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# The Toronto World.

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PROBS - Fresh winds, mostly westerly; a snow flurry, but mostly fair.

TWELVE PAGES—WEDNESDAY MORNING DECEMBER 9 1908—TWELVE PAGES

28TH YEAR

## NO FIAT—DECISION OF PREMIER WHITNEY CHEAP POWER SCHEME WILL NOT BE BLOCKED

Says He Has Personal Knowledge That Legislature Intended that Municipal Councils Should Have Power to Enter into Contracts With Hydro-Electric Commission.

Sir James P. Whitney's decision to refuse a fiat in the Toronto and London electric power cases was given to the press yesterday evening after it had been handed to counsel in the cases.

This was after six o'clock and Sir James had gone home. He had nothing to add, however, to the written decision itself, in which the premier's ironic humor displays itself in the last paragraph.

AFTER THE LEGISLATURE GETS THROUGH WITH THE MATTER IT IS SAFE TO ASSUME THAT THE ELECTRIC CORPORATION INTERESTS WILL BE SATISFIED TO LEAVE IT ALONE.

The application for a fiat, which is the necessary consent of the crown to permit an action to be brought against itself, arose out of actions brought by ratepayers in London and Toronto to quash the municipal electric bylaws.

Justice Anglin decided that in order to proceed in the matter the hydro-electric power commission would have to be made a party to the defence.

Messrs. Beardmore and Smith accordingly asked for a fiat to make the commission a defendant. The effect would have been to bring the whole government power policy into the courts.

The result would have been delay to no purpose, as the government is committed to the policy, and the legislature, as Sir James states, will have something to say about smoothing out any creases in the legal parchment of the cheap Niagara power scheme.

Power Conference in Western Towns

At the meeting held in Windsor after the recent visit of Hon. Adam Beck, it was decided to invite all the cities and towns between St. Thomas and Windsor to a power conference on Friday next at 1:30 p.m.

The representatives have been asked to submit the amount of power their municipalities will be likely to require.

The conference will deliberate with a view to the submission of electric power bylaws in January. The Hydro-Electric Commission have until February to close the additional contracts arranged for at the cheap rates under the original McLaughlin contract.

Prompt action by the municipalities in the west will enable these rates to be taken advantage of.

The success of high tension long distance lines, such as the commission contemplates in indicated by a telegram received in reply to an enquiry addressed to the Grand Rapids and Muskegon Power Co. at Jackson, Mich.

### FIAT REFUSED.

Smith v. London. Beardmore v. Toronto.

In re applications for fiats in the above cases. These applications were fully argued before me by counsel representing the different interest on Dec. 1.

I am expected, apparently on the mere statement of a plaintiff that the members of the Hydro-Electric Power Commission were guilty of fraud and deception, as set out in the statements of claim, to assume the truth of the statement, and, therefore, grant a fiat. Under this doctrine it would be simply necessary for a plaintiff to interject into his pleading any allegation calculated, if true, to justify the issue of a fiat; and a fiat would follow as a matter of course.

As I cannot agree with this, and, as under such circumstances fiats have been many times refused, I do not see my way clear to grant these applications.

Apart from the question of fraud, the plaintiffs' contention in each case rests upon the view that the municipal councils had not the power under the statute to finally enter into contracts with the Hydro-Electric Power Commission without submitting the terms of them to the ratepayers.

I have personal knowledge that this was not the intention of the legislature, and I cannot divest myself of this knowledge. It may be that at its next session, which cannot now be long delayed, the legislature may make a declaration on the subject.

In refusing the applications now, I reserve leave to the applicants to renew them after the opening of the session.

(Signed) J. P. WHITNEY, Acting Attorney-General. Toronto, Dec. 8.

## TORONTO MEN FANATIC FIRES STUNG BY KIERAN INTO POLICE POSSE

Ex-President Fidelity Funding Co. Was Head of Toronto Wood & Shingle Co. When It Failed Here.

NEW YORK, Dec. 8.—(Special.)—According to disclosures just made by Receiver Thomas F. Gilroy, Jr., who was placed in charge of the Fidelity Funding Company, a financial corporation of this city, presided over by P. J. Kieran, a promoter, many banks and individuals as well as a large number of Catholic priests, nuns, laymen and church institutions throughout the country are heavy losers by the company's collapse.

The total liabilities of the collapsed Fidelity Funding Company are nearly five millions, with assets not a quarter of that amount.

