ADVANCE IN LIVERPOOL CAUSES HIGHER OPENINGS

Domestic Demand Exceedingly Low, But Considerable Manitoba Worked for Export.

World Office,
Tuesday Evening, Oct. 27.

Liverpool wheat futures closed to-day ⅝d to 1¼d higher than yesterday, and corn futures ½d to ½d higher.

At Chicago December wheat closed 1⅜c higher than yesterday, December corn ¼c higher, and December oats closed ¼c higher.

Chicago car lots to-day: Wheat, 115; contract, 11. Corn, 139; contract, 21. Oats, 224; contract, 19.

Winnipeg car lots of wheat to-day, 426; year ago to-day, 348.

European visible: Wheat this week, 71,204,000 bushels; decrease from last week, 1,492,000; last year there was a decrease of 2,000,000, when the total was 77,500,000.

Stocks in public and private elevators: Wheat, 8,591,000; increase, 222,000. Corn, 725,000; decrease, 644,000. Oats, 3,819,000; increase, 496,000.

A report from the Argentine says that in districts of Southern Santa Fe and Northern Buenos Ayres a large portion of the wheat crop has been destroyed. The total crop will be smaller than last year. Total crop, 1907, amounted to 2,1-500,000 bushels. Buenos Ayres and Santa Fe are the largest producers in Argentine, and last year raised 110,075,000 bushels.

Primaries: Wheat to-day, 961,000; last week, 1,251,000; last year, 1,070,000 bushels. Shipments, 844,000, 546,000, 480,000. Corn receipts, 308,000, 331,000, 582,000; shipments, 174,000, 178,000, 328,000. Oats, 676,000; shipments, 565,000.

Bradstreet's wheat, increase, 4,609,000; corn, decrease, 662,000; oats, increase, 1,756,000.

Duluth wires: Seventy-four loads of Manitoba worked from this market.

Receipts of wheat at Liverpool for three days, 248,000, and corn, 122,000, against 648,000 wheat and 130,000 bushels corn same time last week.

J. R. Heintz & Co. (R. B. Holden) furnish the following Broomhall foreign weekly crop summary: United Kingdom and France—Outlook for wheat already seeded is generally favorable; supplies of native wheat fair. Germany—Frost, which was recently reported, found much of the wheat crop unseeded, and crop which was seeded early came up irregularly; weather now somewhat better, altho drought still continues in parts; demand slow. Hungary—Drought has been partially broken, and weather conditions improved. Roumania—Weather colder and rainy, which has interrupted harvesting of corn and field work; weather now clearing. Russia—The weather wintery, and indications point to an early closing of Azoff ports. In the central districts the outlook for wheat already seeded is unfavorable; elsewhere there are no complaints. Outlook for corn good. Stocks at the ports continue liberal. Italy—There are some complaints being received that it is too dry for proper growth of the new crop. North Africa—Drought partially relieved. Argentine—In districts of Southern Santa Fe and Northern Buenos Ayres a large portion of the wheat crop has been destroyed. Total crop will be smaller than last year. Total crop last year, 201,562,000 bushels. Buenos Ayres and Santa Fe are the largest producers in Argentine, and in 1907 raised 110,075,000, from a total of 156,500,000.

ST. LAWRENCE MARKET.

Receipts of farm produce were 1400 bushels of grain, 20 loads of hay, 5 loads of straw, and a few dressed hogs.

Wheat—One hundred bushels of fall sold at 92c.

Barley—Eight hundred bushels sold at 55c to 58c.

Oats—Five hundred bushels sold at 43c to 44c.

Hay—Thirty loads sold at $13 to $15 per ton.

Straw—Five loads sold as follows: Two loads of sheaf sold at $16 per ton; one load of sheaf rye straw, $15; two loads of loose sold at $8 per ton.

Market Notes.

Joshua Ingham bought 200 lambs, alive, at $4.50 per cwt., and on Saturday last Mr. Ingham says that he bought the best chickens he has seen this season, weighing 11 lbs. per pair, from Mrs. Easterbrook.

