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TWENTY-SEVENTH YEAR TWELVE PAGES—WEDNESDAY MORNING SEPTEMBER 12 1906—TWELVE PAGES ONE CENT

The Toronto World

RAILWAY ACT STEALS MARCH ON CITY NO RECOURSE TO COURTS AGAINST T.S.R. UNLESS BOARD APPROVE ASSUMES CONTROL OF ITS AGREEMENT

Somebody's Blunder Allows Insertion of Three Words by Which Even the "Special Act" is Brought Under the Railway Board's Jurisdiction.

THAT'S WHY PENALTY SUITS WERE SO SUDDENLY DROPPED

There's another "joker" in the Railway Act of Ontario. This time it hits Toronto and is liable to make many citizens sit up.

The city legal department discovered it some time ago. These officials are reticent, but there have been no penalty suits against the Toronto Railway Company for a long time now.

Mayor Coatsworth discreetly permitted the idea to go forth that the city no longer sues the railway company as a stroke of diplomacy. There is reason to believe that the city no longer sues because its hands are completely tied by the railway legislation of 1906. There are several jokers, and it is hard to say which one will trouble the city most, but in any event, the rights of the city, as against the Street Railway Company, are committed to the railway and municipal board of Ontario. The courts are no longer open to the City of Toronto.

By section 3 of an act entitled "An act respecting the Toronto Railway Company" (4 Edward VII, ch. 93 and passed in 1904), there was added to the act incorporating the Toronto Railway Company a provision that:

"In the event of the said company neglecting or refusing to give a service of cars reasonably complying with the provisions of the said agreement and conditions, the company shall, in addition to any other remedies provided by law, be liable to pay to the city for such neglect or refusal, the sum or sums of \$100 for each day they shall so neglect or refuse to comply with the said agreement, and the sum or sums may be recovered in an action by the said corporation."

Under favor of this act the city brought forth a number of penalty suits to collect this \$100 a day. This act amended and became a part of "the act passed in the 55th year of the reign of her late Majesty Queen Victoria, and chapter 99, incorporating the Toronto Railway Company." It is clearly a "special act" in the same sense as defined by the interpretation clause of the Railway Act.

Now, when John Brown discovered that he could not file a suit against the Toronto Railway Company, he incidentally disclosed that the City of Toronto stood in the same position as the City of Toronto under the interpretation clause of the Railway Act.

"No prosecution shall hereafter be had or penalty enforced against the company or any municipal corporation for any penalty under this act or the said act OR THE SPECIAL ACT" without the leave of the board being first obtained.

It is therefore evident that the city no longer sues the railway company, except by leave of the board, and from the ruling of the board upon this application there is no appeal.

Must Appeal to Board.

That the board will be entirely justified in refusing the city leave to sue, is also evident. By section 60 of the act it is required to submit its complaint for final adjudication, not to the courts, but to the railway and municipal board.

"Section 33. Where it is alleged by a municipal corporation having jurisdiction over or owning or maintaining a railway, that the whole or in part under an agreement between such municipality and the company, or where it is alleged that the company has violated or committed a breach of such agreement, or where it is alleged by such company that such municipality has violated or committed a breach of such agreement, the board shall hear and determine all questions relating to such alleged violation or breach of agreement and shall make such order as to the same as it may seem having regard to all the circumstances of the case, reasonable and expedient, and in such order may, in its discretion, direct the company or the municipality to do such things as are necessary for the proper fulfilment of such agreement, or to refrain from doing such acts as constitute a violation or breach thereof."

In other words, the board has jurisdiction to finally determine all questions respecting the contract between the City of Toronto and the railway company. Even should the board err, assuming jurisdiction, the city is helpless because, in any event, it can not appeal to the courts, without leave of the board first is obtained.

It is Perplexing.

In response to an enquiry from the World City Solicitor Chisholm stated that the question was extremely difficult, and that it had been under consideration for some time. In the absence of Mr. Fullerton, he preferred not to give out any official opinion.

At yesterday's meeting of the board of control, however, the question of the board in civil treatment of the Street Railway was acknowledged by Mayor Coatsworth, who incidental to a discussion on the condition of the railway tracks, said:

"There is something I would like some light on. Wouldn't it be a proper thing to control the operation of the Ontario railway and municipal board to the condition of the streets and rails of the Toronto Railway Company, having particular reference to King and Queen streets? They have already tied us up from taking other active steps."

"I can produce evidence from a mechanical engineer that the tracks on certain streets are a danger to life, and if the crown attorney will act I will get the evidence," declared Controller Jones.