John W. Gates, Windsor Trust Company, Carnegie Trust Company and United States Mortgage and Trust Company are among the heaviest losers. St. Mary's Roman Catholic Academy, Navarro, Ill., is entirely ruined by the failure.

Police After Kieran. NEW YORK, Dec. 8.—The police have been asked to arrest E. J. Kieran, former president of the Fidelity Funding Company, but at a late hour to-night had not located him.

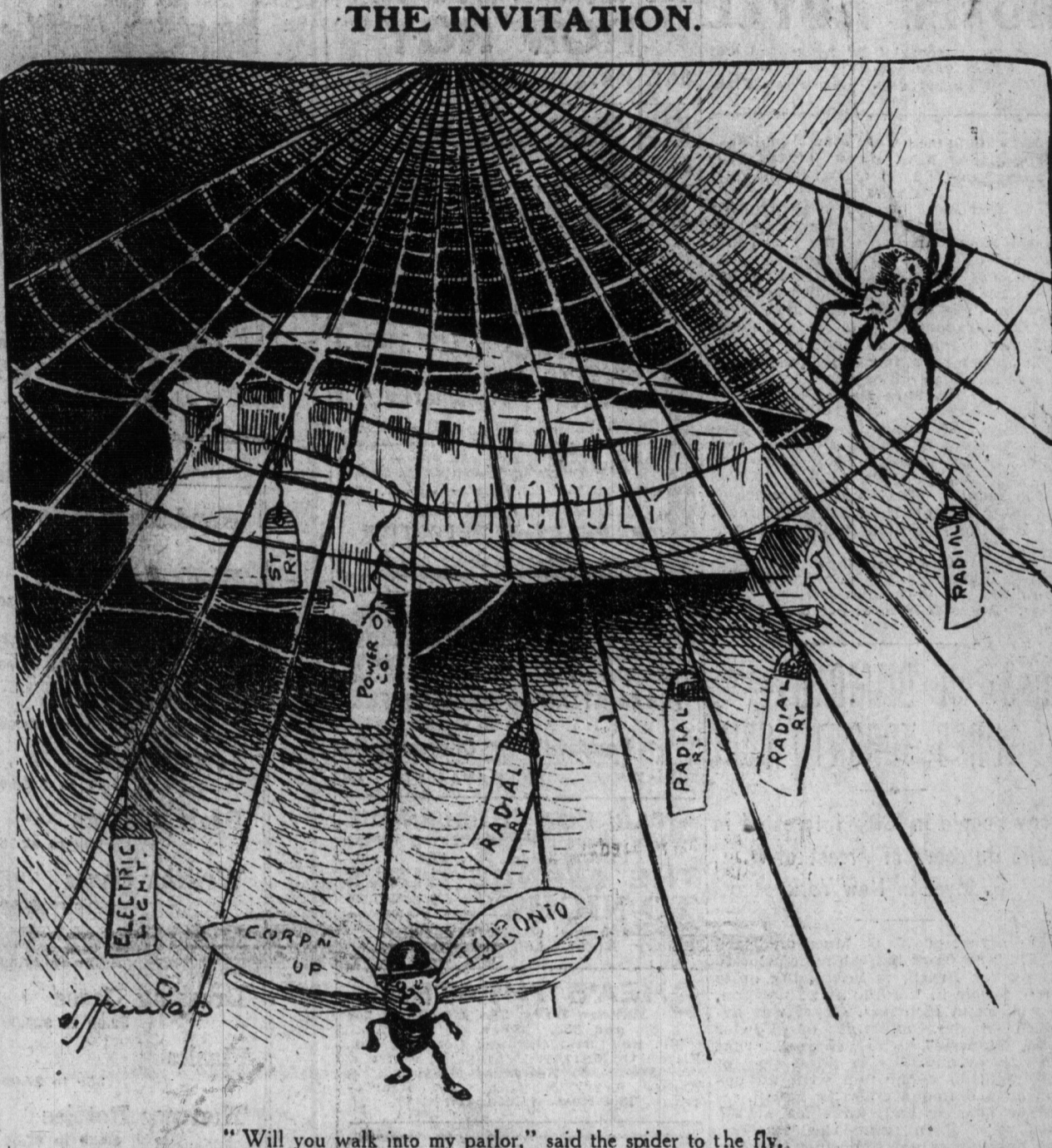
Kieran at one time lived in Toronto, and was the head of the firm of Kieran and McAdam, which was afterwards merged in the Toronto Wood & Shingle Co.

The latter company failed a large number of Toronto firms suffered heavy losses.

