

The Toronto World

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WEDNESDAY MORNING, DEC. 18 '12

THE MUD KINGS OF MELINDA STREET.

Donlands Democracy is spreading all over Canada. You can't keep a good thing down. The little leaven leavens the whole lump, and perhaps the best thing about Donlands Democracy is that no one has a monopoly of it. It is free to all, and helps everybody. The opposing brand of aristocracy and aristocratic pretensions, based on the ownership of more or less mud, is more anxious for the welfare of a class than for the whole, and, therefore, denies equal rights to the majority it dominates. Donlands Democracy stands for majority rule and equal rights for all. Both ends of Melinda Street meet in mutual and united admiration for minority rule, and the majesty of the mud-kings.

The Edmonton Daily Capital has the following reference to the progress of the larger outlook and the bigger humanity in the west. We take two paragraphs from The Capital editorial:

Following the lead which has been set by the City of Edmonton in the extension of the municipal franchise to tenants, Calgary is likely to make application to the legislature for an amendment to the charter establishing a similar democratic basis of representation in the southern city. The mayor-elect has pledged himself in an address to the Calgary Trades and Labor Council to support such an amendment, and it is altogether probable that the change will be made in the early months of next year.

A few months ago a prominent British economist described Edmonton as "the freest city in the world." Unless all signs fall the time is at hand when the spirit of freedom emanating from Edmonton will inspire the course of civic action in all the large communities of the west, and assure that through the whole of the western domain democracy shall be made complete.

ENEMIES OF LIGHT AT COST.

There is organized campaign apparently in progress in Ontario with the object of getting anti-hydro electric men into municipal office. The people are all right, but sometimes they are hoodwinked into voting for a candidate who is all wrong. The World some years ago in Hamilton got a pledge from a majority candidate that he would support the hydro policy. On the strength of that pledge he was elected. Immediately after his installation he turned round and opposed hydro power and fought it bitterly during his term of office. The Hamilton people must beware of false friends in this description, and they would have little sympathy if they fell the victims to such a plot a second time.

In London, where the hydro power situation is at an important crisis, a great effort is being made to get an anti-hydro man into the good graces of the people. The plan is to praise, laud and glorify him for his goodness in a general way, and to divert attention from the main issue. "Beware of wolves in sheep's clothing!" is the general advice to the children of light, and it will apply in principle to the modern children of light and power.

In Stratford the people are being invited to tie themselves up for a generation to a street railway corporation such as Toronto would pay a ransom to escape from. If the people know their interests they will keep them in their own hands and elect civic officials who will regard public franchises as public trusts and not as the natural prey of the corporations.

In many eastern municipalities hydro power is more or less of an issue, and popular vigilance is necessary at every point to preserve the valuable rights that are so easily lost and so difficult, if not impossible, to regain.

BEATING THE WHITE PLAGUE.

In the very large gifts of money being made by wealthy citizens to the King Edward Memorial Fund for the National Sanitarium Association there is the best evidence of the assurance that the people will vote the \$200,000 asked for from Toronto to complete the million dollar fund. The success of the present movement will place the future of the campaign against consumption beyond peradventure. Once the question of hospital and sanitarium accommodation is disposed of by an adequate endowment the way will be free to deal with the local preventive measures of which so much has been heard. There is a necessity to get the big undertaking now on the way settled and complete, and the opportunity given is an unexpected one in the generosity of many citizens who are contributing.

Those who cannot do great things can assist in a minor degree by the purchase of Christmas stamps. Every

quarter counts. And there are few who cannot spare a quarter, or who are not urged to do so by their knowledge of the ravages of the white plague. Let all who can spare a dollar or twenty-five cents or whatever they can between now and Christmas give their help to the great effort to save the thousands of lives that succumb every year in Canada from the deadliest of diseases.

RECIPROCAL RAILWAY DEMURRAGE.