A DISCOVERY AND SOME QUERIES ANENT.

It seems that the City of Toronto has also discovered—and has been content to sit and suffer in silence to date—that it can't sue the Toronto Railway Company any more as it once did. The new Railway Act demands that before suit is begun leave to sue must first be had from the railway and municipal board. The corporation of Toronto is in the same class with "Citizen" Brown, and is just beginning to find it out.

The warfarer man is apt to enquire why such radical legislation went thru without protest from the law department.

Were these sections not submitted to, and examined by, the department?

Did the city agree that all its rights against the Street Railway Company should be submitted to the board?

When was this change of policy agreed upon?

Did the city oppose such legislation, and when, and how?

Was it overruled by the provincial government; and, if so, why?

Did the city law department oppose the law as enacted; and, if so, why is there such difficulty to-day in that department in telling us what it means?

C. C. Robinson, who drafted the act, says that the Toronto people were unanimous in demanding that the legislature keep hands off its contract with the Toronto Railway Company, yet apparently this was not done. Who is responsible?

The proviso requiring leave of the board as a condition precedent to any penalty suit can only be defended, if defence it has, upon the same ground as that taken by the Dominion government. When it required any prosecution under the Lord's Day Act to be authorized by the attorney-general, it was stated in the senate that this proviso would prevent dissatisfied workmen, especially during a strike, from annoying their employers by prosecutions under the act. Naturally the provisions of the Ontario Railway Act, respecting lavatories, fenders, etc., will be invoked by those who have suffered personally from the company's neglect to obey board of Ontario; and the act, by requiring practically two suits—one before the board for leave to sue, and then the suit itself—does all in its power to make it difficult for a labor union or its members to proceed against the corporation.

It will be interesting to note, as time goes on, how many more jokers are contained in the Railway Act. And if all these peculiar things resulted from inadvertence, why it is that every joker, so far discovered, has favored the corporations?

Hearst's Independence League Enters New York State Politics With a Platform and a Ticket

Honesty in Public Service; the Rights of the People as Against the Corporations; Public Ownership; Punishment of Offenders, Some of the Features.

"Honesty in public service, the rule of the majority, equality before the law, regard for the welfare of the whole people, independence in politics, opportunity in business, freedom of government from the grip of corporations' control—these are the principles for which the Independence League is prepared to battle."

New York, Sept. 11.—The first two sessions of the Independence League, headed by Wm. Randolph Hearst, were held in this city to-day, the first being called to order in Carnegie Hall at 1 o'clock in the afternoon, and the second at 9 o'clock to-night.

Temporary and permanent organizations were perfected, and amid much enthusiasm to-night a lengthy platform setting forth the principles of the league was adopted.

The convention declared positively to-night in favor of the nomination of a full state ticket.

A feature of the night session was a demonstration following the mention of Mr. Hearst's name, lasting half an hour. Mr. Hearst did not attend either of today's sessions.

The platform sets forth the fundamental idea of the league as independence of boss rule, or co-operation control, and of any party subject to these. It declares for "a free vote and an honest count" and demands a "revision of the present complex and complicated election law, a simplified ballot and law providing for a recount in cases of fraud or mistakes, in terms so plain and mandatory that they can be neither disregarded nor circumvented in the courts"; demands also that the attorney-general be stripped of his present control over proceedings to test title to public office.

Public Ownership.

On the subject of public ownership, the platform says: "The Independence League believes in the public ownership of public utilities that are natural monopolies. It stands neither for private confiscation of public property nor public confiscation of private property. It believes in upholding and enforcing every property right. Holding that no person or corporation is privileged to appropriate what rightly belongs to another, it stands for irreconcilable hostility to appropriation."

Continued on Page 5.

The Monarch Visible will do more work, do it better and do it more easily and cheaply than any other. Terms reasonable. Phone Main 1741.

TO-DAY IN TORONTO.

Sept. 12.
Infringement commission, city hall, 10:30.
Laying corner-stone new National club house, Bay Street, 2:15.
Baseball—Toronto v. Baltimore, 2:40.
Q. O. R. parade, armories, 8.
Frisbee—"Raffles," 2:15, 8:15.
Majestic—"A Desperate Chance," 2:15 and 8:15.
Shea's—Vaudeville, 2:15 and 8:15.
Star—Vaudeville, 2:15 and 8:15.

Babbit Metal. The best made Canadian Metal Co.

Blue Prints by Electrical Machinery. Architects and engineers phone Main 1741. Work called for and delivered. Lockhart Photo Supply Co., Limited 16 Temperance-street.

