

peal Court, which raised, among other questions, whether the demurrer should have been allowed. The Appeal Court found that the appellant was guilty on the finding of the jury, that the demurrer was properly overruled, that there had been no misdirection and that the conviction should be affirmed. The Appeal Court thought that the code intended to leave untouched the common law right to proceed by indictment for a public nuisance, and merely to alter the punishment for what remained a criminal offence, and said that, just as in the case of a nuisance on a public highway, the nuisance was a public one, although it was only those members of the public who had occasion to use the highway who were prejudicially affected, and so, all those members of the public for whom there was room in the cars had the right to travel in them.

The special leave to appeal was granted the company, subject to a reservation of liberty to the respondents to raise the question whether leave should have been granted, having regard to the fact that the matters in dispute formed the subject of a criminal charge. It was arranged that, as a question had been raised as to whether the Dominion statutes had effectually abrogated the prerogative right to hear the appeal, the English and Canadian Attorneys General should be notified, and both of them were represented during the argument. The committee, however, decided that it had become unnecessary for it to express an opinion on the question of prerogative, as the conclusion had been arrived at that this is not a criminal case within the meaning of section 1025 of the Criminal Code, which purports to limit the prerogative, but is in reality a question of civil right which may properly be made the subject of appeal to the King in Council, and as to which the prerogative is not affected. The point turns on sec. 223, which provides that anyone convicted under it is not deemed to have committed a criminal offence, and goes on to preserve the possibility of consequential proceedings, not for the punishment of the person convicted, but for the abatement or remedy of the mischief done. The wrong done, therefore, in this case, is, in the committee's opinion, only a civil wrong.

The foregoing arguments led to the disposition of the appeal, as dealt with in our last issue.

### Electric Railway Finance, Meetings, Etc.

**British Columbia Electric Ry.**—A United States press report, on Sept. 4, stated that the Chicago, Milwaukee & St. Paul Ry. interests have secured control of the B.C.E.R. There is a traffic agreement between the two companies, under which the C.M. & St.P.R. carries freight into Vancouver. B.C.E.R. officials in Vancouver state that there is not even the prospect of negotiations with the C.M. & St.P.R. in the way of a sale of the company's interests.

**British Columbia Electric Ry. and allied companies:**

	July, 1917.	July, 1916.
Gross earnings . . . . .	\$438,378	\$411,847
Expenses . . . . .	380,054	348,647
Net earnings . . . . .	58,324	63,200

#### Calgary Municipal Ry.—

Earnings for July . . . . .	\$50,320.73
Operating expenses . . . . .	47,126.29

Net earnings . . . . . \$3,194.44

Total earnings for July, 1916 . . . \$65,314.40

The decrease in earnings is accounted for by the fact that the military camp at the Sarcee Reserve was open in 1916, the earnings of the Sarcee line in July of that year being \$17,547.31, while in July of this year the earnings on that line were only \$1,543.53. The cost of operation has been reduced to 13.024c a car mile, against 14.264c in July, 1916. This is attributed to the increased use of one-man cars.

#### Cape Breton Electric Co.:

	July, 1917.	July, 1916.
Gross . . . . .	\$40,500.71	\$32,858.91
Expenses . . . . .	25,293.27	19,171.30
Net . . . . .	15,207.44	13,687.61

#### Dominion Power & Transmission Co.—

The directors declared a dividend of 1% recently for the three months ended Aug. 31, payable Sept. 15. For the past three years the company has been declaring only half-yearly dividends.

**London and Port Stanley Ry.**—At a meeting of the London, Ont., Railways Commission, Sept. 18, the chairman, Sir Adam Beck, reported that the net surplus for the year ended June 30, 1917, was \$26,581.48, an increase of \$8,107.34 over the previous year.

#### Regina Municipal Ry.:

	Aug. 1917	Aug. 1916	8 months to Aug. 31, '17
Revenue . . . . .	\$16,470.94	\$14,679.13	\$152,021.19
Operating . . . . .	15,004.77	13,600.87	130,783.08
Fixed charges . . . . .	8,005.56	8,022.96	64,044.46
Deficit . . . . .	6,539.39	6,944.70	42,806.35

**Toronto Civic Ry.**—Receipts for August, \$23,636.74; passengers carried, 1,419,371, against \$19,475.12 receipts and 1,140,466 passengers carried in Aug., 1916.

