BANK OF HAMILTON

Dividend Notice

Notice is hereby given that a dividend on the capital stock of the bank of two and one-half per cent. (being at the rate of ten per cent. per annum), for the quarter ending 30th November, has this day been declared, and that the same will be payable at the Bank and its branches on and after 1st December next.

The transfer books will be closed from the 23rd to the 30th November, both inclusive. By order of the Board.

J. TURNBULL, Gen. Mgr.
Hamilton, 18th Oct., 1909.

Increased English Bank Rate Taken to Heart on Wall St.

Price Maintenance Entirely Dedendent Upon Various Pools — Toronto Market a Quiet Situation.

World Office,
Saturday Evening, Oct. 23

Another sharp increase in the bank of England rate this week has caused considerable retrospection among stock market followers particularly those in close affiliation with Wall-street. Whether the rather unusual 5 per cent. rate is levelled against Germany or the United States, its declaration has been pronounced and tho only moderately effective on the price of speculative securities, the stock markets have taken the matter to heart more than is yet seen on the surface.

* * *

Wall-street syndicates can perhaps treat the matter with disdain for a time. They have made preparations that can carry them thru for the present, but immense loans with London houses will have to be met later, and unless stocks can be sold at the prices to which they have been put, they will have to be sold by auction to the highest bidder when the time arrives for the payment of the various mortgages.

* * *

New York financiers have on many occasions misjudged their clientale, the public. During recent months these individuals have sought to engulf a speculative following by the boldness of the market advances. In this they have ignominiously failed. The public speculator can only be entangled by a rising market. Once prices start to fall he becomes sceptical and cannot be turned into a buyer. If the market has become burdensome to the syndicates and they are fearful of their obligations, a steady decline in prices marked by rallies against the shorts is the natural outcome. A continuous fight will be waged against professional shorts and the only chance for the outside operator will be to buy on good declines and to sell out on moderate rallies. In such a market none by a skilful market player can hope to make money.

* * *

Much will no doubt depend on the action of the Steel Trust directors at their meeting next Tuesday. Nothing but a 5 per cent. dividend can correspond with the price of the common stock and anything less than this can scarcely be acceptable to the market. With grain and other commodities held at high prices, the agricultural reports are being restricted, and unless these are enlarged it is quite possible that some gold will have to be sent from New York to meet the finance bills now maturing. Most businesses and especially the Steel business have undergone a most remarkable revival, but this appeals to many as too sudden a swing from famine to plenty, and not the result of a steady growth, and therefore, without a bona fide staying power. The only hope of outside bulls is that the insiders have still most of the stocks on their hands, and that they must still keep them up to sell them. This argument works out on occasions, but the present one may be the exception that proves the rule.

* * *

The essential factor in the market for speculative Canadian listed stocks during the week was, as in other markets, the strength of the London bank rate. Money tightness is at present immediately out of the question, Canadian financial institutions being well provided with funds. Speculation to any known extent has only occurred in the Montreal market, and the reduction in call loans with Canadian banks during the month of September is significant of a solid situation. Call loan rates have now reached the normal figure of 5 per cent., and this is certainly not an onerous one. Narrow fluctuations have marked the week's operations, here, and the only issues to evince weakness are those which have been unduly advanced by pools.

* * *

The half yearly trade statement issued from Ottawa and the growth of demand deposits with the chartered banks, both indicate commercial improvement, and if farm produce is not held back unnecessarily a good winter's business is assured. One potent reason against stock market activity is the number of flotations recently placed before investors. This and the general activity in real estate has withdrawn attention from listed securities and until this is changed the stock market is liable to continue quiet. The satisfactory way in which most securities are held off the stock market is an assurance of price steadiness. While the present outlook is not enticing to speculators, it offers few obstacles to the investor. Prices of many dividend paying stocks are attractive, and have speculative possibilities.

Railway Earnings.

	Increase.
Twin City, 2nd week October	$ 4,436
Can. Northern, week ending Oct. 21	52,300

New York Clearing House.

