

six prisoners convicted of offences in connection with the street railway troubles. R. Howard, convicted of setting fire to a street car at Pottersburg, was sentenced to two years in Kingston Penitentiary. J. Barrett, for throwing stones, was sentenced to nine months in the Central Prison. F. Goodacre, for rioting & turning the switch at Lyle street, was fined \$50 & sentenced to two months in jail from Dec. 16 last. In default of payment of the fine, two months will be added. W. H. Tarling, W. Jeffries & W. Hayes were each condemned to pay \$25 or two months in jail. A. E. McNamara had his sentence reduced. On payment of a fine of \$15 he will be released, having been in jail since Jan. 22.

At Osgoode Hall, Toronto, Jan. 17, Judges Osler, MacLennan, Moss & Lister gave judgment on the appeal by this Co. from the judgment of a Board of County Court Judges, one judge dissenting, confirming assessment by the city of London of the poles, rails, wires, etc., of the Co. It was contended that the assessment was based on the value of the articles to the railway as a running concern, & not on the basis laid down in re Bell Telephone Co. & City of Hamilton, 25, A.R., 351. Held, that the amount fixed by dissenting judge below for poles, etc., & bridges is right, & that nothing should be allowed for track allowances. Appeal allowed with costs.

Metropolitan Ry.—In addition to the application mentioned in our last issue, pg. 27, this Co. is applying to the Ontario Legislature for power to connect its tracks at its southern terminus, & at any other points at or near to its line with the tracks of the C.P.R., the G.T.R., the Schomberg & Aurora Ry., & the Oshawa Ry., to make traffic & running arrangements with any of these companies to operate its entire railway by electricity; to extend its rail-tire railway by electricity; to extend its rail-tire railway to Shelburne, & through or near Stouffville, thence through the Township of Pickering to or near Claremont, thence through the Townships of Pickering, Whitby & East Whitby to Oshawa; to extend the time for the construction of the Co.'s railway, & also enabling the Co. to exercise within Toronto the powers, &c., contained in the Railway Act clauses & amendments incorporated with the Co.'s acts.

In the case of the City of Toronto vs. this Co., Judge Falconbridge gave judgment in Toronto, Jan. 12, on motion to continue injunction restraining defendant from taking any steps towards effecting a junction of its line with the C.P.R. at North Toronto, & secondly, to restrain defendant from using electricity or propelling its cars therewith within the limits of the City of Toronto. The motion was by consent turned into a motion for judgment. By an order the Railway Committee of the Privy Council, after reciting the consent of the City of Toronto, approved of defendant connecting its tracks with those of the C.P.R., by means of a switch, in the City of Toronto, as shown on a plan, & subject to certain conditions. Held, after an exhaustive review of the statutes & agreements affecting the matter, that the real crux of the case is whether the defendant has the right without the authority or consent of the plaintiff to occupy, expropriate or otherwise to force its way over the land of the plaintiff so as to enter the land of the C.P.R. & make a junction, & not a mere crossing as to which place of crossing merely, the Privy Council, it is clear, has power to approve. The representatives of the city protesting against the proposed connection, & against the jurisdiction of the Privy Council, made the best terms they could as to the mode of union, but did not thereby assume to give a conveyance of the right of way from the present track of the defendant at its terminus over the plaintiff's land to the C.P.R. track. The defendant as a mere street railway has no rights of expropriation, nor has it any such rights under the statutes affecting it & the agreements made by & with it.

Such rights do not exist by virtue of the application of any clauses of the railway act, nor by virtue of defendant's charter or by agreement with plaintiff. Even if defendant is a "railway" within the meaning of the railway act, sec. 188 is not applicable, for it is not here proposing to carry its line "along an existing highway," & it cannot now avail itself of sec. 187, because it has not complied with its provisions as to expropriating land. The defendant must therefore be perpetually restrained. Plaintiff is also entitled technically to succeed on the second branch of the case. Judgment for plaintiff, with costs of motion & action. The Co. at once gave notice of appeal.

Niagara & Southwestern Electric Ry.—J. S. Campbell, solicitor, St. Catharines, Ont., gives notice of application to the Ontario Legislature to incorporate a company under this name with power to construct & operate an electric railway from Niagara-on-the-Lake through or near St. Catharines, & the village of Smithville, to Hagersville, with branches from the main line at or near De Cew Falls to Hagersville via Dunnville & Cayuga, & from Niagara-on-the-Lake to Queenston.

The Niagara, St. Catharines & Toronto Ry. Co. gives notice that a mortgage deed, dated Nov. 1, 1899, made by the Co. to the National Trust Co., securing a bond issue, has been deposited in the office of the Secretary of State for Canada.

