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FOURTEEN PAGES—THURSDAY MORNING FEBRUARY 18 1909—FOURTEEN PAGES

51 29TH YEAR

Take Two Ballots With All Signs Toward Deadlock

Bishop Thornloe Has Major-
 ity of 40 Clerics While
 Canon Cody Has a Lead of
 16 in the Representative
 Laymen's Vote.

BOTH SIDES LINE UP FOR BITTER STRUGGLE

Yesterday's proceedings in the synod resulted in a disclosure of the strength of the sentiment enlisted respectively in support of what may be regarded as Canadian ideals in the church as against the less acclimatized standards of English culture. As was natural, the clerical vote leaned toward culture, not that there is not as broad and generous culture in Ontario as elsewhere, but on account of the tradition of the past thirty years which means so much in the pulpit, and which, according to the vote recorded, means so little to the pew. Every cleric who voted yesterday represented himself. The vote was 109 to 60 against the native-born. Every lay vote represented from 100 to 1000 persons. The vote was 65 to 49 in favor of the native born. The pulpit then is not in touch with the pew.

The World was informed last night by a strong supporter of Canon Cody that he had estimated the vote in the morning at 56 clerical and 67 lay. The result was slightly better than that, and the second vote a little better still. A meeting of the delegates supporting Canon Cody was held for the first time last night and with much fervor it was resolved not to cease from that support. Another meeting will be held this morning. It was stated that the delegates voted for Bishop Thornloe do not intend to substitute any other name for his. The sympathy of the public generally confirms them in this resolve.

Between Thornloe and Cody.
 After having taken two ballots, the synod adjourned until this morning. The day's proceedings, concluded at 10:15 last evening, with every indication of a stubborn deadlock.

In the two ballots taken a majority of the clergy voted for Bishop Thornloe of Algoma, and a majority of the laity for Rev. Canon Cody of this city. Both the clerical and lay votes had a substantial respective minority pool.

After the first ballot was announced at 8 o'clock last evening, St. James' Cathedral, Rev. T. Street Macklem and other clerical, prominent supporters of the name of Bishop Thornloe, gathered around the altar, and the balloting would become decisive for Bishop Thornloe.

Equally prominent, but lay advocates of the election of Rev. Canon Cody expressed the opinion that it was their duty to stand firm.

W. D. McPherson, M.L.A., said that he hoped if the second ballot failed to elect Canon Cody they would have another chance.

The second ballot was announced as ineffective at 10:15 and the synod was adjourned by the chairman, Ven. Archdeacon Sweeney, until 10 o'clock this morning, when it will reassemble "for morning prayers." At 10:30 a third ballot will be taken.

All hope of a harmonious election was abandoned when the second ballot proved almost identical with the first. Those who received votes were Bishop Thornloe, Canon Cody, Archdeacon Sweeney, Bishop Reeve, Canon Sprague of Cobourg, Canon Poyer and Rev. T. W. Powell of Eglinton.

Also not figuring in yesterday's balloting, the name of Bishop Frederickson was advanced in the hope of breaking the deadlock.

The result of the first ballot, which began at 4:30 and lasted until 6:30, was announced at 8 o'clock by Archdeacon Sweeney, who read the report of scrutineers as follows: Total vote of clergy, 177. Necessary to a choice, 89. Total vote of laity, 128. Necessary to a choice, 65. Ballots cast:

How the Votes Were Divided.

	Clergy	Laity	Total
Thornloe	109	51	158
Cody	60	67	127
Sweeney	4	3	7
Reeve	1	1	2
Sprague	1	1	2
Tucker	1	1	2
Powell	1	9	10
Total	177	128	305

*Spoiled.

B. C. HAS FINE SURPLUS AND WILL SPEND FREELY

Million and Half to the Good, the
 Public Works Program is on an
 Unprecedented Scale.

VICTORIA, B.C., Feb. 17.—(Special).—In the budget address to the legisla-

ture to-night Finance Minister Tatlow showed a surplus of a million and a half. The revenue for the next fiscal year would reach six millions, and the expenditure five and a half millions, of which nearly three millions would be for public works, the largest in the history of the province. The public debt had been reduced from \$11,000,000 to \$9,000,000 within a year, in four of which surpluses have been shown.

The minister proposed still a greater development, when the A. B. C. route, the West Stanley mine this afternoon without finding any further signs of life, but they did discover the bodies of a score of men who apparently had succumbed to after damp. Only 37 men have been brought up alive out of a total of 147.

NEWCASTLE, ENG., Feb. 17.—Rescuers reached the bottom level of the West Stanley mine this afternoon without finding any further signs of life, but they did discover the bodies of a score of men who apparently had succumbed to after damp. Only 37 men have been brought up alive out of a total of 147.

Continued on Page 14.

WHO SHOULD PAY TO SAFEGUARD CROSSINGS?

Houghton Lennox Wants Abolition of Grade Crossings, and Says Government, Not Municipalities, Should Pay.

OTTAWA, Feb. 17.—(Special).—Dealing in a comprehensive way with the question of the adoption of safety devices at level crossings, Houghton Lennox (South St. George) moved in the house this afternoon a resolution calling upon the government to make an exhaustive enquiry into the matter and to deal with it with a view to "eliminating, as far as reasonably possible, the level crossings from our system of railways, and where this cannot be done, the adoption of such methods and devices as will secure the safety of the people using the highways."

Mr. Lennox asked the government to invite the heads of municipalities to Ottawa to confer upon the subject, to collect information and to adopt a general policy. All the highways should be made relatively safe. Level crossings should be abolished, or, where that is impossible, gates or other protecting devices should be adopted.

In his reply Hon. Mr. Graham favored the idea of a division of the cost. The debate went over at 6 o'clock, the minister promising that in the unexpected event of his not being able to introduce his bill, opportunity would be given for renewal of discussion of Mr. Lennox's resolution.

The Slaughter at the Crossings.
 Mr. Lennox gave a short resume of some of the more recent disasters at level crossings. In the United States, from 1900 to 1906, the number of killed at railway crossings exceeded the number of passengers killed by 85 per cent, the figures being 4256 and 2302. The total injured was 8715.

On the Illinois Central Railway the question of grade separation was taken up with the World's Fair authorities and eight miles of track elevated, the result being that not a single life was lost during that year on the road. While other countries were doing something to eliminate the danger, Canada was standing still. In the separation of grades these objects were to be attained: safety, moderate tolls, speed, frequency and punctuality of trains and comfort, and the paramount consideration was safety, not rates.

Great Britain was the first to master the problem of travel by land. She began right by keeping control of her highways, and the consequence was the railways were not a charge on the state, but a source of revenue. In Germany, nationalization has facilitated betterment of conditions. Mr. Len-

WARRANTS ISSUE ON U.S. LABEL CHARGES

N. Y. World and Indianapolis News Owners Indicted by Grand Jury in Panama Canal Scandal Case.

WASHINGTON, Feb. 17.—Bench warrants were issued late to-day for the arrest of Joseph Pulitzer, Caleb M. Vanhamm, and Robert H. Lyman of New York; proprietors and editors of The New York World, and for Delevan Smith and Charles R. Williams, owners of The Indianapolis News, for criminal libel in connection with the publication in those newspapers of charges of irregularities in the purchase by the United States Government of the Panama Canal property from the French owners.

The indictments on which the warrants were based were returned to-day by the United States grand jury, sitting in this city, and the warrants were issued later by the clerk of criminal court No. 1. The warrants are directed against all five of the natural defendants of the two newspapers. The summons requires the corporate defendants, "The Press Publishing Co. of New York" to appear in court forthwith to answer to the indictments.

District Attorney Baker probably will not send the copies of the bench warrants and the certified copies of the indictments to New York, or to Indianapolis for a day or two. They were placed late to-day in the hands of a United States marshal here, and he will proceed with them in accordance with the directions of Mr. Baker. Theodore Roosevelt, Wm. H. Taft, Elihu Root, J. Pierpont Morgan, Chas. P. Taft, Douglas Robinson and Wm. Nelson Cromwell are named in the indictments as the persons alleged to have been defamed by the stories appearing in the two newspapers.

In the event that the commissioner should hold the indictments sufficient and the offence is one upon which the defendants may be extradited to this jurisdiction, the defendants can sue for a writ "habeas corpus" and have the commissioner's decision reviewed by the United States district court for the southern district of New York. Should the decision of this court also be adverse to their interests, the case can then be taken to the supreme court of the United States for final review.

If the defendants should pursue the course outlined above at least a year probably will elapse before the case can be brought before the bar of the district supreme court for trial.

World's Fight for 2 Cent Fare Sustained by the Privy Council

The Decision—How It Was Gained and What It Means.

The decision of the privy council, declaring that the G.T.R. must maintain a service between Toronto and Montreal at a fare of 2 cents a mile, comes after a struggle of two years' duration.

The case has been carried from the Toronto Police Court to the courts of the province, to the railway commission, to the supreme court at Ottawa, to the privy council of the empire (the foot of the throne as the law books say), by The World and W. F. Maclean, M.P., at their own expense, since the supreme court decision counsel engaged by them have got their costs from the Grand Trunk.

When Mr. Maclean raised the case in parliament he got very little support, even from the members who lived along the Grand Trunk, and Sir Wilfrid told him, when he asked the attorney-general of the Dominion to intervene on behalf of the public, to "go to Mr. Foy."

For two sessions the Grand Trunk tried to get a bill thru the house to repeal the clause, but owing to the vigilance of three or four members they never could get the measure advanced the necessary stages.

The result now is that the Grand Trunk Railway is compelled to obey the order of the railway commission, made in May, 1907, and, in obeying this order, they must necessarily run a carriage each way each day between Montreal and Toronto to which travelers shall be entitled to admission and to carriage at the rate of 2 cents per mile. The application, as made to the Board of Railway Commissioners, was confined to the line between Montreal and Toronto, but the statute says that it is also to extend to all the branches. The reason why the application was confined to the line between Montreal and Toronto was because it was the portion of the Grand Trunk system which was specially constructed under the provisions of the statute requiring a third-class carriage and the two-cent-a-mile fare, the applicant always, however, reserving to himself the right upon a further application, to allege that such right to be carried in a third-class carriage at 2 cents a mile extended to the whole Grand Trunk system within the Dominion of Canada; and in case the Grand Trunk Railway does not see fit to extend such carriage at such rate over its system, it is still within the rights of the applicant to apply again to the railway commission for another and further order.

Grand Trunk Railway is Compelled to Obey Provision of Its Charter to Maintain a 3rd Class Service at Two Cents a Mile Between Toronto and Montreal.

"World" Carried Case From Police Court to Highest Tribunal

(Canadian Associated Press Cable.) LONDON, Feb. 17.—The judgment of the privy council in the case brought by W. N. Robertson of Toronto in connection with W. F. Maclean's campaign to have it declared that the Grand Trunk's charter requires it to give a two-cent rate on third-class cars between Toronto and Montreal, was given to-day by Lord Loreburn.

Sir Robert Finlay and D. L. McCarthy appeared for the G.T.R., and Hamar Greenwood, M.P., and Horace Douglas for Mr. Robertson.

Lord Loreburn said the section imposing third class fares at two cents a mile was still in force.

The whole question was whether the section was inconsistent with the Railway Act of 1906.

He held that it was not, and also that the privy council could not decide whether the section was left on the statutes by desire or because overlooked.

The appeal was dismissed with costs. Mr. Greenwood's argument was not able.

The Canadian Associated Press understands that the judgment affects the old Grand Junction Railway, which, to some extent, may also be liable to carry passengers at two cents.

On Verge of General Reduction.

Mr. Maclean said yesterday afternoon that he had not yet seen the decision, but that he took it to mean that it confirmed the judgment of the Dominion Railway Commission and also of the supreme court of Canada, namely, that the Grand Trunk was bound by its original charter to give a penny-a-mile third-class passenger service between Toronto and Montreal. He contended, however, that this decision would have a far-reaching effect. For instance, he said, only did the Grand Trunk charter contain this provision, but the other railroads chartered at that time from Montreal to Trois Pistoles, which, he also contended it, and therefore a penny a mile must be the rate between Toronto and Trois Pistoles for at least one train each way for a third-class ticket.

Under the law of competition, if the Grand Trunk had to give it, any other road that competes between these points—and the C.P.R. and the Intercolonial were involved—would also have to give a penny-a-mile service. Moreover, he contended that the decision might be construed to extend much further; namely, that inasmuch as the bearing of the new Railway Act of this country, and the preceding act for that matter, was in the direction of an equality of treatment as between sections of country as well as between persons, it would also follow that if the Grand Trunk had to give this rate on a portion of its system, it would have to give it over the whole of it. In other words, if it had to give it from Montreal to Toronto, it would have to give it from Toronto to Saratoga. Then it would also follow that all competing roads would have to do the same—in other words, Canada was on the verge of two cents a mile!

Mr. Maclean said further that a great deal remained now with the people between Toronto and Quebec; that every traveler ought to demand on every occasion that he be given a penny-a-mile ticket and that they go in any car that the Grand Trunk chose to accord them, trusting to the fact that inasmuch as under the very same law in England, passed about the very same time as the Grand Trunk law was passed, had been worked out so as to give a splendid and well-appointed service all over the kingdom at a penny a mile on practically every train, every road, if the very same law (word for word) had worked out that way in Britain, it could be worked out here. The railway commission, when it gave its judgment told the Grand Trunk that it would not only have to give a penny-a-mile service, but that they (the commission) would be the judge as to what this meant, and they would make it mean a comfortable modern service.