NEW YORK, Oct. 23.—The statement of clearing house banks for the week shows that the banks hold $16,643,825 more than the requirements of the 25 per cent. reserve rule. This is an increase of $6,352,700 in the proportionate cash reserve as compared with last week. The statement follows: Loans, decrease $8,747,300; deposits, decrease $5,407,600; circulation, increase $673,800; legal tenders, increase $634,200; specie, increase $4,366,600; reserve, increase $5,000,800; reserve required, decrease $1,351,900; surplus, increase $6,352,700; ex-U.S. deposits, increase $6,356,975.

The percentage of actual reserve of the clearing house banks to-day was 26.27.

The statement of banks and trust companies of Greater New York not reporting to the clearing house shows that those institutions have aggregate deposits of $1,289,714,300, total cash on hand $151,098,600 and loans amounting to $1,210,323,300.

On Wall Street.

Chas. Head & Co. to R. R. Bongard at the close of the market:

Market opened weak, under the depressing influence for still lower prices from London. The weakness was most pronounced in the regular leaders. Union Pacific, Steel, Reading, New York Central all broke badly during the morning, with but feeble rallies. Taken as a whole the market has displayed less resistance today than at any time during the present decline, and closing prices are approximately at lowest for the day, with declines of one to three points general.

Finley Barrell & Co. wired J. P. Bickell: In view of the sudden unfavorable developments in London we feel that American stocks may continue heavy for some time and would therefore advise a conservative position in the market. All conditions in America are unusually strong and a sharp recovery is possible as soon as the London situation is corrected. It is political rather than financial and will be ended most suddenly. Passage of the budget by the House of Lords should be a signal for the reversal of speculative movements all over the world.

Money Markets.

Bank of England discount rate, 5 per cent. London call rate, 3½ to 4 per cent. Short bills, 4⅝ per cent. Three months' bills 4⅝ per cent. New York call money, highest 4½ per cent., lowest 4 per cent., last loan 4¼ per cent. Call money at Toronto, 4½ to 5 per cent.

Foreign Exchange.

Glazebrook & Cronyn, Janes Building (Tel. Main 7517), to-day report exchange rates as follows:

—Between Banks—	Buyers.	Sellers.	Counter.
N. Y. funds	5-64 dis.	3-64 dis.	⅛ to ¼
Montreal f'ds	15c dis.	5c dis.	⅞ to ¼
Ster., 60 days	8 11-16	8¾	9
Ster., demand	9⅝	9 11-16	9 15-16
Cable trans	9¾	9 13-16	10

—Rates in New York—	Actual.	Posted.
Sterling, 60 days' sight	483½	484½
Sterling, demand	487.85	488½

British Consols.

	Oct. 22.	Oct. 23.
Consols, money	83¼	83¼
Consols, account	82 5-16	82 5-16

Toronto Stocks.