The Co. is having 4 motor cars built. They are each 50 ft. in length, will accommodate 40 people & are provided with separate smoking & baggage departments.

Ottawa & Dundas Electric Ry.—Notice is given of application to the Ontario Legislature to incorporate a company under this name, to construct & operate a railway from Ottawa; through the townships of Gloucester & Osgoode, & through the county of Dundas, to some point on or near the St. Lawrence River, with branch lines.

Ottawa Electric Ry.—At the annual meeting, Jan. 29, the following report was presented for the year ended Dec. 31, 1899, shewing a net profit of \$85,280.37. Out of this amount 4 quarterly dividends of 2% have been declared, amounting to \$65,184, leaving \$20,096.37 to be carried forward to the credit of profit & loss, making the total to the credit of that account \$95,080.81. The gross earnings for the year were \$263,545.05, compared with \$231,806.02 in 1898. In order to provide against the disablement which an accident to the Co.'s power house plant would probably cause, a duplicate power plant consisting of a set of horizontal water wheels of a capacity of 1,800 h.p., directly connected to a generator of a similar capacity, is being installed. The new plant will be housed in fire-proof buildings. It is expected this duplicate plant will be ready for operation within the next few weeks. In Sep., 1899, a contract was made for the building of an extension of the Co.'s lines from Holland Avenue, in Hintonburgh, to Britannia-on-the-Bay, about 4½ miles. The work will be ready about May 1 next. The western terminus is beautifully situated on the bay, & is the only absolutely safe beach for bathing in the neighborhood of Ottawa. This line should become very popular, as the route is very picturesque; the road double tracked with 72 lb. rails, & the equipment modern & up to date. A Sunday car service was inaugurated on July 23 last. Late last season, the City having decided to lay an asphalt roadway on Wellington St., between Lyon & the junction of Sparks St., the Co. renewed its tracks for this distance, putting down a 72 lbs. rail instead of the then existing 56 lbs. rail. As has been the custom, everything connected with the system has been kept in a good state of repair, & the high standard which has been aimed at ever since the Co. commenced operations has been maintained.

STATISTICAL STATEMENT 1892 to 1899.

	11 Mos. to May 31, '92	12 Mos. to May 31, '93	12 Mos. to May 31, '94	12 Mos. to May 31, '95	12 Mos. to Dec. 31, '96	12 Mos. to Dec. 31, '97	12 Mos. to Dec. 31, '98	12 Mos. to Dec. 31, '99
Gross receipts.....	\$71,608.99	\$110,071.67	\$120,484.02	\$193,991.36	\$128,173.98	\$223,801.67	\$231,802.06	\$263,545.05
Total expenses.....	45,199.80	70,231.25	83,324.64	122,335.67	144,460.24	151,462.04	159,158.91	178,464.68
Net profit.....	26,409.19	39,840.42	46,159.38	71,655.69	83,713.74	72,339.63	72,643.15	85,080.37
Passengers carried.....	1,520,405	2,394,504	2,797,281	4,119,084	2,843,173	4,762,082	5,133,038	5,833,849
Percentage of operating expenses to receipts.....	63.1%	63.1%	68.8%	63.1%	63.1%	67.8%	68.7%	67.7%

ASSETS AND LIABILITIES DEC. 31, 1899.

ASSETS.	
Roadbed & equipment, waterpower property & plant, real estate & buildings.....	\$1,312,812.93
Stores.....	3,573.40
Accounts receivable.....	1,941.26
Discount unearned.....	4,465.00
Cash on hand.....	4,642.06
	<u>\$1,327,434.65</u>
LIABILITIES.	
Capital stock.....	\$814,800.00
Bonds, 4%.....	310,000.00
Dividend payable Jan. 2, 1900.....	16,296.00
Accounts payable.....	17,221.92
Bank of Commerce.....	24,035.92
Bills payable.....	50,000.00
Balance carried forward.....	95,080.81
	<u>\$1,327,434.65</u>

PROFIT AND LOSS ACCOUNT.

Balance at credit Dec. 31, 1898.....	\$74,984.44
Net profit in 1899.....	85,280.37
	<u>\$160,264.81</u>
Dividends paid April 1, July 1, & Oct. 1, 1899, & Jan. 2, 1900.....	\$65,184.00
Balance at credit Dec. 31, 1899.....	95,080.81
	<u>\$160,264.81</u>

Following are the officers for the current year: President, T. Ahearn; Vice-President, J. W. McRae; other directors, G. P. Brophy, W. Y. Soper, P. Whelan, T. Workman, A. Lumsden; Sec.-Treas., J. D. Fraser.

In the case of the village of Hintonburgh versus this Co., decided Jan. 16 in the Court of Appeals, Toronto, the facts were as follows: