The Toronto World FOUNDED 1881.

A Morning Newspaper Published Every Day in the Year. WORLD BUILDING, TORONTO. Corner James and Richmond Streets. TELEPHONE CALLS.

City Solicitor Johnston is to be con-

such a privilege, and of course, perpetual franchises are no longer to be

self properly concerning the "terminal company's" bill. This iniquitous measure appears to be a final impudent at. drawn. tempt to secure anything that may be left free from corporation control in the public domain.

By following up the wise course he has adopted Mr. Johnston may be sure of the support of the people.

duct to the people. He was unwilling to trust the people, and he may find

To take Ald. Graham's argumenes in good faith, however, is to discover them, on Danforth-avenue, would be henefited. At the time the viaduct committee of the legislature, it was

since then all the property affected has been taken in to the city, and if it is benefited, as Aid. Graham and many more believe it will be, the increase in more believe it will be, the increase in buy, because, he said, "they will make"

Ingh-wheeled bicycle arrived; he was present to buy one, but he replied, "No, I am waiting for something better."

The the hard tire came out and then the cushion tired low wheel was the rage, but still this person refused to buy, because, he said, "they will make the cushion to stand as security meantime.

Young V. Young—G. H. Gray, for owner of certain lands, moved for an order amending clerical error in order vacating certificate of its pendens. Or and the amendments thereto. the viaduct will be met long before the Eventually the automobile reached To-

any integral part of it.

ONLY A TEST VOTE.

The vote on the tube bylaw to be submitted next January is not a vote on the expenditure. That is a matter is merely to find out if the people want tubes built. If they say they do, then the plans will be prepared, the cost estimated and at some future time anratepayers for their approval. No mistake should be made. This vote commits the city to nothing, only approval of the principle.

CHRISTMAS BUYING.

Those who have not adopted the careful policy of buying their Christmas presents at the bargain sales during the year would do well to set about this pleasing duty at once, December is now on, and the stores are loaded and crowded. But they will be more crowded later on, and the earlier the customer arrives the fresher are the there is an immense relief to the jaded and patches by Christmas Eve, but who have to keep on looking pleasant, Scatter the load and the crowd.

Mr. Playfair, British consul at Fou-China. He fixes 1900 as the turning point of China's national existence. Since that year she has abandoned the curriculum of study which so closely identified the country with its past. that admit to the hierarchy of officialsequences, the schoolmaster is pervadverywhere on the fringe of land borwhich has been leavened by Eurocate the new knowledge the youth of China is flocking.

Mr. Playfair notices also the extraordinary nature of the national moveing. While the stimulus for this came from an imperial edict, he doubts whether it would have done effectual work had not the people shown they Readers of the World will confer a favor upon the publishers if they will send information to this office of any news stand or railway train where a Toronto paper should be on sale and where The World is not offered.

Were heart and soul in the crusade, and that they were determined the mighty enterprise should succeed. "There is," he adds, "at least in this part of Chim.

matter of the Heating Company's fran- nalla have been committed to the

OSHAWA'S PUBLIC SPIRIT.

A FABLE WITH A MORAL.

because the county and townsthip and city authorities had not agreed about the apportionment of the cost.

Some recollection of this may have lingered in Ald. Graham's mind. But ingered in Ald. Graham's mind. But ingered to buy one, but he replied "No.

Editor World: Some years ago a wealthy man lived in Toronto and his defendants, moved to set aside default judgment and for leave to defend. W. Laidlaw, K.C., for plaintiff, contra. Or der made on terms. Costs in cause. Judgment and on terms. Costs in cause. Judgment and execution to stand as pressed to buy one, but he replied. "No.

AT OSGOODE HALL ANNOUNCEMENTS.

Motions set down for single court for Wednesday, Dec. 1, at 11 a.m.:

1. Tough v. Dominion Nickel and Copper Co.

McCulla v. Dunnville. 3. Re Sockett Estate. Brain v. Coffen.

5. Re Rooke Estate. 6. Stephen v. Hunter. or Wednesday, Dec. 1, at 11 a.m.: 1. Rex v. Karn.

Rex v Stefoff.
Rex v. Levinski. 4. Rex v. Ellis. 5. Rex v. Pailleur. 6. Rex v. Corrigan. 7. Rex v. Bowes.

