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The World

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PROBS—Fair and cold to-day; Friday, strong winds and gales; higher temperature.

TWELVE PAGES—THURSDAY—MORNING DECEMBER 10 1908—TWELVE PAGES

28TH YEAR

ONTARIO RAILWAY BOARD JOLTS CITY'S CONTENTION OF OWNERSHIP OF STREETS

Declares Toronto Has Violated Agreement With Street Railway and Prevented Company From Exercising Right to Select Routes for Extensions.

"The board determine that the company has the right to select the aforementioned streets (for new routes), and so declare. "We find that THE CITY has denied the company's right and has prevented the company from using the streets selected for their new lines, and HAS VIOLATED AND COMMITTED A BREACH OF THE AGREEMENT which they made with the company."

Such is the summing of an unexpectedly strong decision by which the Ontario Railway and Municipal Board confirm the Toronto Street Railway Co. in their contention that they can lay out their car routes as they may deem best for their own traffic. The city is "beaten to a frazzle" evidently, though no order is made as to costs.

The new routes and streets affected are:
ADELAIDE-STREET, from Jarvis to Balmora;
BAY-STREET, from Front to Queen;
UNIVERSITY AVENUE, from Queen to College;
RICHMOND-STREET, from Victoria to Church;
WELLINGTON-STREET, from Church to York.

These extensions from the lengthy formal award show the trend of it: We propose to try the rights of the parties as they exist, under the agreement alone.

What the city was selling and what the company were buying was the exclusive right to operate surface street railways * * * for a period of 20 years, with a right of renewal for a further period of 10 years in the event of legislation being obtained.

The operation of the railway is a business enterprise. It is to be run on a commercial basis. The city is not required to furnish any capital. They furnish the right of way along their streets, making them responsible for the success of the enterprise, taking all the risk of failure and loss, would require to have the right to select the streets where passengers could most readily and safely present themselves for carriage, and where the traffic could be most remunerative.

The denial of this right to the company to this date, and the necessity would require to be stated in very clear and decisive language.

The decision in full follows: This is an application made by the Toronto Railway Company to have their rights declared under an agreement dated the first day of September, 1881, made between the respondent and George W. Kieley and others, which agreement was validated by a statute of the parliament of Ontario, to Victoria, chapter 99, by virtue of which it is alleged that the company have the right to construct and operate tracks for the purposes of their railway upon any and all streets in the City of Toronto.

HANNA, COOPER'S NEMESIS

Prosecution to Be Started By Provincial Secretary for Violation of the Act Respecting Prospectuses.

Mother Lode Mining Co., Ltd.
 Big Six Development Co., Ltd.
 Crown Jewel Mines, Ltd.
 Clifford-Cobalt Mines, Ltd.
 Gifford Extension Mines, Ltd.
 Aganica Mines Development Co., Ltd. (Arizona).
 Otise Mining Co., Ltd.

Nemesis is after the mining companies that have violated the Companies Act in the shape of the provincial secretary, Hon. W. J. Hanna, intends to enforce the provisions of the act against every person or corporation who has not complied with the provisions of the act.

Violation of Section 90. The prosecution is not a criminal one, but for violation of the terms of the Companies Act, section 99 being the special clause in question.

The section requires among other things that the names, descriptions and addresses of the original incorporators, and the number of shares subscribed for by each of them to be published in the prospectus; the names and addresses of the directors or proposed directors; all particulars of the allotment, shares offered; whether fully or partly paid up, the names of vendors; the amount paid in cash or shares for property bought; amount payable as commission; amount of preliminary expenses; the amount to be paid to any promoter; and the consolidation of any, or every director in the promotion of or in the property proposed to be acquired by the company.

The chief charge is neglecting to file prospectuses. In advertising the company must not state anything at variance with the information filed in the prospectus. These companies have no directors or officers who are named in the prospectus.

The directors of the companies are the parties liable and they have been served as far as possible in the cases of the companies above mentioned. The charges under section 90, which has 14 sub-sections, and the penalty for violation is \$200 maximum fine for each director for each separate prosecution.

Thomas Mulock, assistant provincial secretary, who is instructing Mr. Corley by direction of Hon. Mr. Hanna, stated yesterday that he had only seen one mining company's advertisement so far that he could not find any other directors in the United States, and he is assuming that the directors of a particular company they must observe the law as its agents.

The department is carrying on a prosecution on its own account in the case of the Mother Lode and Big Six Companies. These companies have no directors in Ontario and cannot therefore be served. The only way to bring them to book is to cancel their charters. Some other companies appear to be trying to evade the statute by having directors in the United States, and the department is watching them.

The two companies named will be on the carpet and if they do not retrace their steps the charters will be cancelled.

"It is the only way to get at them," remarked Mr. Mulvey. Unless action is taken in this way they effect would be to drive all the companies desirous of evasion to Detroit or Cleveland or Buffalo, so that they might carry on there what they can't do here.

The cases under Mr. Corley's charge will come up to-morrow. There are a number of others than the five mentioned, but service had not been completed last night.



UNCLE WILLIAM: Don't seem, somehow, ter throw out much heat, do it?