**Toronto Ry., Toronto & York Radial Ry. and allied companies:**

	July, '17	July, '16	July 31, '17	July 31, '16
Gross . . . . .	\$954,192	\$867,789	\$6,827,776	\$6,202,988
Expenses . . . . .	527,288	436,735	3,571,702	3,172,495
Net . . . . .	426,904	431,054	3,246,074	3,030,493

**Winnipeg Electric Ry.**—Gross earnings for July, \$242,797.07; net after operation, \$31,346.51. There was a deficit for the month, after deducting fixed charges, of \$29,879.20.

	July, '17	July, '16	Jan. 1 to July 31, '17	Jan. 1 to July 31, '16
Gross . . . . .	\$242,797	\$242,688	\$1,916,167	\$1,994,162
Expenses . . . . .	211,450	168,101	1,488,923	1,239,067
Net . . . . .	31,347	74,587	467,244	705,095

### Electric Railway Projects, Construction, Betterments, Etc.

**Brandon Municipal Ry.**—The Brandon, Man., City Council is considering the acquiring Lake Percy Park from the Dominion Government as an amusement park. Alderman Curran is chairman of the street railway committee, which is considering this among other probable means of making the municipal railway a paying undertaking. (Sept., pg. 368.)

**Calgary Municipal Ry.**—In connection with the city's project to secure gravel from Princes Island by building a temporary bridge across the Bow River at Fourth St., and running a street car line over it, an alternative suggestion was made to the city commissioners, Sept. 12, by the president of the Eau Claire Lumber Co., viz., that the bridge to the island be built from the south side of the river, which would enable the railway to haul lumber from the mills to the various steam railways. The City Engineer and Superintendent McAuley were directed to interview the company's officers and report. (Sept., pg. 368.)

The Cape Breton Electric Co. is being asked to extend its line from Charlotte St., via Dorchester, George and Ferry

Streets, to the Dominion Iron and Steel Co.'s plant, Sydney, N.S.

**London St. Ry.**—A new diamond for the crossing of the G.T.R. at Tecumseh St., London, Ont., is expected to be installed in the autumn. The temporary derailer and trackwork at the crossing is causing some inconvenience to traffic. On Sept. 7, the temporary track gave way, and for several hours passengers had to transfer and walk over the crossing. (Aug., pg. 286.)

**Ottawa Electric Ry.**—Paving work was started on Sussex St., between George and Rideau Sts., Sept. 30, and pending completion the Rockcliffe and the Preston car services have been re routed. (Aug., pg. 324.)

**Port Arthur Civic Ry.**—We are officially advised that there is being laid approximately 2,500 track feet of concrete reinforcing liner adjacent to rails on Cumberland St. between Arthur St. and Bay St., Port Arthur, Ont. The work was reported on Sept. 7 to be practically completed. (Sept., pg. 324.)

**Sandwich, Windsor and Amherstburg Ry.**—The ratepayers of Walkerville, Ont. have granted the company a renewal of its franchise on part of the belt line in the town, giving it the right to build a spur line across Ottawa St. One of the conditions is that all the company's rights in the town will expire in 1922, when the other franchise held in the town and the company's Windsor franchise will expire. (Sept., pg. 364.)

**Windsor, Essex & Lake Shore Rapid Ry.**—We are officially advised that about 1,500 ft. of track on Arthur St., Windsor, Ont., is to be paved this season, and that it was expected that the work would be started by Sept. 30. C. P. Cooper, Windsor, Ont., is Superintendent. (Mar., pg. 113.)

### Electric Railway Notes.

The Three Rivers Traction Co. is going to dispose of two one-man cars which have been replaced in operation by new equipment.

The Edmonton, Alta., City Council has decided to apply to the Alberta Legislature next session for authority to use a zone system of fares.

The Toronto City Works Commissioner has recommended that the civic railway employees be paid the same rates of wages as were granted Toronto Ry. employees recently by arbitration.

Adam Shortt, of Ottawa, who was appointed to investigate transportation conditions as affecting the British Columbia Electric Ry., is expected to report early in October.

The Levis County Ry. has extended its freight service and is now delivering freight to any part of Levis, Que., at 10c per 100 lb., with a minimum charge of 10c for each consignment.

The Regina, Sask., Municipal Ry. is considering the adoption of one-man cars and will raise its fare to a straight 5c if the city council consents. The matter was discussed in a preliminary manner, Sept. 1.

The Calgary, Alta., City Commissioners, on Sept. 17, recommended the council to authorize the expenditure of \$2,537.50 on the purchase of 50 new manganese steel car wheels. The Commissioners had a tender for them from the United States.

The London St. Ry., in order to release men for harvest work, took off five cars recently, and by a little speeding up gave