, this morning, after sentencing Frank "Red" Sullivan, alias Frank Meehan, to 14 years in the penitentiary for pocket picking.



At Osgoode Hall

ANNOUNCEMENTS.

June 17th, 1913.

Motions set down for single court, for Wednesday, 18th inst., at 10 a.m.

1. Re Gibbs Estate.
2. Martin v. Robertson.
3. Re O'Dell.

Master's Chambers.

Before J. S. Cartwright, K.C., Master.

McKay v. Hughes.—R. W. Treleaven (Hamilton) for defendants, obtained on consent, order dismissing action without costs, and vacating lien and lis pendens.

Laidlaw Lumbers Co. v. Cawson.—R. J. Maclennan, for sheriff of Toronto, moved for interpleader order. Kerr (Kerr, Davidson & Co.) for execution creditors. J. MacGregor, for claimant, at request of execution creditors, motion enlarged one week for cross examination of claimant on her affidvait.

Derrer v. Elevator Specialty Co.—G. Ritchie, for defendant, moved for order postponing trial, on ground of absence of material witness resident out of jurisdiction, and on ground of amendment of pleadings by plaintiff on 14th inst., setting up an estoppel. H. S. White for plaintiff. Trial postponed until September sittings. Costs of motion to plaintiff in any event. Defendants to undertake to go down at September sittings and to allow proceedings to be taken in vacation, if plaintiff so desires. Notice of trial already given to stand for September.

Reinhardt Salvador v. Gamble No. 3—W. R. Smyth, K.C., for plaintiff, obtained order for substitutional service of writ on defendant's son.

Hardinge v. Hardinge. — D. D. Greerson, for plaintiff, moved for order striking out defence for default in production and for particulars of statement of defence. W. W. Vickers for defendant. Production having been made, order made for particulars in ten days. Costs of motion to plaintiff in cause.

Rogers v. Imperial Cement Co.—Rogers v. Wahnapitae Power Co.—H. S. White, for defendant in first action. J. T. White for defendant in second action. Motion by plaintiff for order that the two actions be tried together. No one appearing to support motion. Enlarged until Friday.

Grocock v. Allen.—H. E. Rose, K.C., for defendants, moved for order for commission to take evidence at Sheffield, and to postpone trial meanwhile. J. J. Maclennan for plaintiff. Order made for commission as asked, to be returned not later than August 30th. Trial postponed meanwhile. Costs in cause.

Leadlay v. Union Stock Yards Co.—C. Kappele, for plaintiffs, moved for order, striking out statement of defence of defendants, other than Allan for default in production. M. Macdonald, for defendants. At defendants' request, motion enlarged until 24th inst.

Martin v. Barber. K. Lennox, for plaintiff, obtained order for issue of writ of summons for service on defendant at Eastbourne, England. Time for appearance, thirty days.

Wolseley Tool Co. v. Humphreys.—Beaty (Bicknell & Co.) obtained order for issue of writ of summons for service on defendant at Vancouver. Time for appearance, twenty days.

Judge's Chambers.

Before Riddell, J.

Re Vandecar and Canadian Order of Home Circles—F. W. Harcourt, K.C., for infants, obtained order for maintenance. The payments to be made with the privity of the official guardian.

Re Wansborough and C. P. R. Co.—W. H. Bourdon, for mother, moved for order for payment of $50 to enable infant to take commercial course. F. W. Harcourt, K.C., for infant. Order made.

Re Gauzby—F. W. Harcourt, K.C., for infant, obtained order for certain interest to be paid out to life tenant.

Hodgins v. C. P. R. Co.—F. W. Harcourt, K.C., for infants, moved for order for maintenance. Stands.

Re Taylor and Canadian Order of Foresters—F. W. Harcourt, K.C., for infant who has now become of age, obtained order for pyament out to him of his share.

Re Card—F. W. Harcourt, K.C., for infant who is now of age, obtained order for payment out of court of share.

Re McDermott and Canadian Order of Foresters—F. W. Harcourt, K.C., for infant now of age, obtained order for payment of share out of court.

Re Donaldson—F. W. Harcourt, K.C., for administrator, obtained order allowing payment into court of infant's moneys.

Re Bolton—F. W. Harcourt, K.C., for infants, obtained order for payment out to procure clothing. Bills to be rendered to official guardian.

Re Taylor—F. W. Harcourt, K.C., for administrator, obtained order for payment into court of moneys, less costs of motion.

Rex ex rel Fitzgerald v. Stapleford—W. D. McPherson, K.C., for relator, moved for order declaring that respondent has not been duly elected reeve of Watford, and setting said election aside. J. Cowan, K.C., for respondent. Reserved.

Reinhardt-Salvador v. Gamble—W. R. Smyth, K.C., for plaintiff, appealed from order of master in chambers of June 11, inst., refusing motion for judgment under C. R. 603. J. Mitchell for defendant. Stands until 27th inst., with liberty to either party to file further material. Defendant to be produced if possible for examination. Costs of day and of motion before master to plaintiff in any event.

Berlin Lion Brewery Co. v. Lawless—W. H. Gregory (Berlin), for plaintiff, appealed from order of master in chambers refusing motion for judgment under C. R. 603. H. J. Macdonald for defendant. On consent judgment to go for amount of note, but execution not to issue until defendant has had opportunity to have counter claim tried and accounts taken before master at Berlin, to whom the matter is referred. Costs below and here to be in discretion of said master.

Re Parker—A. Ogden, for T. G. T. Corporation, committee of lunatic, moved for order confirming report of master in ordinary of June 16 inst. G. M. Willoughby for inspector of prisons and public charities. Order made.

Single Court.

Before Lennox, J.

Re L. A. Harrison—W B. Raymond, for all parties, moved for order construing will of Louisa Ann Harrison under C. R. 938. Judgment: The right to limit the estate during coverture in the way it is here attempted is recognized in many cases. When the coverture ceases the widow can exercise the ordinary rights incident to separate estate and alienate the property. Two of these devisees are now widows. These two have the right and power to alienate their shares. The lady whose husband is still alive has not. As I understand the property is physically indivisible, the parties may find a way of carrying out what they desire by partition proceedings, and a sale as incidental to it. Costs as between solicitor and client out of estate.

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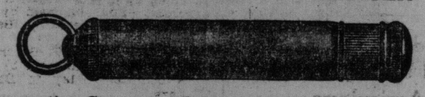

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SAYS BURNT-OUT WIRES CAUSED BIG BLAZE

Wickett & Craig, whose tannery was partially destroyed by fire Monday night, have figured their damage to the building, contents and machinery at about $350,000. Ald. Wickett, one of the members of the firm, believes that the origin of the fire was due to the hydro-electric wires which burnt out. The loss is well covered by insurance. About 150 men were thrown out of employment, but some of these will return in a few days.

"DEBORAH" DREARY DRIVEL.

So Says Secretary of Dominion Alliance.

MONTREAL, June 17.—(Can. Press.)—"It leaves a dirty taste in the mouth," said John H. Roberts, secretary of the Dominion Alliance, after witnessing the presentation of "Deborah," advertised here as "the play which made Toronto famous," at His Majesty's Theatre last night.

"I fail to see," he continued, "any moral lesson it could teach. I would welcome any problem play which discussed the sexual question in a healthy manner. But the only excuse for the presentation of 'Deborah,' to my min, is its ability to draw money at the box office. At that I think the crowd should get their money back. In my opinion they had been led to expect more than they received. 'Deborah' I regard as dreary drivel."

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