Alive Bolland's favorite Smoking-best made—60c 1-4 lb

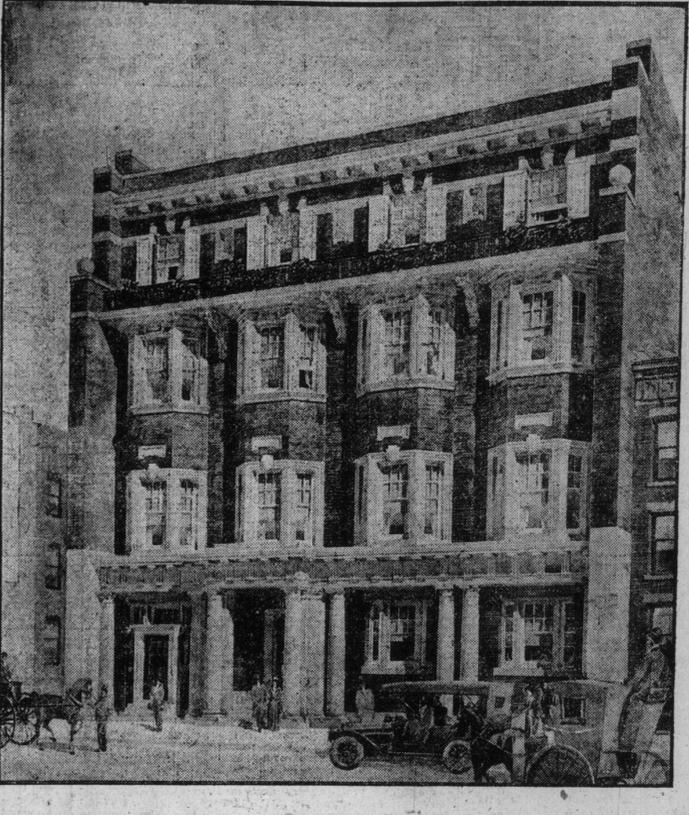
Battery Zincs, all kinds. The Canada Metal Co.

IF NOT WHY NOT?
Have you an accident and sickness policy? See Walter H. Blight, Confederation Life Building, Phone M. 2770.

Empress Hotel, Yonge and Gould Sts., E. Disette, Prop. \$1.50 and \$2.00 per day.

WHERE TO LUNCH.
Crown Hotel 75 Bay St. Excellent Cafe. J. Walker, Proprietor.

NEW HOME OF NATIONAL CLUB.



What the building, corner stone of which will be laid this afternoon, is planned to be in appearance—Site is on east side of Bay St., midway between King and Adelaide.

Food for the Methodists In Quadrennial Session

Proposal to Divide Home and Foreign Mission Departments Will Be Strongly Supported by Western Delegates.

Montreal, Sept. 11.—(Special.)—Three hundred and four delegates, and Dr. Carman, general superintendent, constituted the seventh general quadrennial Methodist conference, which convenes in St. James' Church here to-morrow. There are 18 clerical and 16 lay delegates from Toronto.

The reception committee state that the attendance will be complete. Three visiting delegates are Rev. S. F. Cooley, Manchester, Eng.; Rev. W. V. Kelley, D. D., New York and Rev. J. H. McCoy, Birmingham, Ala.

The blessing committee was the only one officially active to-day, with the exception of the Epworth League Council which decided upon the establishment of men's clubs. These, where they are provided, will form a sort of Y.M.C.A. inside the church.

The committee charge of it having succumbed to red tape, nobody has yet seen the agenda book, and delegates will be supposed to digest its contents while the debates are going on.

Among the questions of importance coming up, church union will be in the front. It is expected that the matter will be relegated to the local conferences. The amusement debate, under the head of removing the footnote from the discipline, is not likely to produce any change, and the note will probably stand.

The appointment of an editor for The Guardian will come on the present acting editor, Creighton, will likely get the position. Rev. Dr. Courtice is an applicant. It is also suggested that an associating board be appointed to share the state secrets now borne solely by Dr. Briggs. A young man is favored by those who think it unwise to have the immense publishing business of the Bookroom dependent upon Dr. Briggs' good health.

There is a proposal to divide the missionary work, which will undoubtedly arouse discussion. The home and foreign missions. It is thought by many should be in different hands.

There is a very strong feeling among the western delegates on this point. West of the Rockies, there is positive dissatisfaction, and it is considered that Dr. Whittington is too subservient to Dr. Sutherland.

"He has no personality at all, and is a dead letter," said one delegate, speaking of work among the Indians. "That is the weakness of our policy. We are too big for a one-man policy, and that policy has broken down."