Grain—		
Wheat, fall, bush	$0 92	to $....
Wheat, red, bush	0 90	....
Wheat, goose, bush	0 88	....
Rye, bushel	0 80	....
Buckwheat, bushel	0 58	....
Peas, bushel	0 90	....
Barley, bushel	0 55	0 58
Oats, bushel	0 43	0 44
Seeds—		
Alsike, fancy quality	$7 00	to $7 25
Alsike, No. 1 quality	6 50	6 75
Alsike, No. 2 quality	6 00	6 25
Red clover, bush	4 50	5 00
Timothy seed, bush	1 20	1 60
Hay and Straw—		
Hay, per ton	$13 00	to $15 00
Cattle hay, per ton	6 50	6 75
Straw, loose, ton	8 00	....
Straw, bundled, ton	15 00	16 00
Fruit and Vegetables—		
Apples, per barrel	$1 50	to $2 25
Onions, per bag	0 80	1 00
Potatoes, bag	0 60	0 70
Poultry—		
Turkeys, dressed, lb	$0 15	to $0 17
Geese, per lb	0 10	0 11
Spring chickens, lb	0 11	0 12
Spring ducks, lb	0 10	0 13
Fowl, per lb	0 08	0 09
Dairy Produce—		
Butter, lb.	$0 28	to $0 30
Eggs, strictly new-laid, per dozen	0 27	0 30
Fresh Meats—		
Beef, forequarters, cwt	$5 00	to $6 00
Beef, hindquarters, cwt	8 00	9 50
Beef, choice sides, cwt	7 50	8 50
Beef, medium, cwt	5 00	7 00
Beef, common, cwt	3 00	5 00
Lambs, spring, per lb	0 08	0 09
Mutton, light, cwt	6 50	7 50
Veals, common, cwt	6 00	7 00
Veals, prime, cwt	8 50	10 50
Dressed hogs, cwt	8 50	8 75

FARM PRODUCE WHOLESALE.

The prices quoted below are for first-class quality; lower grades sell at correspondingly lower quotations:

Hay, car lots, ton	$10 50	to $11 00
Straw, car lots, ton	6 50	7 00
Potatoes, car lots, bag	0 55	0 58
Evaporated apples, lb	0 07	....
Butter, separator, dairy	0 23	0 24
Butter, store lots	0 21	0 22
Butter, creamery, solids	0 24	0 25
Butter, creamery, lb. rolls	0 26	0 27
Eggs, new-laid, dozen	0 22	0 23
Cheese, large, lb	0 13½	....
Cheese, twin, lb	0 14	....
Honey, extracted	0 10	0 11

Hides and Skins.

Prices revised daily by E. T. Carter & Co., 85 East Front-street, Wholesale Dealers in Wool, Hides, Calfskins and Sheepskins, Furs, Tallow, etc.:

No. 1 inspected steers, 60 lbs. up	$0 09	to $....
No. 2 inspected steers, 60 lbs. up	0 08	....
No. 1 inspected cows	0 08½	....
No. 2 inspected cows	0 07½	....
No. 3 inspected cows and bulls	0 06½	....
Country hides, cured	0 07¾	....
Calfskins, city	0 12	....
Calfskins, country	0 11	0 12
Horsehides, No. 1	2 50	....
Horsehair, per lb	0 29	....
Tallow, per lb	0 05½	0 06½
Wool, unwashed	0 09½	....
Wool, washed	0 13	0 14
Lambskins	0 45	0 50
Shearings	0 40	0 50

GRAIN AND PRODUCE.

Prices quoted are for outside points:

Winter wheat—No. 2 white, 89c bid; No. 2 red, 90c bid; No. 2 mixed, 89c bid, new.

Spring wheat—No. 2 Ontario, no quotations.

Barley—No. 2, buyers 53c; No. 3X, 54c out; No. 3 buyers 53c.

Oats—No. 2 white, 40½c sellers; No. 2 mixed, 38c bid.

Rye—78c buyers.

Bran — Sellers $18.00, bulk, outside. Shorts, $22.

Buckwheat—No. 2, 58c.

Peas—No. 2, 85c.

Corn—No. 3 yellow, 87½c.

Flour—Ontario, 90 per cent. patent, sales, $3.50 for export; Manitoba patent, special brands, $6; second patents, $5.40; strong bakers', $5.30.

New York Sugar Market.

Sugar—Raw steady; fair refining, 3.56c; centrifugal, 96 test, 4.06c; molasses sugar, 3.31c; refined steady.

Winnipeg Wheat Market.

Following are the closing quotations on Winnipeg grain futures:

Wheat—October 99½c bid, December 94¼c bid, May 98¾c bid.

Oats—October 37½c bid, December 36c bid.

Chicago Market.

J. P. Bickell & Co., Lawlor Building, report the following fluctuations at the Chicago Board of Trade to-day:

	Open.	High.	Low.	Close.
Wheat—				
Dec.	99¾	100½	99¾	100½
May	103	103⅝	103	103½
July	97¾	98⅛	97¾	98⅛
Corn—				
Dec.	63⅝	63⅞	63⅝	63¾
May	62¾	63	62¾	63
July	62⅝	62½	62¼	62½
Oats—				
Dec.	47¾	48	47¾	48
May	49¾	49⅞	49¾	49⅞
July	45⅛	45¼	45⅛	45¼
Pork—				
Oct.	13.85	13.85	13.85	13.85
Jan.	15.75	16.00	15.75	16.00
May	15.70	15.80	15.62	15.75
Ribs—				
Oct.	8.62	8.62	8.62	8.62
Jan.	8.40	8.50	8.35	8.50
May	8.57	8.60	8.50	8.60
Lard—				
Oct.	9.62	9.72	9.60	9.72
Jan.	9.35	9.50	9.35	9.50
May	9.42	9.57	9.25	9.57

Chicago Gossip.

J. P. Bickell & Co. say at the close:

Wheat—Higher; strong Liverpool cables reflecting Argentine crop conditions, serving to create firm market thruout the session. The general news of the day was a repetition of what the trade had been receiving for the last two weeks, viz., strong cash markets at good premiums over futures; heavy export clearings and smaller primary movement. Speculation, however, is in a waiting mood, and the strength of the market, in spite of dullness, is a demonstration of the inherent strength of the situation. We are believers in materially higher prices for Chicago May wheat, and recommend its purchase at the market, and at all slight declines from the present level.

Corn—Firmer, owing to the improvement in the cash demand and smaller offerings of new corn. As we have previously stated, it is our opinion that if cash corn reaches the level of May corn price, which is in the neighborhood of 62c, it will be the cheapest cereal for commercial purposes on the whole list. The market for May corn may be confined to small fluctuations for the immediate future, until new corn moves freely. We are believers in May corn at this level, and believe purchases will net good returns.

Oats—Firm in sympathy with wheat and corn and firm cash demand, but this pit is neglected at the moment. We see nothing to create any material decline, and prefer scaping on the long side of May oats.

Marshall, Spader & Co. wired J. G. Beaty, 14 West King-street, the following:

Wheat opened about ¾c higher than yesterday's close on strong Liverpool cables. Argentine news more explicit as to damage by frost, best authorities estimating that the country will not be able to ship within twenty per cent. of the amount shipped on the last crop, and forward selling will be less in evidence than last year. Market closed a full cent advance over yesterday, with firm undertone and prospect of further advance. Corn ruled firm, with a slight advance. Trade is small.

Oats firm and a shade higher, in sympathy with the other markets.

Provisions—The volume of trade was much below recent average. A little investment demand early was satisfied by offerings from packing interests and local longs.

Ennis & Stoppani wired to J. L. Mitchell at the close:

Wheat—Sensational crop damage news from Argentine, backed by a substantial advance in Liverpool, and by claims of a big export business done in northwest, and at seaboard, brought about a general advance, and prices closed one cent higher. The trade is skeptical of the seriousness of the developments in Argentine and abroad, and the news did not create as great a volume of business as its gravity, if true, warrants.

Corn showed a firm tone on further disappointing husking returns and more wet weather over large parts of corn area.

Oats were quite dull, but showed a strong undertone.

Provisions ruled firmer, higher hog markets and grain strength.

J. R. Heintz & Co. wired R. B. Holden:

Wheat—There was considerable wheat for sale, but market absorbed it quickly. On any setback we strongly advise purchases of December and May, for it will require but a little good buying to start a pronounced bull market, in our opinion.

Corn—The trade is very light; the crowd seem to be waiting for something to turn up. We believe no mistake can be made in buying corn on any recession.

Oats—Firm, with trade very dull. We can see nothing to induce purchases. The market closed ¼c to ⅜c higher.

Provisions have ruled quiet after yesterday's sharp rally; the range of prices very narrow.

Liverpool Grain and Produce.

LIVERPOOL, Oct. 27.—Closing—Wheat—Spot steady; No. 2 red western winter, 7s 8¾d. Futures steady; Dec. 7s 8½d, March 7s 7⅞d, May 7s 6¾d.

Corn—Spot steady; American mixed, 7s 4½d. Futures steady; Dec. 5s 7⅝d. Jan. 5s 5¼d.

Flour—Winter patents steady, 29s 6d.

Bacon—Cumberland cut, 26 to 30 lbs., quiet, 53s 6d; short rib, 16 to 24 lbs., quiet, 53s 6d; clear bellies, 14 to 16 lbs., steady, 57s 6d.

Lard—Price western, in tierces, steady, 49s 6d; American refined, in pails, quiet, 50s 9d.

New York Grain and Produce.