	Oct. 22. Ask.	Oct. 22. Bid.	Oct. 23. Ask.	Oct. 23. Bid.
Aml. Asbes. com	32	...	32	...
do. preferred	...	90	...	90
B. C. Packers, A	...	88	...	88
do. B	...	88	...	88
Bell Telephone	...	144¾	...	144¾
do. preferred	...	...	...	...
Burt F. N. com	...	54¼	55¼	54¼
do. preferred	...	91½	92	91½
Can. Gen. Elec	...	117	...	117
C. N. Prairie Lands	...	...	...	...
do. preferred	...	...	...	...
C. N. W. Land	...	...	...	...
Canada Life	...	...	...	...
Canadian Salt	...	112	...	112
C. P. R.	183½	...	182	181½
City Dairy com	...	31½	...	32
do. preferred	...	99	...	100
Consumers' Gas	206½	204	206½	204
Crow's Nest	90	...	90	...
Detroit United	70	...	70	...
Dom. Coal com	91	89	89	...
Dom. Steel com	57½	...	56	55¾
do. preferred	...	...	...	...
Dom. Telegraph	110	107½	...	108
Duluth - Superior	66¼	66	66	65¼
do. common	...	...	...	...
Illinois preferred	...	...	...	...
International Coal	83	82	83	82
Lake of Woods	...	...	...	...
Lake Superior	...	...	...	...
Laurentide com	...	126	...	126
do. preferred	127	124	127	124
Mackay Tramway	91¾	90	91	90
do. preferred	76⅞	...	75½	...
M.S.P. & S.S.M.	...	...	...	...
Montreal Power	...	...	...	...
Mexican Tram.	...	...	...	...
Mexican L. & P.	...	...	...	69¾
do. preferred	...	...	...	...
Niagara Nav.	137	...	137	...
Niagara, St. C. & T.	...	...	...	...
Northern Nav.	118	...	...	118
N. S. Steel	...	...	...	...
do. preferred	...	...	...	...
Ogilvie common	...	...	...	72
do. preferred	...	...	...	...
Penman common	...	57¾	...	57¾
do. preferred	...	85¾	...	85¾
Porto Rico	...	40	...	40
Rio Janeiro	...	...	...	88
R. & O. Nav.	87	86½	87	...
Rogers common	...	130	...	130
do. preferred	...	107	...	107
Sao Paulo Tram.	145	144	144¼	144
S. Wheat com	40¾	40¼	40	...
do. preferred	...	...	...	...
St. L. & C. Nav.	...	...	...	...
Tor. Elec. Light	...	120	...	120
Toronto Railway	...	123	123	...
Tri-City pref.	...	92¼	...	92¼
Twin City	...	106¾	106¾	106½
Winnipeg Ry.	185	...	185	...
—Mines.—				
Crown Reserve	5.60	...	5.60	...
La Rose	...	6.50	...	6.35
Nipissing Mines	11.75	11.50	...	...
North Star	...	...	...	...
Trethewey	...	...	...	150
—Banks.—				
Commerce	...	...	190	187½
Dominion	...	240	...	240
Hamilton	203	200	202	200
Imperial	227	226	...	227½
Merchants'	...	163	...	163
Metropolitan	...	...	...	...
Molsons	...	200½	...	200½
Montreal	253½	...	253½	...
Nova Scotia	277	...	277	...
Ottawa	...	209¾	...	...
Royal	...	226	...	226
Standard	...	226	...	226
Toronto	...	217¼	...	217¼
Traders'	...	138½	...	139¾
Union	...	134	...	134
—Loan, Trust, Etc.—				
Agricultural Loan	...	120	...	120
Canada Landed	...	152	...	...
Canada Perm.	...	160	...	160
Central Canada	100	...	100	...
Colonial Invest.	...	68	...	68
Dominion Savings	...	71¼	...	71¼
Hamilton Prov.	...	128	...	128
Huron & Erie	...	195	...	195
do. 20 p.c. paid	...	181	...	181
Imperial Loan	...	...	...	...
Landed Banking	...	127	...	127
London & Can.	...	...	...	...
National Trust	...	175	...	175
Ontario Loan	...	140	...	140
do. 20 p.c. paid	...	122	...	122
Real Estate	...	100	...	100
Tor. Gen. Trusts	...	165	165	...
Toronto Mortgage	...	130	...	130
Toronto Savings	...	...	...	...
—Bonds.—				
Commercial Cable	90	...	90	...
Dominion Steel	...	...	96	95¼
Electric Develop.	...	...	85¼	...
Keewatin	...	...	...	...
Mexican Electric	...	...	...	...
Mexican L. & P.	...	...	...	...
Laurentide	...	...	...	...
Porto Rico	...	...	...	...
Rio, 1st mortgage	...	...	...	...
do. 2nd mortgage	...	...	...	...
Sao Paulo	...	...	...	...
St. John City	...	...	...	...

NEW YORK STOCKS.

Erickson Perkins & Co. (Beaty & Glassco), 14 West King-street, report the following fluctuations in the New York market:

	Open.	High.	Low.	Cl.	Sales.
Allis. Chal.	14¼	14¼	14¼	14¼	.....
Alton	67	67	66¼	66¼	300
Amal. Cop.	80	80⅝	79½	79½	26,600
Am. Beet S.	46	46	45	45	1,300
Am. Canners	12	12	11⅝	11⅝	300
Am. Cot. Oil	75¾	76¾	75¼	75½	1,800
Am. Lin. pr.	...	...	...	...	.....
Am. Loco.	58	58	57	57	1,600
Am. T. & T.	140¼	140¼	139⅞	139⅞	2,300
Anaconda	46½	46½	45½	45½	2,500
Atchison	120	120	119¼	119½	22,200
Atl. Coast	138	138	137¼	137½	600
B. & Ohio	114½	114⅞	114¼	114¼	2,500
Brooklyn	76¾	76⅞	76½	76½	2,600
Car Fdry.	68½	69½	68	68¼	2,600
Cent. Leath.	46	46	43½	43½	6,300
Ches. & O.	88½	88⅞	85¾	85¾	12,600
C. C. & C.	77¾	77¾	76¼	76¼	1,300
Colo. Fuel	44½	44⅝	43⅝	43⅞	.....
Colo. & Sou.	51¾	51¾	51	51	300
Corn Prod.	21½	21½	21	21	1,500
C. P. R.	182	182½	181½	182	1,500
Del. & Hud.	183	183	182	182	600
Del. Lack.	...	...	...	...	.....
Denver	46½	46½	45¾	45¾	1,400
do. pref.	84½	84½	84½	84½	100
Distillers	36	36⅛	36	36⅛	.....
Duluth	...	...	...	...	.....
do. pref.	...	...	...	...	.....
Erie	32⅝	33⅛	32⅝	32½	4,000
do. 1sts	47⅞	47⅞	47¼	47¼	500
do. 2nds	39½	39½	38⅝	38⅝	.....
Gas	142	142	140½	140¾	1,200
Gen. Elec.	160¾	161	160	160	1,600
Gt. Nor. pr.	146⅝	146⅞	143⅝	145½	6,300
G. N. Ore	80	80	79½	79½	2,000
Great West	...	...	...	...	.....
Ice Secur.	26	26	25¾	25¾	600
Illinois	148	148	146	146	1,400
Interboro	16⅞	17¼	16⅞	17⅛	8,300
Int. Paper	16	16	16	16	200
Int. Pump	46½	46½	46½	46½	100
Iowa Cent.	...	...	...	...	.....
Kansas Sou.	43¾	43¾	42⅞	42⅞	1,300
L. & N.	150	151	150	150	1,500
Lehigh Val.	98	98	95	95	300
Mackay	90¾	90¾	90¼	90¼	.....
do. pref.	...	...	...	...	.....
Mex. Cent.	22½	22½	22½	22½	300
M., K. & T.	45⅝	46⅛	45¼	45½	9,300
Mo. Pacific	69	69	68	68¾	1,400
M., St. P. & S.	...	...	...	...	.....
Natl. Lead	86¼	86¼	85¾	85¾	1,000
N. Amer.	...	...	...	...	.....
Norfolk	95	95	94½	94⅝	1,400
Nor. Pac.	148⅛	148⅛	146¼	146½	7,800
North West	186⅞	186⅞	186⅞	186⅞	.....
N. Y. C.	133⅛	133⅜	132	132	10,000
Ont. & West.	46⅛	46⅛	46¼	46¼	900
Pitts. Coal	21	21	20½	20½	.....
Pacific Mail	38	38½	38	38	900
Penna.	145¾	146⅛	144¾	145	23,300
Peo. Gas	114¼	114¼	114¼	114¼	600
Press. Steel	47¼	47¼	46½	46½	900
Reading	160¼	160¼	158	158½	6,110
Rep. Steel	45¼	45¼	44½	44½	2,600
do. pref.	104¾	104¾	104	104	800
Ry. Springs	45	45⅛	45	45⅛	600
Rock Island	37⅞	37⅞	37⅜	37⅜	7,700
do. pref.	78	78	77	77	3,200
Rubber	47	47	46	46	900
do. 1sts	118	118	118	118	800
Sloss	90	90	89	89	13,300
Smelters	94⅞	95	93½	93½	13,500
South. Ry.	30¾	30¼	29⅝	29⅝	1,800
do. pref.	69	69	68⅞	68⅞	200
St. L. & S.F.	56⅞	56⅞	56	56	.....
Sou. Pac.	127¼	127⅝	126½	126½	23,300
St. L. & S.W.	28⅞	28⅞	28½	28¾	200
St. Paul	157⅛	157⅛	156	156	12,200
Sugar	129½	129½	129⅛	129¼	1,600
Tenn. Cop.	34½	34½	34½	34½	200
Texas	35⅛	35½	35	35	3,300
Third Ave.	19⅛	20	19⅛	20	700
Toledo	52½	52½	52½	52½	200
do. pref.	69⅞	70⅛	69⅞	70⅛	400
Twin City	107	107	107	107	100
Union	200¼	200¼	197	197¼	75,800
do. pref.	102⅞	102⅞	102¼	102¼	1,600
U. S. Steel	87¾	87⅞	86¼	86⅝	181,800
do. pref.	126	126¾	125⅞	125⅞	5,700
do. bonds	105⅝	105⅝	105⅛	105¼	.....
V. C. Chem.	46	46	46	46	800
Wabash	20⅛	20¼	19½	19½	1,200
do. pref.	52	53½	51⅛	51½	18,200
Westingh'se	85	85	84½	84½	1,300
West. Mary.	...	...	...	...	.....
W. Union	76½	76½	76	76	300
Wis. Cent.	50½	50½	50	50	200
Woolens	36⅛	36⅛	35⅞	35⅞	400

Total sales, 684,800.

Montreal Stocks.

	Ask.	Bid.
C. P. R.	182	181¾
Detroit United	67	66¾
Duluth-Superior	65½	65
Illinois preferred	92½	92
Mackay common	91¼	90
do. preferred	74½	74
Mexican	72	69⅞
R. & O. Navigation	87	86½
Twin City	107	106¾
Soo common	139	...
Bell Telephone	147	144
Toronto Railway	123¾	123¼
Tri-City preferred	...	92

THE STERLING BANK OF CANADA

Notice is hereby given that a dividend of one and one-quarter per cent. (1 1-4 per cent.) for the quarter ending 31st October instant (being at the rate of five per cent. (5 per cent.) per annum on the paid-up capital stock of this bank) has been declared, and that the same will be payable at the Head Office and Branches of the Bank on and after the 15th day of November next. The Transfer Books will be closed from the 20th October to the 30th October, both days inclusive.

By order of the Board.

F. W. BROUGHALL, General Manager.

Toronto, October 12th, 1909.

IMPERIAL BANK OF CANADA

DIVIDEND NO. 77.

NOTICE IS HEREBY GIVEN that a dividend at the rate of eleven per cent. (11 per cent.) per annum upon the Paid-up Capital Stock of this Institution has been declared for the three months ending 31st October, 1909, and that the same will be payable at the Head Office and Branches on and after

FIRST DAY OF NOVEMBER NEXT.

The Transfer Books will be closed from the 16th to 30th October, both days inclusive.

By Order of the Board.

D. R. WILKIE,
General Manager.

Toronto, Ontario, 15th September, 1909.

Asbestos	...	31	...	
Dominion Coal	...	89	88¾	
Dominion Steel	...	56	55⅞	
Dominion Coal, pref	...	...	116	
Dom. Steel, pref	...	132	131	
Nipissing	...	11⅝	...	
Ogilvie	...	137½	137¼	
Penman	...	57½	56⅞	
do., preferred	...	85¼	...	
Crown Reserve	...	551	525	
Nova Scotia Steel	...	74	71	
Lake of the Woods	...	142½	140	
Packers A	...	...	90	
do., B	...	...	90	

Cotton Gossip.

NEW YORK, Oct. 23.—The predicted 14 cent. level was reached in the cotton market to-day. March cotton sold at that figure and May buying inspired by big spinners' takings, strength of foreign markets and expectation that the census ginning figures on Monday would confirm small crop estimates.

New York Cotton.