Doubtless the Dominion Railway Commission were satisfied that the railway companies had established reasonable grounds for the issue of an order authorizing an increase in the demurrage charge on freight cars. From December 13 until March 31 a shipper or consignee will only have 24 hours to load or unload, and any cars not released at the expiry of that period will be subject to a demurrage charge of \$2 for the first day and \$3 for every day thereafter. The World does not question that the board is right in its effort to prevent cars being employed for storage purposes, but it certainly does appear that the order fails to discriminate between the different circumstances of shippers and consignees, and further that it should have been accompanied by another order subjecting the railway companies to claims for reciprocal demurrage.

No hardship may be entailed in requiring a merchant or manufacturer to load or unload a car within twenty-four hours, for as an almost invariable rule he has the facilities ready at his command. But as the western newspapers are vigorously pointing out, his case is entirely dissimilar from that of the farmer, who may be miles distant from the railway and never knows when a car which he has asked for may be placed at his disposal. The Grain Growers' Guide states that to load a 60,000-pound car to its capacity, a farmer with his grain stored five miles from the siding must travel something like 180 miles with his team, and if he exceeds the new time limit is to be penalized \$2 for the first day and \$3 for every additional day occupied in loading the car.

Western trade organizations quite recognize that the employment of cars for storage purposes or undue delay in loading them necessarily contributes to car shortage. But they insist, and with ample justification, that the railroads should also be made subject to demurrage charges when cars are not furnished within a reasonable period or are not hauled to their destinations with proper expedition. The Winnipeg Board of Trade has decided to ask the railway commissioners to issue an order providing that railways shall forward loaded cars from points of shipment within forty-eight hours after receipt of instructions, that they shall be moved at an average speed of 100 miles a day, and that they shall be placed at disposal within forty-eight hours after arrival, under penalty of equivalent demurrage rates to those imposed by the railroads for car delays. This clause for reciprocal demurrage is well founded and should be strongly sustained before the railway board.

THE GREATEST MODERN FACTOR.

Good service is being done by professional and business men of standing and position, who place a part of their spare time at the disposal of the Canadian Clubs and other clubs and societies in local centres that occupy themselves with subjects of national interest. The other day at Belleville Mr. E. F. B. Johnston spoke to the Canadian Club of that city on "Modern Factors," laying particular stress on "transportation," which he designated as the greatest of all factors of modern times. Its great principle he defined as "putting things in their place," and an efficient system placed them where they should be. Mr. Johnston was right in giving special prominence to the transportation question and to its intimate bearing on the issue of war and peace and on the internal development of all countries. All the more necessary, therefore, exists for providing that Canada shall secure the full benefit of the services for whose establishment her lands and guarantees have been freely given.

DOUBLE DECK BRIDGES IN ROSEDALE.

York Township asked the Onondario Pacific, in view of the fact that the latter was about to increase its bridge accommodation over Reservoir Ravine, Belt Line Ravine and the valley of the west Don, whether it would be prepared to double deck said bridges so as to provide a deck as a crossing for ordinary wheel and foot traffic. The reply is that the company will increase its trackage by an additional bridge at each ravine alongside the existing

He Was Served Accordingly.

At a men's cafe one night a young American—a barber—fell in with an Englishman. The latter was berating the Yankee for doing all manner of business in their shops and not following the better English plan of sticking to one branch. The next day he swaggered into the barber-shop to be shaved. The barber gave his face an extra good soaping and left him, at the same time seating himself to read. The Englishman kept quiet for a few minutes, when seeing his attendant reading, he blurted out, "Why don't you shave me, sir?" "You will have to go up the street for your shave," quietly replied the barber. "We only latter here."