NEW YORK, Oct. 27.—Flour—Receipts, 40,806 barrels; exports, 9182 barrels; sales, 4200 barrels; market quiet but firm. Rye flour quiet. Buckwheat flour dull. Cornmeal—Steady; kiln-dried, $3.90. Rye—Dull. Barley—Steady.

Wheat—Receipts, 199,600 bushels; exports, 238,680 bushels; sales, 1,600,000 bushels futures and 16,000 bushels spot. Spot firm; No. 2 red, $1.09¼, elevator, and $1.10¼, f.o.b., afloat; No. 1 northern, Duluth, $1.10⅝, f.o.b., afloat; No. 2 hard winter, $1.10⅛, f.o.b., afloat. Reports of severe Argentine damage by frost, backed up by large export sales and higher cables, gave wheat a strong advance today and promoted active buying for local day and public account. Final prices were ⅝c to 1⅛c net higher. Dec. closed 1.09 9-16c to $1.10 5-16, closed $1.10¼; May $1.10¼ to $1.10⅞, closed $1.10⅝.

Corn—Spot steady; No. 2, old, 84c, and new, 77¼c, elevator, and 77¾c, f.o.b., afloat. Option market was without transactions, closing ⅛c net higher. Dec. closed 74¼c; May closed 71⅝c.

Oats—Receipts, 43,500 bushels. Spot steady; mixed, 26 to 32 lbs., 52c to 52½c; natural white, 26 to 31 lbs., 50c to 52c; clipped white, 32 to 40 lbs., 51½c to 57½c.

Rosin—Steady. Turpentine—Steady. Molasses—Quiet.

Freights to Liverpool steady.

New York Dairy Market.

NEW YORK, Oct. 27.—Butter—Firm, unchanged; receipts, 18,508.

Cheese—Steady, unchanged; receipts, 4223.

Eggs—Firm; receipts, 9855; state, Pennsylvania and nearby, brown and mixed, fancy, 32c to 33c; western firsts, 26c to 28½c; seconds, 22c to 24c.

Cheese Markets.

CAMPBELLFORD, Oct. 27.—At a meeting of the cheese board, held here to-day, 1095 were offered. All sold at 12c.

TWO ASSIGNMENTS.

Holden & Co., merchant tailors, Yonge-street, have assigned to N. L. Martin & Co. The creditors of F. Woodhouse, general merchant, Haileybury, met yesterday at the office of the assignee, R. Tew, and authorized him to sell the stock.

67 CARS AT CITY YARDS FEW GOOD CATTLE OFFERED

Trade Slow — Prices Easier — Sheep, Lambs Easy—Calves Steady—Hogs Lower at $6.

Receipts of live stock at the City Market were, as reported by the railways, 69 carloads—1018 cattle, 1111 hogs, 1810 sheep and lambs, with 71 calves.

Very few good cattle were offered, and no choice, the bulk being common and medium.

Trade was slow, altho there was a light delivery, with prices easy at quotations given below.

Exporters.

None were offered, unless it was a few picked out of loads of butchers. Good to choice export steers are worth from $4.75 to $5; bulls, $3.75 to $4.25.

Butchers.

One small lot of butchers sold as high as $4.90, which was the highest price quoted. George Rowntree bought 100 butchers for Harris Abattoir Company at following prices: Steers and heifers, $3.50 to $4.25; cows, $2.25 to $3.50; canners and bulls at $1 to $2 per cwt.

Feeders and Stockers.

H. & W. Murby report few good feeders or stockers on sale, altho there is a good demand for those of choice quality. Messrs. Murby bought 100 cattle at $3 to $3.85 for feeding steers, and $2.75 to $3.25 for stockers.

Milkers and Springers.

Between 40 and 50 milkers were on sale, and prices ranging at from $30 to $62 each.

Veal Calves.

About 70 veal calves were on sale. Prices ranged at from $3 to $6.50 per cwt.

Sheep and Lambs.

Receipts of sheep and lambs were fairly large—over 1800. Prices were steady, at $2.25 to $3.40 per cwt. for ewes, and $2.50 to $2.75 for rams; lambs at $4 to $4.50 per cwt.

Hogs.

About 1100 hogs were reported from all sources. Mr. Harris reported the market easier, at $6 for selects, fed and watered, and $5.75 for lights.

Representative Sales.