History of the Suit.
 In the early fall of the year 1906 it came to the knowledge of Mr. W. F. Maclean, M.P. for South York, and proprietor of The World newspaper, that the original act of incorporation that acquired the Grand Trunk Railway to run third-class carriages at the rate of two cents per mile each way each day on their line between Toronto and Montreal. It was believed that the neglect and refusal of the general manager, C. M. Hayes, to conform to the act of parliament so declaring was a violation of the criminal code, and instructions were given to W. N. Robertson to prosecute.

Continued on Page 7.

FOREIGN AFFAIRS DEPT. IN OTTAWA GOVERNMENT

Secretary of State Proposes a Bill to Create a "Department of External Affairs."

OTTAWA, Feb. 17.—(Special).—Another department is to be added to the already extensive and extensive machinery of government.

Hon. Chas. Murphy, secretary of state, is sponsor for a bill, which is to be introduced this session to create a "department of external affairs."

This, it is understood, will be the equivalent of a department of foreign affairs, and is but an extension of the policy which was inaugurated when William Mackenzie was created secretary for imperial and colonial correspondence.

It is understood that Mr. Mackenzie will be deputy minister of the new department, which will be under the administrative control of the prime minister.

AUSTRALIA IS SATISFIED
 Haldane's Proposal Meets Government's Favor—Hill Contract Renewal.

MELBOURNE, Australia, Feb. 17.—(C.A.P.).—The federal government is satisfied with Secretary Haldane's proposals for the creation of an imperial staff. The public is showing a great interest in the scheme of an army of empire, but is awaiting particulars. It is understood the proposals fully comply with the ministerial promises made at the imperial conference.

Sir J. Mills, managing director of the Union Steamship Company, states the government would be willing to renew the Vancouver-Australia mail contract, provided quicker service and better steamers are guaranteed. The contract expires in July. The Canadian government has not yet signified its acceptance of the new conditions.

Order Becomes Effective When Text Arrives

OTTAWA, Feb. 17.—(Special).—Hon. G. P. Graham, minister of railways, was asked his view as to when the order of the railway commission compelling the Grand Trunk to put the penny a mile rate into force would be effective.

He replied he would think it would become effective as soon as the text of the judgment had been received. "This order was stayed, it would be remembered to enable the Grand Trunk to take an appeal to the privy council." The Grand Trunk, added Mr. Graham, had made no request for relief from legislation.

WOULD LIKE TO BE COLLECTOR
 Several Torontoians Not Averse to Receiving the Appointment.

It is expected that the appointment of a collector of customs will not be long delayed. Every day, it is said, brings out another aspirant for the office.

It is not by any means assured that a local man will be favored. An insistent friend of a cabinet minister, or an awkward applicant for a senate vacancy may get the preference. Among the Torontoians who, it is said, would be willing to receive the appointment are ex-Mayor Thomas Urquhart, ex-Ald. J. H. Hay, ex-lecturer Lynd and W. La Edmond, all of whom defeated Liberal candidates in Toronto constituencies; J. D. Allan, A. A. Mulholland, Fred G. Inwood, the provincial organizer, and Mr. Bertram, the present customs surveyor. The latter has, however, had his chances seriously affected by the circulation of a petition among the customs house and business men, for it is not thought the powers that be will relish the advice and suggestions so thoughtfully tendered in the document.

As The World has said before, Mr. Inwood's claims on the party patronage at this time are held to be superior among those of the local applicants.

ENDED LIFE WITH RAZOR.

With Throat Cut, Wandered to Car Tracks and Died.

WINNIPEG, Feb. 17.—(Special).—Investigation shows that Con. Enright, formerly of Renfrew, Ont., but who was working here three years ago as a barber, committed suicide. He was suffering from ill-health for some time, and seems to have cut the jugular vein with a razor at a woodpile. Rapidly weakening from loss of blood, the man in pain, he wandered blindly to the car tracks, where he fell and, after brief convulsions, died. The cars afterwards crushed his chest and arm.

Known in Renfrew.
 RENFREW, Feb. 17.—(Special).—Cornelius Enright was well-known in this town some years ago. He kept a store here and bore a good character. Several years ago he told his friends he had decided that the west offered better opportunities. He sold out his business, which was a small one, and left town. He was then about 35 years of age. He has no relatives in town or surrounding country so far as can be ascertained.



OLD MAN ONTARIO; Take care, Frank, or you'll be in a hole.

Continued on Page 7.