THE BEEROMETER



ALWAYS BRIGHT THOUGH OFTEN GOING DOWN THE NAME O'KEEFE'S

A Legend of Santa Claus

Before I start I'd like to state that when Sam Hinks, the summer's mate upon the airship "Up-to-date," begins to spin a yarn, the wisest thing we can do is just to take the point of view, and hold his statements always true for that's the way to learn. Says he to me the other night, "I saw the very strangest sight away up near the Northern Light and east of Hudson Bay; our good old airship 'Up-to-date' was flying south from Davis Strait and going fast for it was late at home was far away. A glidin' ninety fathoms high, I chanced to cast my eagle eye straight down below me from the sky, and there, with loaded sleigh was Santa Claus' reindeer team a-scootin' up a frozen stream! At first I thinks 'twas all a dream, and then I shouts 'Belay!' When Santa found he was observed, I guess it scared him, for he swerved, his outfit in a snowbank curved, and I don't suppose dat you expect dat airship was above his head an' he was, as folks have said, with snow-white beard an' coat of red—a strange old chap to see. His name, I found, was Sam—don't need for tell you who I am; but please don't call me by dat name—correct; one you should know, I don't suppose dat you expect dat I was born on of Quebec, but my true name, please recollect, is Monsieur 'Sam' Dupuis. 'When peop' say dat I'm an Dutch dat's about my feelin's verree much—I wish dat I could tell all such dat I'm Canadian! Bonjour! 'Says he to me, 'I wish you'd stop your house in two, three day; but I must first dig out my sleigh from off de place she ran!' Of course we couldn't say, but there, my brother, there, from anywhere, an' so we boosted him in air an saw him southward go. But wike my planes!" says Sam to me. "I heard dat before," says he, "an' air ice or land or sea his name was Saint Duclon!"

PARLIAMENT AND THE RAILWAY

Winnipeg Grain Growers' Guide, Dec. 11. Mr. W. F. Maclean made a vigorous attack in the house of commons a few days ago upon the frenzied-finance methods of the Canadian Pacific Railway. He declared that the people were being put into slavery by foreign capitalists, and said Sir Thomas Shaughnessy, the master financier of the company, owed his election as president to the proxies of a Dutch syndicate of shareholders. Mr. Maclean advocates parliamentary action to stop needless cutting and discrimination in rates. It is to be hoped that western members on both sides of the house will support Mr. Maclean, and force both government and opposition to show whether they are on the side of the people or the tools of the C.P.R. One of the questions that must soon be settled is whether the Government of Canada will control the C.P.R. or allow the C.P.R. to control the government.

CHAIN OF THEATRES.

Moving Picture Men Will Operate Right Across Canada. That the American Kinemascope, Limited, is to build a chain of moving picture theatres in every town and city in Canada with a population of over 1500, is the statement made by Hugh Spender of the Vancouver Racing Association, who has just returned from New York, where he attended meetings of the directors of the above concern. A separate company, called the Canadian Kinemascope, has been organized with headquarters in Montreal, and Sir Henry Pellatt as one of the directors. The company has a capital of one million dollars.

SPECIAL TRAINS FROM TORONTO FOR CHRISTMAS HOLIDAY TRAFFIC.

The Grand Trunk Railway System will operate special trains from Toronto in connection with Christmas holiday traffic as follows: 7.15 a.m.—Dec. 24, for Aurora, Newmarket, Bradford, Allandale, Barrie and intermediate stations. 8.00 a.m.—Dec. 24, for Hamilton, Brantford, Paris, Woodstock, Ingersoll and London. 8.30 a.m.—Dec. 24 and 26, for Brampton, Georgetown, Guelph, Elora, Ferris, Palmerston, and 26, for Aurora, Newmarket, Bradford, Allandale, Barrie and intermediate stations. 1.20 p.m.—Dec. 24, for Aurora, Newmarket, Bradford, Allandale, Barrie, Orillia, Gravenhurst, Bracebridge, Georgetown, Guelph, Berlin, Stratford and intermediate stations. 1.50 p.m.—Dec. 24, for Port Credit, Oakville, Burlington, Jct. Waterdown and Hamilton. 4.15 p.m.—Dec. 24 and 26, for Hamilton, Brantford, Woodstock, Ingersoll and London. 8.30 p.m.—Dec. 24, for Aurora, Newmarket, Bradford, Allandale, Barrie and intermediate stations. This train will also run to Allandale on Dec. 26, stopping at all intermediate stations. 8.30 p.m.—Dec. 24, for Aurora, Newmarket, Bradford, Allandale, Barrie, Orillia, Gravenhurst, Bracebridge, Huntsville, Scotia Junction, Burk's Falls and North Bay. 10.45 p.m.—Dec. 24, for Port Hope, Cobourg, Belleville, Napanee, Kingston, Brockville, Prescott and Montreal. Full particulars at city ticket office, northwest corner King and Yonge streets. Phone Main 4209.