PROTECTIVE MEASURES IN BRITISH COMMONS Lloyd-George Introduces Bill to Prohibit Use of Hop Substitutes in Beer.

LONDON, Dec. 8.—A bill prohibiting the use of hop substitutes in the manufacture of beer was introduced in the house of commons to-day by Chancellor of the Exchequer David Lloyd-George.

This bill, which the tariff reformers hail as a protective measure, was read for the first time. In addition to stopping the use of hop substitutes, it prohibits the importation of hops except in bags properly marked.



"Will you walk into my parlor," said the spider to the fly.

### APPLY TO COMMISSION FOR SUBURBAN SERVICE

City Will Ask for Hearing and Will Send Deputation to Premier Whitney.

The city does not intend to give up the battle before the railway commission for a suburban service. At a joint meeting of the special civic committee and the sub-committee of the various municipalities held at the city hall yesterday afternoon the following resolution was unanimously carried on motion of Controller Spence, with Ald. R. H. Graham as seconder:

"That the board of control be asked to send on for approval of the council an instruction to the corporation counsel to make an application before the board of railway commissioners for a hearing relative to suburban service on behalf of the City of Toronto and surrounding municipalities."

The chairman, Ald. Graham, and Mr. Maclean were appointed a deputation to wait on Premier Whitney and ask the co-operation of the attorney-general's department to act on behalf of the municipalities in the province in the hearing before the railway commissioners.

### Sanford Evans Winnipeg's Mayor

Has a Thousand Majority Over His Next Opponent, R. A. C. Manning.

WINNIPEG, Man., Dec. 8.—(Special.)—William Sanford Evans was to-day elected mayor. With six polls to hear from he has 4124 votes. R. A. C. Manning, 3631 and the dark horse, W. S. Eades, 82, giving Evans a lead of 1643.

For controllers, R. D. Waugh and J. W. Cookburn with eleven votes between them, are 1100 ahead of the next competitors, A. A. McArthur and J. G. Harvey, Joel Baker making a poor fifth.

No figures on the bylaws are obtainable, but it is believed the bylaw for \$400,000 for an overhead bridge, and one for \$245,000, carried with substantial majorities.

### Senate Commission Is Against Treaty

French Minister Will Prepare Statement to Meet Points Raised by Opposition.

PARIS, Dec. 8.—Despite the explanations of M. Crippin, the minister of commerce, at to-day's meeting, the tariff commission of the senate maintained its opposition to many of the provisions of the Franco-Canadian Commercial Convention.

The ministry decided to prepare a statement for presentation to the commission, which would fully meet all the points raised by those who are opposed to the convention.

### Sir Montague Allan Silent on London Office

Report That He May Succeed Lord Strathcona Neither Confirmed Nor Denied.

MONTREAL, Dec. 8.—(Special.)—It is understood that Sir Montague Allan can have the high commissionership when Lord Strathcona wants to retire, and that the stipend will be increased to \$25,000.

This London despatch was read to Sir Montague this morning, when he replied that he did not wish to discuss it at present.

### CAPITALIST ARRESTED ON CHARGE OF PERJURY

E. Kenyon Stow, Prominent in Cobalt Circles, in Trouble Over Otisse Suit.

Justice Riddell yesterday afternoon ordered the arrest of E. Kenyon Stow, defendant in a mining action involving \$51,300 damages in the non-jury assizes.

At the close of the hearing Justice Riddell in giving judgment to the plaintiff declared that Stow had sworn falsely when he said that he had not promised to give up 2 per cent. of the stock of a mining company to J. Carling Kelly and ordered his arrest for perjury.

Stow was taken into custody by Detective Kennedy upon a warrant which the detective swore to, the charge being an assertion that he did not agree to give one per cent. of the stock of the stock of a mining company to J. Carling Kelly and ordered his arrest for perjury.

Stow had been fined at \$2000, Stow having offered \$1000 cash. Ball was accepted by S. L. Owens, local manager of the Bank of Ottawa.

Justice Riddell allowed Mr. O'Meara to amend his claim from \$51,300 to \$100,000.

John E. O'Meara of Ottawa, barrister, is suing Mr. Stow for \$200,000. Carling Kelly is a financial agent, who had an option on a mining property owned by Messrs. Currie and Otisse.

On the case in which Revenue Toronto keeps his samples became and with wonderful specimens, and the prospectors commenced to take notice.

Stumped. About Aug. 28 little parties of two, three and four were noticed all up the river from Elk to the canoe laden straggles, and its shores became one great camp ground. The whole district for eight miles north and south and for four miles east and west was staked up in frenzied haste.