The committee on missions has had some new blood infused, which, it is expected, will tell.

This is not business, and a change will probably be made.

There is pretty certain to be a ruling with regard to persons who enter business, and use their clerical title to advance their commercial interests. Nor will the custom of sitting on directors' boards be encouraged among the clericals.

Motor Boats and Automobiles are machines, and the former are built throughout by Schofield-Holden Machine Co., Limited. Phone Main 2664.

Hunter Cigar, the smooth smoke, 10c
Alive Bolland's favorite Smoking-best made—60c 1-4 lb

ONE CHRISTIAN, NO SOLDIER AMONG THE DEAD AT SIEDLEC

Residents Still in Panic—Troops at Warsaw Search Jewish Quarter.

Warsaw, Sept. 11.—With an armed guard, an Associated Press correspondent visited Siedlec to-day.

Shops were closed, and the people were panic-stricken, fearing slaughter. Soldiers were everywhere.

By actual count, 140 corpses were picked up in the streets, and it is stated that as many more bodies are hidden in cellars.

Only one Christian is known to have been killed, and so far as can be learned, no soldier was killed.

Trainloads of fugitives are leaving Siedlec for the south.

The undisciplined soldiery acted with the utmost brutality all thru the troubles.

Here in Warsaw there are some fears of an outbreak.

Soldiers to-night searched the Jewish quarter. Several conflicts resulted, and two Jews were killed and eleven seriously wounded.

Forty-two supposed revolutionists have been arrested here, and will be tried by a field court-martial.

A military officer was killed here to-night by terrorists.

DEATH IN BARB WIRE FENCE

Rushville, Ind., Sept. 11.—Three workmen were killed to-day by a fence in contact with a barbed wire fence that had been charged with electricity from the plant of the Indianapolis and Cincinnati Traction Co.

Smoke Taylor's Maple Leaf Cigars

Harper, Customs Broker, 60 Malindas.

A Wonder of the Laurendes.

Many people who sail down the St. Lawrence River and enjoy the grand scenery of the Laurentian Mountains, the oldest rocks in the world, are not aware that it is from this uncounted source that radiator water gushes forth pure, sparkling, invigorating and undoubtedly the very best mixer with Canadian whiskey, Scotch, Wines or milk.

Hunter Cigar, the smooth smoke, 10c
Alive Bolland's favorite Smoking-best made—60c 1-4 lb

The Globe Paint & Varnish Company, 424 West Adelaide-street, assigned to Henry Barber & Co., yesterday.

Owing to the water in the vicinity of the Western gap becoming lower, the harbor commissioners have decided to move the range light at the Queen's Wharf.

If your dealer does not keep Daisy Batters, send us his name. R. J. Clark & Co., Toronto.

Visit the Col'lege Inn Billiard Parlor, 334 Yonge St. Music every evening.

THE LARGEST AUTOMOBILE

Livery for Toronto. We are hiring our new French cars, with experienced drivers, for \$3 per hour for first hour and \$2 per hour for each subsequent hour for long trips. The British and French Motor Car Co., Limited, 1000 Bloor-st. W. Phone Main 1417. See our lines of famous English and French cars before purchasing.

Hunter Cigar, the smooth smoke, 10c

STEAMSHIP ARRIVALS.

Sept. 11. At From
K. Wilton II. New York
G. Kuffard. New York
Deutschland. Cape Race
Teutonia. Nantucket Liverpool

THE END BARREL

Five old English stocks, which are no longer taken, drawn from the original package, at Walker's 75 Bay Street.

If you desire to test the best typewriter made, rent a Monarch Visible. Phone Main 1741.

"MALTESE CROSS" INTERLOCKING RUBBER TILING
is made in a variety of soft, rich colors that will harmonize perfectly with any surrounding.
THE GUTTA PERCHA & RUBBER MFG CO.
of Toronto, Limited.

DIRECTORS WHO DIDN'T KNOW PATTISON HAD \$80,000 THAT WAS DIVIDED AMONG THEM

And He Himself Wasn't Aware That the Home Life Was, After All, Paying the Shot—Agreement With McCutcheon Also Came as a Surprise—Interesting Evidence.