Maybee, Wilson & Hall sold: 5 butchers, 1100 lbs. each, at $4.90; 5 butchers, 950 lbs. each, at $4.15; 2 butchers, 800 lbs. each, at $3.65; 12 butchers, 800 lbs. each, at $3.25; 14 butchers, 800 lbs. each, at $3.25; 1 cow, 1300 lbs., at $4; 2 cows, 1130 lbs. each, at $2.40; 2 cows, 1160 lbs. each, at $3.10; 2 cows, 1200 lbs. each, at $3.12½; 6 cows, 1100 lbs. each, at $2; 4 canners, 903 lbs. each, at $1.50; 1 bull, 1310 lbs., at $3.50; 28 sheep, 140 lbs. each, at $3.40; 6 sheep, 135 lbs. each, at $2.50; 7 springers, $46 each.

McDonald & Halligan sold: 12 butchers, 1095 lbs. each, at $5.07; 8 butchers, 1045 lbs. each, at $3.75; 12 butchers, 900 lbs. each, at $2.25; 22 butchers, 875 lbs. each, at $2.80; 18 butchers, 1025 lbs. each, at $3.75; 1 butchers, 1270 lbs., at $4; 16 butchers, 730 lbs. each, at $2.70; 16 butchers, 880 lbs. each, at $3.35; 7 butchers, 800 lbs. each, at $2.25; 11 butchers, 825 lbs. each, at $2; 11 canners, 685 lbs. each, at $1.80; 11 canners, 820 lbs. each, at $1; 6 canners, 920 lbs. each, at $2.25; 3 milkers, $30 each; 26 lambs, 80 lbs. each, at $4.25 per cwt., and 20 sheep, 106 lbs. each, at $3.40; 9 sheep at $3 per cwt.

Wesley Dunn bought 900 lambs at $4.40 per cwt.; 150 sheep at $3.40 per cwt.; 70 calves at $7 each, all average prices.

E. Puddy bought 400 hogs at $5.85, f.o.b. cars at country points; 250 lambs at $4.25 to $4.50 per cwt.

Alfred Pugsley bought for the Harris Abattoir Company 200 lambs at $4.25 to $4.40; 50 sheep at $3.40 per cwt.; 20 calves at $5 to $6.50 per cwt.

James Armstrong & Son bought 36 milkers and springers at $30 to $62 each.

Charles Zeagman & Sons report eastern cattle of common quality as being hard to cash at any price. They sold 50 butchers at $2.25 to $2.60; bulls $1.75 to $2, and 40 canners at $1.35 per cwt.

CATTLE MARKETS

Cables Unchanged—Cattle Active and Firmer at Buffalo.

EAST BUFFALO, Oct. 27.—Cattle—Receipts, 100 head; active and steady; prime steers, $5.75 to $6.25.

Veals—Receipts, 250 head; active and 25c lower, $6 to $8.75.

Hogs—Receipts, 11,000 head; fairly active; light grades steady; others 20c to 30c higher; heavy, $6 to $6.15; mixed, $5.90 to $6.10; yorkers, $4.75 to $6; roughs, $4.50 to $5.25; stags, $4 to $4.50; dairies and grassers, $5 to $5.90.

Sheep and Lambs—Receipts, 1000 head; active; sheep steady; lambs 10c higher; lambs, $4 to $6.25.

British Cattle Markets.

LONDON, Oct. 27.—London cables for cattle are steady at 11c to 12½c per pound, dressed weight; refrigerator beef is quoted at 11c to 11¼c per pound.

Chicago Live Stock.

CHICAGO, Oct. 27.—Cattle—Receipts, 6000; market steady to strong; steers, $4.40 to $7.60; cows, $3 to $5; heifers, $2.50 to $4.25; bulls, $2.50 to $4.50; calves, $3 to $8; stockers and feeders, $2.50 to $4.65.

Hogs—Receipts, 17,000; market steady to strong; choice heavy shipping, $6 to $6.10; butchers, $5.95 to $6.10; light mixed, $5.25 to $5.50; choice light, $5.50 to $5.65; packing, $5.50 to $5.85; pigs, $3.50 to $4.85; bulk of sales, $5.50 to $5.90.

Sheep and Lambs—Receipts, 13,000; market steady to 10c to 15c higher; sheep, $4.20 to $4.75; lambs, $4.75 to $6.35; yearlings, $3.85 to $5.

Change in Time of C.P.R. Winnipeg Express.

Commencing Sunday, Nov. 1st, the Canadian Pacific's Winnipeg Express will leave Toronto at 10.15 p.m., instead of 9.15 p.m. as at present. This change has been made to suit the convenience of the traveling public, and will be especially appreciated by passengers from Hamilton and south, who will in future have ample time to make the connection. 34

Murderer's Clever Escape.

YREKA, Cal., Oct. 27.—Denny Hazel, who was to have been sentenced on Thursday for the murder of Joseph Silva, last night effected his escape from the county jail, leaving E. I. Dudley, the jailer, locked in his cell.

Hazel was standing behind the cell door in the darkness when Dudley led a equad of trusties into the cell. As the jailer stepped in Hazel stepped out and turned the key in the lock.

IN THE LAW COURTS

IN THE HIGH COURT.

Announcements.

Osgoode Hall, Oct. 27, 1908.

Motions set down for single court for Wednesday, 28th inst., at 11 a.m.: 1 Re Read Estate; 2 Parry Sound L. Co. v. Ontario L. C.; 3 Re Youart Estate; 4 Re McNab-French v. St. Joseph; 5 Mullin v. Welsh; 6 Re Solicitor; 7 Bryan v. Davidson; 8 Smith v. Steen; 9 Hamilton Amusement Co. v. Camden.

Peremptory list for divisional court for Wednesday, 27th inst.: 1 Falvey v. Falvey, Boland v. Falvey; 2 Vigars-Shear v. Turville; 3 Elliott v. St. Catharines; 4 Re Rogers and London Canadian Loan; 5 Atkinson v. Ferland; 6 Harris v. Pearson.

Writs Issued.

City of Toronto against the Canada Foundry Co. for $8700 damages for delay in executing provisions of an agreement between them.

George Eulas Foster against The Globe Printing Co. for $100,000 damages for libel for an article published in The Globe on Oct. 21.

Master's Chambers.

Before Cartwright, master:

Linden v. Bedwell.—Judgment (L) a motion by John Linden, a defendant, by counter claim for an order striking out his name as a party defendant on the ground that no relief is asked against him, and that he is not alleged to have any interest in the action.

The wife of the applicant is plaintiff in the original action. He has joined with her (as alleged) in a mortgage of what Bedwell asserts is his land to one J. D. Pringle, who is also a defendant to the counter claim. Bedwell asks to have this mortgage removed as being a cloud on his title. It may be that this can be made into a sufficient allegation. In view of the decision given on Pringle's application to be dismissed from the counter claim it would seem proper to give the same judgment and direct an amendment within ten days, so as to show a good ground of relief. Costs to respondent in the counter claim. T. Hislop for the plaintiff. L. V. McBrady, K.C., for defendant Bedwell.

Sovereign Bank v. Wilson.—Judgment (L). Motion for judgment for $642.21 for goods sold and delivered to the defendants by the former receivers and managers of the Imperial Paper Mills, and duly assigned to the plaintiffs. The defendant has put in a defence, but looking to a similar case already decided the defence is not sufficient. Judgment for the plaintiff as asked. The order is not to be taken out until the defendants have decided that they will appeal. If so they should do this on Friday. W. J. Boland for plaintiffs. Grayson Smith for defendants.

Biggar v. Kemp.—Judgment (L). A motion to set aside a writ of summons or service thereof, or for such other order as may seem fit. The facts are not in dispute. Thru an oversight the writ was in the name of the late Queen Victoria. The copy was in the name of His Majesty King Edward. The most the plaintiff can ask is an order such as was made in Labadi v. Darling, a case cited on his behalf, in pursuance of an act which is now incorporated in C. R. S. 12. Order made allowing amendment of writ on payment of costs fixed at $10 and dispensing with re-service.

Clarkson v. Dickenson.—W. W. Denison for plaintiff moved for an order striking out a counter claim. R. C. H. Cassels for defendant, contra. Reserved.

Beer v. Williams.—J. M. Fowkes (Hodgins, K.C.,) moved ex parte for an order amending description in mortgage. Order made.

Prittie v. Scottish American.—H. C. Fowler for defendants moved for order to dismiss action for default in giving security. Order made dismissing action with costs.

Ellenor v. Linton.—B. N. Davis for defendant (owner) in a mechanic's lien case moved for leave to pay money into court and to have lien discharged. F. J. Roche, lien holder, contra. Order to go on payment of $172 into court and to ——, a tenderer of part of such sum, as in full of plaintiff's claim.

Spataro v. C. P. Ry.—W. H. Price for plaintiff moved for an order to change venue from Toronto to Guelph. A. D. Armour for defendant, contra. Motion dismissed. Costs to defendant in the cause.

Robertson v. City of Toronto.—F. R. Mackelcan for defendants moved for directions as to the trial of the third party issue. R. G. Hunter for the plaintiff. M. Lockhart Gordon for third parties. Reserved.

Bryan v. Davidson.—S. W. Burns for plaintiff moved for judgment on a mortgage. A. Cohen for defendant, contra. Order for judgment for $2018, part of claim, and leave to proceed as to the balance.