Beaty & Glassco (Erickson Perkins & Co.), 14 West King-street, reported the following closing prices:

	Open.	High.	Low.	Close.
Jan.	13.81	13.98	13.81	13.75
Mch.	13.90	14.05	13.90	14.05
May	13.94	14.08	13.93	14.05
Oct.	13.86	13.86	13.70	13.90
Dec.	13.79	13.99	13.79	13.99

Spot closed quiet, 25 points higher. Middling uplands 14.20; do., gulf, 14.45. No sales.

Price of Oil.

PITTSBURG, Pa., Oct. 23.—Oil closed at $1.53.

New York Metal Markets.

NEW YORK, Oct. 23.—With the metal exchanges of New York and London closed, there was no new development in the situation and prices were nominally unchanged. Tin, $30.25 to $30.50; lake copper, $13 to $13.25; electrolytic, $13.62½ to $12.87½, and casting, $12.50 to $12.75. Lead, $4.32½ to $4.40; spelter, $6.15 to $6.40; iron remains steady at recent prices.

JURY SAID SELF-DEFENCE

And Indian Who Killed a Chinaman Is Acquitted.

NELSON, B.C., Oct. 24.—Frank Kootenay, an Indian, charged with the murder of a Chinaman, was last night acquitted by an assize court jury, after the presiding chief justice had ruled out four alleged confessions because there had been no attempt to get an interpreter.

The accused said he had purchased a flask of liquor from the Chinaman, who had forced a quarrel and threatened him with a rifle, which the Indian had seized, and struck his assailant over the head, killing him. The jury said it was self-defence, adding a rider that the law should be changed so that those who sold or gave liquor to Indians should be sent to jail for long terms, without the option of a fine.

New Division S. of T.

A new division of the Sons of Temperance was organized at a meeting in Phoenix Hall. About forty members were initiated by the degree team of Orient Division.

BARTLE, CUBA

AN EXCEPTIONAL OPPORTUNITY is offered to investors of Town Lots that are rapidly increasing in value.

Bartle is one of the best Towns on the Island, and millions of capital are being invested here

WE OFFER 200 TOWN LOTS, 60 by 127 1-2 FEET, AT $200 EACH.

W. E. ELMORE & CO.,
Nos. 614-620 Traders Bank Building, Toronto, Ontari

Central British Columbia

"The Inland Empire of Canada"

Largest undeveloped area of good land on North American continent—wheat, mixed farming, stock grazing, gold, silver, coal, petroleum, salt.

GRAND TRUNK PACIFIC RAILWAY, NOW BUILDING, OPENS UP TO SETTLEMENT,

FORT GEORGE

Coming metropolis—greater natural advantages than Spokane, Wash. Gateway to Nechaco, Bulkley, Peace River, Fraser and Skeena Valleys. Gateway to Cariboo and Yukon mining districts.

FIRST OFFERING of inside town lots now on. $100 each. Easy terms. Title guaranteed and insured by the government of British Columbia.

Write quick for free map and official information of this great country.

Natural Resources Security Co. Ltd.
426 WINCH BLDG., VANCOUVER, B. C.

A GOOD SERVICE

The Metropolitan Bank endeavors to serve the convenience of its customers in every way possible, and now has in different parts of the city NINE BRANCHES where every Banking facility is offered—$1.00 opens a Savings Account.

AT OSGOODE HALL.

ANNOUNCEMENTS.

Monday being Thanksgiving Day is a dies non.

Judge's chambers will be held on Tuesday at 11 a.m.

Peremptory list for divisional court for Tuesday, 26th inst., at 11 a.m.:

To be spoken to—

1. McKay v. Simpson.
2. Nell v. Woodward.
3. Gray v. Standard Mutual.
4. Parrott v. McLean.
5. Landsberg v. Kelly.
6. Hallam v. Markson.
7. Stewart v. Cobalt C. S. and Association.
8. Gilmour v. Sleeman.

For argument—

1. Beattie v. Dickson (settled) (77).
2. Rex v. Maher (78).
Kelly v. Tourish Hotel Co. (80).
4. Hislop v. Lester (85).
5. Gilmour v. Dalton (31).
6. Vanderberg v. Markham (48).