Among the rich discoveries made during those days of wild excitement were those of William Boyd and Al Gordon on what is now the Boyd-Gordon claim and of Mr. Armstrong, who staked a fraction for ten New

Continued on Page 9. ASK FOR TRANSFER.

### POOR BAIKRN'S BANQUET

Christmas, 1908.

Our First Financial Statement. This is not intended for "vain show," but to stimulate others to do likewise.

Watch this list grow. Subscriptions to banquet:

Balance from newsboys' ban.	\$25.00
M. C. (a Roman Catholic).....	10.00
Geo. H. Gooderham, M.L.A.....	10.00
Elias Rogers.....	10.00
The Lowndes Co.....	5.00
Flett, Lowndes & Co.....	5.00
A. E. Kemp.....	5.00
Robt. T. McLean.....	5.00
J. W. Beatty.....	5.00
Frank McMahon.....	5.00
Mayor Oliver.....	5.00
J. Taylor Safe Works.....	4.00
Albion and Ivan.....	3.00
W. Thomas.....	2.50
R. Hunter, per World.....	2.00
James Dale.....	1.00
Father, Mother and Children (Hall).....	1.00
"Nemo," per World.....	1.00
Y. M. C. A., per World.....	1.00
E. B. Andrews.....	1.00
James Dale.....	1.00
Dr. E. J. Barrick.....	1.00
"Fenwick," Berlin.....	1.00
The full amounts from patrons of People's Sunday service:	
Fred A. Ward.....	1.00
Harold A. Gordon.....	1.00
Mrs. Turkel.....	1.00
Mrs. Carrie Embury.....	1.00
John S. Malville.....	1.00
Miss L. Howden.....	1.00
Mrs. E. S. Drummond.....	1.00
Miss Maud.....	1.00
Miss Maud.....	1.00
Cash handed to.....	1.00
John Brown, 5 pairs boots.....	\$125.00
Next meeting Saturday, Dec. 12. If you prefer to have it "Friend of the Poor" say so.	
N.B.—Ten dollars pays for forty dinners.	
J. M. Wilkinson, 288 Yonge-street.	

## STRUCK IT RICH ON HIS LAST CHANCE

Stories of How Men Became Rich in a Day in New Silver Wonderland at Gow Ganda Lake.

The man who told me the story of the discovery of silver at Gow Ganda is to-day half a millionaire. He was a discouraged prospector 120 days ago.

As he told me the story, simple in detail but fascinating in interest, I stood within ten feet of a slab of pure silver two inches wide, which seemed to blaze from the vein like a flame in the grate frozen solid by the frosts of winter.

That vein measured back thru the rock for 150 feet, and one could walk for that distance along a seam of silver. The pay streak will be stripped farther, of course, as development goes on.

But this is not all that this young prospector has unearthed. He and his partner, on four claims, can point out four other veins which carry silver in the same phenomenal values.

With the glamour of wealth in its native hills casting its spell upon me, I listened to Alfred L. Reeve tell of the memorable Aug. 4, 1908, when Gow Ganda, rival of Cobalt, was revealed to the world.

Two prospectors were sleeping upon a little point of rock about half way up the west shore of Lake Gow Ganda on August 4. They were Alfred L. Reeve and Samuel L. Doble. Throwing their blankets aside they rose and replenished the camp fire. After eating a few beans which they had left and picking the spare bones of a "Whiskey Jack" they prepared to strike into the woods on their last chance.

About 300 feet distant was another little camp fire, over which Charles Mann and Wilfrid Ryan boiled their tea in a dinged and blackened pail.

Reeve shouted across to the Ryan party: "Hope you've had some galore to-day, fellows," and Mann saluted back: "Same luck to you."

Both parties were then strolled up by the forest.

That afternoon both struck rich veins of silver over a mile apart.

Reeve had located a vein at the base of a ridge of diabase. Doble came over and both commenced to use their picks. Doble turned loose a lump of silver, Reeve's pick prised over a piece of silver.

"They had struck it and on their last chance."

"How did you feel about it?" asked The World.

"Well, I cannot say that I felt particularly exuberant. For twenty years I had been at this business and I regarded it simply as a reward for very hard work. I never doubted my ultimate success and when I came to be surprised at my own indifference."

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Cashmere fronts: Special .25

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\$15.00. 9.00

rey Lamb, be, even 1.95

Lamb, lite China ur: Sleigh 1.95

Wednes- 2.69