Cook v. Lovell.—W. W. Denison for defendant moved to dismiss for want of prosecution. H. L. Dunn for plaintiff, contra. On plaintiff undertaking to go to trial at non-jury sittings in December, motion dismissed. Costs to defendant in the cause.

Smith v. Gidley.—Wherry (Smith, R. & G.) for defendant Gidley moved for an order permitting him to pay money into court and vacating certificate of lien registered. Order made vacating lien on payment into court of $57.

Stinson v. Halliday.—G. Wilkie for plaintiff moved for order to amend statement of claim. C. J. Holman, K. C., for defendant, contra. Order made for amendment by both parties. Costs to defendant in any event.

Judges' Chambers.

Before Britton, J.:

McNaughton v. Taylor.—Judgment (L.). This was an application by the defendants, R. Hay & Co., for an order to prohibit the plaintiff from taking further proceedings in the action in the fourth division court of Oxford. The action is for the recovery of the price of 129 bushels of wheat, alleged shortage in a car of wheat purchased by the plaintiff from the defendants. The defendants both reside in Toronto, but the plaintiff contends that the whole cause of action arose in the County of Oxford, where he brought his action. A contract arrived at by proposal and acceptance is made where it is accepted. As the intention of the parties can be clearly ascertained here from the correspondence there is no uncertainty and I think the contract was entered into by the letter of Feb. 18, which I hold to be an offer and the acceptance of it in its terms. The learned judge has correctly construed the contract and has found the facts in favor of the plaintiff, so the motion for prohibition fails and must be dismissed with costs. A. G. F. Laurence for Hay & Co. R. C. H. Cassels for plaintiff.

Lowry v. Wood.—Judgment (L). An appeal by plaintiff from an order of the master in chambers dismissing a motion to set aside the appointment issued by the deputy clerk of the crown at Belleville for the examination of the plaintiff for use upon a pending motion by the defendant for security for costs. The action is one against a magistrate. On Sept. 7, 1908, the defendant gave notice of motion returnable on Sept. 30 for order for security for costs. Plaintiff made an affidavit for use on this motion, and defendant took out an appointment to cross examine on the affidavit and served the plaintiff's solicitor with it, and on following day paid plaintiff's solicitor $5.45 for plaintiff's conduct money for attendance at Belleville for the examination. Plaintiff thereupon moved before the master in chambers to set aside this appointment and subpoena, and the learned master dismissed the motion. From this order the plaintiff appeals. The motion for security for costs is still pending. The plaintiff has been examined and the sole question now involved in this appeal is the question of the costs of the motion and appeal. The only ground the plaintiff urges is that the defendant could not examine the plaintiff for use upon the motion for security for costs. I do not agree with that proposition and the cases do not go so far. This decision is without prejudice to the plaintiff as to any objection on the return of the motion for security for costs. Appeal dismissed and as no one appeared for defendant, without costs. J. B. Mackenzie for plaintiff. G. Wilkie for defendant.

Before Anglin, J.

Re Chalkley—F. W. Harcourt, K.C., for infant, moved for order allowing the money paid into court to be applied in payment of the mortgage for $1000, and that the balance be paid out at infant's majority. Order made.

Re McNab—F. W. Harcourt, K.C., for the administrator, moved for leave to pay money into court to credit of infant, and for payment out at infant's majority. Order as asked.

Sproule v. Mineral Range—A. G. Ross, for defendant, moved for an order striking out jury notice. W. N. Ferguson, for plaintiff, contra. Referred to the trial judge.

Carriage Mountings v. Springer—A. C. Heighington, for defendant, appealed from the order of the master in chambers of date 23rd October, 1908. G. M. Clark, for plaintiff, contra. Order amended by inserting in par 2 after the words "the defendants," the words "have delivered or shall pursuant to this order deliver particulars." Time for particulars extended till Saturday. Costs in the cause.

The King v. Cook—J. B. Mackenzie, for defendant, appealed pursuant to leave reserved from conviction of defendant by the police magistrate of Trenton, on the ground that there was no evidence of sale on the licensed premises. J. R. Cartwright, K. C., for the crown, contra. Appeal dismissed.

Re Carmichael Estate—J. Jennings, for the trustee, moved for directions. Notice to be served on the parties in question (R. M. Graham and Margery Barker).

Re Sexton Limited—G. Wilkie, for a creditor, moved for a winding up order. Order made, and appointing Osler Wade as interim liquidator. Reference to J. S. Cartwright, K.C.

Trial Court.