Cups For Children

are always chosen at Christmas. In plate a good one may be obtained at \$2, and in silver the price is \$5. Make some youngster happy.

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At Osgoode Hall ANNOUNCEMENTS.

December 17, 1912. Motions set down for single court for Wednesday, 18th inst., at 10 a.m.: 1. Re Carr Estate. 2. Shayne v. Nelson. 3. Re Whitmer and Newmarket. 4. Winchell v. Frank O'Neill. Peremptory list for divisional court for Wednesday, 18th inst., at 11 a.m.: 1. Bornstein v. Weinberg (to be continued). 2. Morrison v. Pere Marquette Ry. 3. Dancy v. Brown. 4. Edgeworth v. Allen—E. Aylesworth for counsel. 5. Re Johnston Estate. 6. Campbell v. Sargent. During the Christmas vacation, whenever convenient, the chambers will be held on Thursday, 26th inst., and Thursday, January 2, 1913, at 11 a.m. to hear urgent business.

Master's Chambers.

Before J. S. Cartwright, K.C., Master. Murray v. Wetlar Mining Co.—B. Oser for plaintiff. W. M. Douglas, K. C., for defendant. Motion by plaintiff for an order for further examination of engineer of defendant company and for further affidavit on production. Judgment: As at present advised, I think examining should attend again and produce the time sheets or daily report of work done, mentioned in question for and see. The matter can rest there for the present, and the question of a further affidavit on production can be left for further consideration in the light of what may then be disclosed, if plaintiff is still dissatisfied. Costs in the cause. Edgeworth v. Allen—E. Aylesworth for counsel. Motion by defendant for an order authorizing the issue of a third party notice as against James Carr made Oser Wade appointed in order for an order dismissing action without costs.

Judge's Chambers.

Before Riddell, J. Re Welley Cheese and Butter Co.—E. G. Long for Maclaren Importing Butter Co. A. J. Thomson for the company. Motion by Maclaren I. B. Co. a creditor, for a winding-up order. Order made Oser Wade appointed in order for an order dismissing action without costs. Re Toronto Suburban Ry. Co. and Pinkney—R. B. Henderson for railway company. J. J. Macnamara for plaintiff. Motion by the railway company for a warrant for immediate possession. Enlarged sine die.

Sine die Court.

Before Riddell, J. United Nickel Co. v. Dominion Nickel Co.—J. T. White for plaintiff. R. McKay, K.C., for defendant. Motion by plaintiff for an order continuing injunction granted by the local judge at Sudbury. Judgment: I think that the plaintiff is entitled to the plaintiffs that I do not absolutely desire against them here and now, but in any event I do not think an order of continuance of the order should stand. The injunction will be dissolved. Costs here and below to the defendants only in the cause.

Real Estate.

McIntyre v. Stockdale, J. C. W. Bell (Hamilton) for plaintiff. McKay, K.C., and G. A. McLaughlin (North Bay) for defendant. An action by plaintiff for specific performance of a contract for the sale of a house and lot in North Bay by the defendant, to the plaintiff. Judgment: I found as a fact at the close of the evidence that the defendant before he resold the property was in a position to convey to the plaintiff the house and lot, and upon the agreement for sale, and the real owner at the time of the agreement for sale, also he had agreed to give a portion of the purchase money to his son as a gift, and the property stood in the son's name for a time. I think there is a distinction where the plaintiff by his own act disentitles himself to specific performance as in Hedges v. Case, and where as here the defendant commits the wrongful act which deprives the plaintiff of the rights arising under his contract. The plaintiff is therefore entitled to a return of his purchase money and interest from the date of payment, less an occupation rent of \$15 per month, and also damages for the breach of contract. As to the amount of damages, the evidence was not very clear or satisfactory, the plaintiff claiming too much and the defendant, I think, too little. I assess the damages at \$200, with a right to either party to take a reference at this point as to costs to either increase or reduce this amount to the sum of \$200. Plaintiff is entitled to full costs of action. Alabastine Company, Paris, Ltd., v.