Master's Chambers.

Before Cartwright, K.C., Master.

Whitney v. Small—R. S. Levesconte, for plaintiff, to strike out rejoinder as embarrassing. C. A. Moss, for defendant, contra. Judgment: There is nothing incorrect in the rejoinder except that by mistake in the second paragraph "plaintiff" is used instead of "defendant." Also in the last paragraph "the agreement referred to in the statement of claim and sued on herein came to an end to the plaintiff's knowledge at the expiration of the leases of the said opera house," should have made leases singular or opera house plural if I rightly understand the facts. With these slight and obvious amendments the motion will be dismissed with costs in the cause.

Syms v. McGregor—H. E. Rose, K.C., for plaintiff, on motion for judgment for possession on default in a mortgage. L. F. Heyd, K.C., for defendant, contra. Judgment: The defendant, the mortgagor, has conveyed the equity of redemption. The default is admitted, but defendant is willing and ready to pay on having an assignment of the mortgage to his nominee, pursuant to R. S. O. 1897), cap. 121, s. 2. Plaintiff contends that this action does not apply. . . . It is not necessary to say more at present than that under these circumstances the defendant must have leave to have the case tried out. He can then make a proper tender and the plaintiff may act as advised. Motion dismissed. Costs in the cause.

Ross v. Jackson—E. W. Wright, for plaintiff, moved for an order permitting service out of the jurisdiction. Order made.

Davies v. Tomlin—C. F. Ritchie (Ritchie & Co.), for plaintiff, moved for permission to issue writ for service out of jurisdiction. Order made.

Colonial Development Co. v. Mitchell—R. C. H. Cassels, for defendant, moved for an order for a commission to take his own evidence and that of witnesses at New York. W. D. McPherson, K.C., for plaintiff, contra. Reserved.

Goulding v. Curran—Coper (Cassels & Co.), for plaintiff, moved, on consent, for order dismissing action without costs. Order made.

Brown v. Ryerson—G. B. Strathy, for defendants, Wrey and Marskey, moved to set aside order for service out of the jurisdiction and the service. E. G. Morris, for plaintiff. Order made setting aside the service, with costs fixed at $15.

Single Court.

Before Meredith, C.J.

Re Aiken and Ray—C. H. Porter, for vendor, on motion under V. and P. Act, to confirm report of official referee, R. B. Henderson, for purchaser. Judgment: The only question which remains to be disposed of is that of costs, and in the circumstances of this case the proper order as to them is that each party should bear his own costs throughout, and I so order.

Divisional Court.

Before Falconbridge, C.J.; Teetzel, J.; Riddell, J.

Beal v. M. C. R. Co.—D. W. Saunders, K.C., and W. B. Kingsmill, for defendants, on appeal from judgment of MacMahon, J., dated June 10, 1909. G. G. McPherson, K.C., for the plaintiff, contra. The action was for damages for loss of part of an orchard contiguous to defendants' railway, by fire alleged to have been caused by sparks from a locomotive of the defendants. Plaintiff claimed $800 damages, and was awarded $550 at the trial. Judgment: In the present case the plaintiff has failed to meet the onus cast upon him by the law, and to prove that the fire which caused the damage came from the defendants' engine. The appeal should be allowed with costs, and the action dismissed with costs. Had it been necessary to determine which engine threw the spark causing the fire (assuming that the fire was so caused), I should have thought it much more likely that it was either of the Pere Marquette engines than that of the defendants.

JASPER PARK.

The New National Playground Set Aside by Federal Government.

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J. B. Tyrrell has gone to Cobalt for a few days.

Harry Storr, an aged corporation laborer, of St. Thomas, was struck by a street car and terribly mangled.

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Application should be made not later than Monday, Nov. 15 prox., by letter addressed to the Acting Secretary at Osgoode Hall, Toronto, from whom further information may be obtained.

W. GEO. EAKINS,
Acting Secretary.
561 Osgoode Hall, Oct. 21, 1909.

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