8, O'Reilly v. O'Reilly. 9. East Gwillimbury v. Township of

Non-Jury Assize List. Peremptory list for non-jury assize court Wednesday, Dec. 1, at city hall at 10.30 a.m.: 173. Fox v. Stevenson

175. Robertson v. Toronto. 176. Potter v. Bryce. 178. Peterson Lake v. Nova Scotia. 179. Sovereign Bank v. Dixon. 180. Whitney v. Small.

Before Cartwright, K.C., Master. Great West Life Assurance Co. v hields-J. D. Falconbridge, for plaintiffs, moved for an order for substituonal service of writ of summons. Or

Master's Chambers.

Oakley v. Silver-E. P. Brown, for Oshawa has just resolved to build sue of a third party notice and for subservice of same. Order Felker v. McGulgan-A. W. Ballan-

tyne, for defendants other than the McGuigan Co., moved to strike out paragraphs 7-11 of statement of claim as irrelevant and embarrassing. R. H. Parmenter for the McGuigan Co. J. H. Moss, K.C., for plaintiff. Reserved. Waldron v. Cukra Co. of Toronto-G. W. Holmes, for plaintiff, moved for judgment under C.R. 603, and to amend to clerical error. T. L. Monahan, for de-

fendant, contra. Reserved.

McVicar v. Nicholson—C. Swabey,
for plaintiff, moved for an order for a commission to Shanghai to examine a defendant. Casey Wood, for defendant, contra. Order made.
Suckling & Co. v. Brown—Singer (Rowell & Co.), for defendants, moved

consent for an order vacating certificate of lis pendens and dismissing without costs. Order made.

tered bank, and to confirm report of local master at Hamilton. No one contra. Marion as to dispensing with payment into court refused. Report confirmed in other respects.

Hales v. George.—C. M. Garvey, for defendent, moved for an order setting as a default judgment and allowing defendant in to detend. C. H. Porter, for plainting contra. Order made. Defende to be this to-day. Costs to plaintiff in any event caction.

action.

Re Stephens; Stenlake v. Stephens.—S H. Bradford, K.C., for adult beneficiaries moved for an order for astricution, pursuant to findings of report. F. W. Ha. court, K.C., for intants, Order made. Hand v. Hand.—W. T. J. Lee, for plaintiffs, moved for an order for administration of estate of Felix Hand, late of Fonto. T. J. W. OfConnor, for defendants, contra. F. W. Harcourt, K.C., for infants, Enlarged for two weeks to enable parties to apply to surregate court for administration. If application is made to surrogate court, costs of this motion out of estate to present applicants in any event. May be spoken, to again if occasion require.

sion require.

Re James Peterson.—W. S. Edwards, for Robert Peterson, moved for an order deciaring lunacy. No one contra. Order made, Reference to local master at Sault Ste. Marie

ste. Marie.

Re Waters.-F. W. Harcourt, K.C., 20 Re Waters.—F. W. Harcourt, K.C., for infants, moved for leave to pay certain moneys into court. Order made.

Hagle v. Laplante.—Grayson Smith, for defendant, appealed from the order of the local master at Cornwall of 25th November, 1909, refusing order for security for cests. D. W. Saunders, K.C., for plaintiff, contra. Appeal dismissed. Costs in the cause.

the cause.

Warren v. Peterson Lake Mining Co.—F. Arnoldi, K.C., for plaintiffs, moved for leave to appeal from the judgment of Falconbridge, C.J., of 9th November, dismissing plaintiffs application for a mandamus to compel defendant company to register certain transfers of stock to plaintiffs, F. Aylesworth, for defendant company, contra. Leave refused. Costs to defendants in cause.

Henry v. McCarley.—Grayson Smith, for plaintiff, appealed from the order of the local master at Brockville of 18th November, 1903, and to set aside so much thereof as directs certificate of his pendens to be vacated and discharged. F. Aylessworth, for defendant, contra. Appeal allowed so far as order directs his pendens to be vacated, and the order varied by ordering plaintiff to bring action to trial at January winter assizes at Ottawa, the plaintiff first paying to defendants the difference as found by the local master of bringing witnesses to Ottawa instead of Brockville. Costs of motion to be costs in cause, unless otherwise ordered by trial judge.

Parkin v. Darling.—H. S. White, for plaintiffs, moved for an order referring action for trial to E. J. Beaumont, local registrar at Berlin. C. Kappele, for defendants, consented. Order made.

Re Harper.—J. J. Drew, K.C., for plaintiff Henry v. McCarley .- Grayson Smith, for

Re Harper.—J. J. Drew, K.C., for plain-tiff, moved on consent for an order con-firming report of local master at Guelph.