Divisional Court.

Before the Chancellor: Latchford, J., Middleton, J. Cartwright v. Whistler—D. T. Symons, K.C., for defendant. J. H. Moss, K.C., for plaintiff. An appeal by defendant from the order of Juddell, J., of Nov. 4, 1912, by consent of both parties appeal stands till January court, Stamps v. City of Toronto—A. F. Lobb, K.C., for third party. B. W. Esary for the city. An appeal by the third party from the judgment of the county court of York of June 10, 1912. At request of third party appeal enlarged to the January court. Chamberlain v. Hall—N. Davis for defendant. C. W. Plaxton for plaintiff. An appeal by defendant from the judgment of the county court of York of Oct. 23, 1912. An action by plaintiff to recover \$500 alleged to have been paid by plaintiff as money bail for the defendant of one T. B. Chamberlain, who duly appeared and his case was tried, whereupon plaintiff became entitled to have his money returned. At the trial judgment was awarded plaintiff.

The Tule-tide Gift

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Big Judgment Against Railway.

MONTREAL, Dec. 17.—(Can. Press.)—Judgment for \$31,000 against the Quebec and Saguenay Railway Co. was rendered today by Justice Fortin in favor of Messrs. O'Brien and Doherty, contractors. Other suits involving half a million dollars are said to be pending.

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Canadian Producer and Gas Engine

Co.—G. H. Watson, K.C., and F. Smolke, K.C., for plaintiffs. I. F. Halliburton, K. C., and W. A. Boys, K.C., for defendants. An action to recover \$5500 paid by plaintiffs on account of purchase money for an engine bought from defendants and alleged to be useless for the purpose intended, for \$20,000 damages for loss of business and for rescission of the agreement for sale and purchase of the engine; for \$272 for labor, freight, etc. Judgment: I am of opinion the engine was wholly unfit for the purpose for which it was designed and intended to be used. The plaintiffs are entitled to recover the \$5500 purchase money paid, with interest upon \$1000 from Aug. 8, 1911, and upon \$4500 from Jan. 17, 1912. They are also entitled to recover expenses of installation, amounting to \$900; the expense its disbursements, repairs and changes, \$272; also expenses after allowing credits of installing temporary engine, \$800; also for loss of business directly traceable to defective engine, \$800; making a total of \$7372, and costs. Defendants to be entitled to a redelivery of the engine on repayment of balance of price. Thirty days' stay.

Divisional Court.

Before the Chancellor: Latchford, J., Middleton, J. Cartwright v. Whistler—D. T. Symons, K.C., for defendant. J. H. Moss, K.C., for plaintiff. An appeal by defendant from the order of Juddell, J., of Nov. 4, 1912, by consent of both parties appeal stands till January court, Stamps v. City of Toronto—A. F. Lobb, K.C., for third party. B. W. Esary for the city. An appeal by the third party from the judgment of the county court of York of June 10, 1912. At request of third party appeal enlarged to the January court. Chamberlain v. Hall—N. Davis for defendant. C. W. Plaxton for plaintiff. An appeal by defendant from the judgment of the county court of York of Oct. 23, 1912. An action by plaintiff to recover \$500 alleged to have been paid by plaintiff as money bail for the defendant of one T. B. Chamberlain, who duly appeared and his case was tried, whereupon plaintiff became entitled to have his money returned. At the trial judgment was awarded plaintiff.

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