Several directors of the old Home Life Insurance Company, including Rev. Dr. Briggs, appeared before the royal commission yesterday and swore that the deal to amalgamate the People's Life and the Home companies a year ago was consummated by Messrs. Pattison and Stratton, and that Pattison got \$80,000 for his contract, and never told the directors a word about it. Pattison claims that he did not know where the money was to come from to pay him for getting out of the company, although with his arrangement with Hon. M. Stratton he had paid the old Home Life directors the maximum price quoted for the stock at that time out of the \$80,000 as follows:

Name	Bonus	Stock
Thos. R. Wood	\$500	\$1,250
Dr. King	500	1,250
Fred Dyer	1,250	1,250
Dr. Briggs	500	1,250
J. S. King	750	1,250
W. A. Firstbrook	250	1,425
J. Firstbrook	3,375	
J. W. Curry, K.C.	500	1,250
N. P. Dupuis	250	1,000
T. Elliott	625	1,375
J. Firstbrook	11,500	
A. J. Pattison		12,475
J. Hillcock		200

The directors seemed to think that Mr. Stratton was putting up the extra money to get the control of the company, while, as a matter of fact, that money was coming out of the funds of the Home Life. To-day Messrs. Firstbrook and Pattison's subsidiary enterprise will be started.

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ONE-TIME TORONTO BELLE.

New York, Sept. 11.—(Special.)—Mrs. Ellen Craig Byrne, widow of Sergeant-Major James Byrne of the Governor's General's Body Guards, at one time a noted belle in Toronto, where she resided from 1866 till 1900, when she came to Brooklyn to reside with her children, died Monday morning early at 508 Bevelly-road, at the age of 72, and was buried to-night.

She leaves five children, 27 grandchildren, including Mesdames George Roundtree and Matthew Dineen of Toronto, and 17 great-grandchildren. She was born in County Meath, Ireland, in Ardbracco Castle.

UNIQUE FEAT.

(Canadian Associated Press Cable.)
London, Sept. 11.—The Tribune refers to the C. P. R.'s transport of the Hongkong mails as a wonderful feat in steamship travelling.

SHOWERS, PERHAPS.

Meteorological Office, Toronto, Sept. 11.—(8 p.m.)—Temperature changes have been noted in the weather in the western part of the province, and thunderstorms have occurred in New Ontario, and also a few very light showers in Saskatchewan.

Minimum and maximum temperatures: Dawson, 30-40; Athabasca, 30-40; 42-52; Vancouver, 40-61; Kamloops, 40-55; Calgary, 38-55; Edmonton, 38-55; Qu'Appelle, 38-52; Minnedosa, 34-52; Port Arthur, 62-74; Parry Sound, 62-84; Toronto, 62-84; Ottawa, 62-84; Halifax, 46-68.

Probabilities.

Lower Lakes and Georgian Bay—Fair and becoming cooler at night; thunderstorms in many localities. Lake Superior—Cool and partly fair; local showers. Manitoba, Saskatchewan and Alberta—Fair, and not much change in temperature.

THE BAROMETER.

Time	Ther.	Bar.	Wind.
8 a.m.	64	29.66	Wind.
Noon	79	29.66	Wind.
4 p.m.	82	29.66	Wind.
8 p.m.	73	29.62	Wind.
Mean of day	72	29.62	Wind.
10 a.m. to 10 p.m.	72	29.62	Wind.

DEATHS.

HIGGINS—At his late residence, 327 North-street, on Tuesday morning, Sept. 11, 1906, Michael Higgins, late G. T. R. conductor, in the 70th year of his age. Funeral notice later. Kindly omit flowers.

COOKE—Tuesday morning, Sept. 11, 1906, Mary Jane, wife of Thomas Cooke. Funeral Thursday, from her late residence, 173 St. Patrick-street, at 2 p.m.

RICE—On Sept. 10, 1906, at the residence of his son-in-law, F. V. Winters, 262 West Dundas-street, Toronto Junction, Gilbert Rice, aged 72 years. Funeral from above address at 2:30 p.m. Wednesday, Sept. 12, to Prospect Cemetery.

WELLEN—On Sept. 11, 1906, Albert J. R., son of A. E. Weller, of 263 Broad-view-avenue, aged 3 years and 2 months. Funeral from father's residence at St. James' Cemetery on Thursday, at 2 p.m.

HUNT—In loving memory of our beloved daughter, Martha Louisa, who died Sept. 11, 1906.

IN MEMORIAM.

A year has gone and still we miss her—Never shall her memory fade: Loving thought will always linger Round the grave where Martha's laid.

The F.W. Matthews Co. Phone M 2571. Private Ambulance Service.

The morning World is delivered to any address in the city or suburbs before 7 a.m. for 25 cents a month. Phone Main 552 for complaints of unsatisfactory delivery.

Edwards, Morgan & Company, Chartered Accountants, 26 Wellington-st. East. Phone Main 1163.