MacMahon, J.

Erb v. Dresden Public School Board—Judgment (I). A. Weir (Sarnia) for plaintiff; J. W. Sharpe (Dresden) for defendant. The action is brought by plaintiff, an architect of Port Huron, to recover $700, being 2 1-2 per cent. on $28,000, the estimated cost of a public school building to be erected in the Town of Dresden, for which he had prepared plans and specifications alleged to have been ordered and accepted by the defendants. The judgment of Mr. Justice Street in Smith v. Fort William School Board is conclusive against the plaintiff's right to recover. The trustees of urban school boards may require the municipal council to levy and pay over to them the amounts needed for the ordinary expenses of the schools in their charge, their right to obtain money for the purpose of building school house, or buying school site, is not an absolute one, but is dependent upon their being able to obtain the consent of another body, which may be the municipal council, or may be the general body of public school supporters, according to circumstances. It is plain that however urgent they may deem their need to be that a school house should be built, unless they can obtain the assent of the council or the electors to the scheme, they are absolutely without any power to obtain the necessary funds. Here the electors defeated the proposed bylaw. Had the bylaw providing for the required amount been passed and the money raised by a sale of the debentures the claim of the plaintiff would have been payable as an expenditure in connection with the building of the school house. This is not an expenditure upon objects or for purposes within the lawful authority of the school board, and entering into the contract was ultra vires of the powers of the board and was not binding on them. The action will be dismissed. Each party must pay their own costs.

Divisional Court.

Before Meredith, C. J.; MacMahon, J; Teetzel, J.

Rex v. Calcutt B. & M. Co.—J. R. Cartwright, K. C., for the license inspector for the County of Peterboro, appealed from the order of the county judge for Peterboro quashing a conviction for illicit sale of liquor. J. Haverson, K.C., for the respondents, contra. Judgment, Teetzel, J, dissentiente. Appeal allowed and the order of the county judge set aside and the conviction of the police magistrate restored. No order as to costs.

Rex v. Warrilow—J. B. Mackenzie, for Warrilow, moved to have the giving of a recognizance as security for the due prosecution of a motion to quash a conviction dispensed with. J. R. Cartwright, K.C., contra. Motion refused.

Walker v. Wabash Ry. Co.—H. E. Rose, K.C., for the defendants, appealed from the judgment of Magee, J, dated 18th April, 1908. J. B. Davidson (St. Thomas), for plaintiff, contra. The action was brought by Minnie May Walker, wife of John James Walker, an engineer of the Grand Trunk Railway Co., who, while driving his engine, was killed in a collision with an engine of the defendant company on 2nd January, 1908, west of Tillsonburg, on the ground of negligence, etc., and she claimed $20,000 At the trial a verdict of $5000 and costs was given for plaintiff as administratrix of J. J. Walker, $4000 of which was to go to the widow, $400 to his father and $600 to his mother. Defendants now appeal. Not concluded.

Not to Blame.

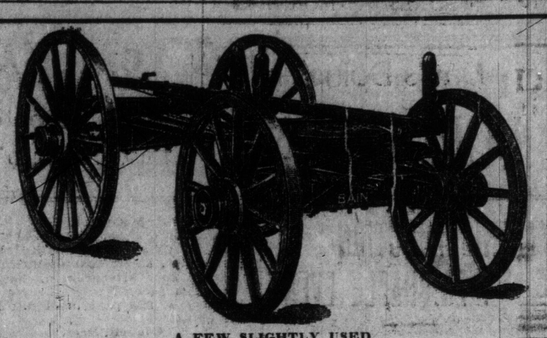
Upon the request of Crown Attorney Corley, the charge of wounding laid against Victor Delanegro, whose bicycle collided with Mrs. John A. Paterson, in the accident from the result of which she died, was withdrawn in police court yesterday morning. The crown attorney said that a thorough investigation showed Delanegro to be blameless in the matter.

In the Police Court.

The following minor penalties were imposed in police court yesterday: Joseph Malone, theft of bicycle, remanded; James Camira, theft of $16.50 from telephone company, remanded; James Mitchell, wounding, remanded; Hiram Kyram, theft of $50, remanded; Ching Yun, wounding, remanded; Neil Coats, fraud, remanded; Irving Little, disorderly in annoying women, $10 and costs or 30 days.

Farmer Suicides.

WOODSTOCK, Oct. 27.—James Barber, aged about 50, a well-known farmer of Blenheim, committed suicide by taking poison. He had just returned from a trip to the Northwest, and appeared to be suffering from melancholy, tho the cause is unknown, as he was in good financial circumstances.



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