Order made.

Hogan v. City of Brantford.—W. T.

Henderson (Brantford); for the City of
Brantford, moved for order striking out
statement of claim, on the ground that it Howland v. N. cho's on — Lawson (Bicknell & Co.), for plaintiffs, moved on consent for order amending style of Middleton, K.C., for plaintiff, contra. Research

Horrigan v. Port Arthur.—I. F. Hellmuth, K.C., for defendants, appellants, from order of Clute, J. H. Cassels, K.C., for respondent, plaintiff. Reasons for judgment (per Meredith, C.J.): The content is the entering into of which has been

alsager tax revenue will bring in such a larger tax revenue with the met long before the the viaduct will be met long before the maturity of the decentions that will so without any part and then i will be met long before the maturity of the decentions at a the maturity of the will be met long before the maturity of the decentions at a the maturity of the decentions at a the maturity of the will not an interest the second of the maturity of the will not an interest the second of the submitted and the will not a the submitted and the will not a the will not a the submitted and the will not a the wi

EATON'S DAILY STORE NEWS

Special Showing of Afternoon and Theatre Hats

Among the pre-eminent styles for these functions this season are the large hats with silk and velvet draped crowns. The large pressed velvet shapes are especially elegant and the Tricorne interpreted in Colonials, Napoleons, Continentals and many variations, including startling turns and folds to the brim.

There is a magnificence about the millinery styles this winter which is unusually beautiful - Rare plumes and osprey effects are prominent for the elegant hat for formal dress.

Touches of gold and silver are

Some of the most beautiful hats in the showing are of Canadian mink and real seal.

NO WOMAN SHOULD MISS SEEING THE MILLINERY DISPLAY-THURSDAY.

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Ohristmas Picture Fram-ing best done T. EATON COLIMITED TORONTO

Sheet Music Now on Third Floor, Yonge Street

RDER

referring to a draft contract submitted by the commission to the corporation. It was contended on behalf of the appellants that these votes brought the case within Section 11 of the Power Commission Art.

Section 11 of the Power Commission Art.

h. At the trial before Clute, J., judg-hent was given plaintiffs for \$58,474.21 and osts, on the Prince sued on and it was further adjudged that is for anyreason t should be held that the plaintiffs are

and E. C. Kenning (Windsor), for defendants, respondents. This is an action brought by plaintiff for the death of the employ of the defendants as a superintendent or foreman of part of their work in the construction of a railway tunnel under the Detroit River. The de-

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on the question, with which the bylaw deals.

The course adopted with regard to this bylaw was that provided by the Con. Num. Act, 1903, with regard to bylaws requiring the assent of the electors, viz.: to submit the bylaw for the vote of the electors before it is finally passed, section 338, and the bylaw having been read a first and second time on the 12th December, 1906, was voted on on the 7th day of January, 1907, and was not finally passed until the 14th of that month. So that when the vote was taken—assuming that it otherwise might be treated as a vote within the meaning of section 11, there was no bylaw in existence authorizing the taking of the vote, but only a proposed bylaw which did not become a completed bylaw until it was finally passed.

For the same reason, the vote of the

course. Argued and judament reserved.

Por the same reason, the vote of the strict of the same reason, the vote of the strict of the same reason, the vote of the strict of the same reason, the vote of the strict of the same reason, the vote of the strict of the same reason, the vote of the strict of the same reason, the vote of the strict of the same reason, the vote and indeed what is relied on as being stich a byles has not yet become a bylaw, for it has not yet become a bylaw, for it has not yet been passed and authenticated are required by section 323 of the Consolidated Municipal Act, 1962. The appeal should in my opinion be dismissed or Teatzel, J.—The preliminary law mer Teatzel, authenticated under the seal of the corporation, as provided by section 323, and without such bylaw the voring would be entirely irregular and ineffectivate been contained in the judgment appeal ed from, it appears clear to me that the sole question it is of section 133, and therefore of the bylaws nor any question therein contained was submitted to the sequivalent to saying conformably layers of the electors "pursuant to which is equivalent to saying conformably har, is of section 130 for appellants, defendants in the function of the provision therein contained the sequivalent to saying conformably har, is of section 130 for appellants, defendants in the function of the provision therein contained the sequivalent to saying conformable to the sequivalent to saying c

manship ly is one of the most beautiful beauty of the tone are in perfect keeping with the handsom riano is on view at 115-117 King-street

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