CITY MAY TAKE APPEAL TO HIGHEST COURT

Submitting to Railway

Manor Oliver, when he heard the news, said the city could carry the case to the privy council, but could not tell what might be done.

"How is the company going to lay tracks?" he observed. "The city has to put down the roadbed first."

The railway board orders the city not to interfere in any way with the laying of the company's tracks.

J. S. Fullerton, K.C., city solicitor, said he would have to see the judgment before pronouncing an opinion, and would advise the city council subsequently.

Controller Spence said: "I'd rather see the decision before saying anything about it. That is not a final decision. The city's case is not settled by the railway board. We have higher courts to which that decision may be appealed."

Manager Fleming was out of the city last night.

James Bicknell, K.C., said he is not connected with the case, but expressed his satisfaction with the judgment.

HYDRO-ELECTRIC BYLAW GOES TO PEOPLE

Brantford Council, By 11 to 5, Turns Down Aldermen Who Want to Sew Up City With Cataract Power.

BRANTFORD, Dec. 9.—(Special.)—At a special meeting of the city council to-night to consider the submission of a bill to the Ontario Hydro-Electric Commission in addition to the \$55,000 voted last January, Engineer Sothman made an important announcement as to future power in Western Ontario.

He stated that as a result of his estimates on the cost of transmission lines exceeding the tenders received by half a million dollars, reduction of \$2 per horse-power could be made on prices already quoted.

Moreover, further reduction would be made if Windsor, Walkerville and adjacent municipalities should contract for government power.

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TO PUNISH ST. LAMBERT FOR OPPOSITION VOTE

Victor Geoffrion, M.P., Says People Will Suffer for Their Obstinacy.

MONTREAL, Dec. 9.—(Special.)—La Patrie claims that during a recent speech delivered at Lac-Bouché, Victor Geoffrion, M.P., for Chambly-Verchères, alluded to the ingratitude of St. Lambert. He had obtained from the government the assurance that an important dredging contract would be carried out at that place, yet the English element of St. Lambert had voted against him.

Mr. Geoffrion, says La Patrie, further stated that he would see that the government cancelled the contract, and in order to have the work done, these people would have to wait till they got a government of their choice and a member to their liking.

Mr. and Mrs. John Paul of Sarnia Smothered by Gas in Home.

SARNIA, Dec. 9.—Two highly respected citizens, Mr. and Mrs. John Paul, of this place, were found dead in bed this morning, being asphyxiated by gas. The discovery was made by their son, W. R. Paul, who was passing the house on his way to work and seeing no move about, the place, went in to investigate. Going into the bedroom he found his parents both lifeless. Four sons and two daughters survive.

Andrew Allan Burned To Death at Keewatin

KEEWATIN, Ont., Dec. 9.—Fire which started this morning in Allan Bros' bakehouse about 7 o'clock caused the death of Andrew Allan, aged 18, whose body was charred beyond recognition, and has spread to the adjoining buildings.

Pilkington Farmer Dies From a Kick

QUELPH, Dec. 9.—(Special.)—On his farm in Pilkington Township, near Elora, Mr. Thomas Farmer, while harnessing up his horse, was kicked in the face by the animal and died two hours later. The doctor stated that the injury caused a cerebral hemorrhage. Deceased was 83 years old. An aged widow alone survives.

IDA HAWLEY OF TORONTO COMIC OPERA STAR, DEAD

Was Well Known Here and Had Won High Distinction in Profession.

Many Torontonians, and especially the theatre-going public, will learn with deep regret of the death yesterday of Miss Ida Hawley, following an operation in New York. A telegram announcing the sad news was received yesterday afternoon by her father, Joseph Hawley, 182 Dupont-street.

Miss Hawley was a Toronto girl, who had won an enviable reputation in comic opera and musical comedy. Her debut on the stage occurred about ten years ago, and the fine quality of her soprano voice soon won recognition. She sang a leading part in "The Burgomaster" for several seasons, and was understudy for Fritz Scheff for two years. Her last professional appearance in Toronto was several years ago, but she had a host of friends here who followed her career with closest interest. She was in the city on a visit last summer.

Miss Hawley began the present season by directing "The Burgomaster" so far that she could not find any other directors in the United States, and he is assuming that the directors of a particular company they must observe the law as its agents.

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BRAKEMAN REED GIVES UP SKIPPED AFTER WRECK

Man Who Turned Sandbank Switch Ready to Face Trial for Carelessness.

Brakeman W. P. Reed, who opened the switch which caused the Sandbank collision, with the loss of several lives, is back in Toronto. Yesterday he communicated with his lawyer, J. G. O'Donoghue, that he was prepared to voluntarily give himself up. Mr. O'Donoghue immediately notified Crown Attorney Kerr at Cobourg that he would produce Reed whenever his presence is required.

Reed's explanation is that he was so appalled at the loss of life his mistake had caused that he fled. Afterwards he realized that it was his duty to return and face the consequences. His plea is that he thought the main line was clear when he turned on the switch, as his train was to be sidetracked for the purpose of letting the one following it pass. He had no knowledge that another train was due from the opposite direction and returned to the forward caboose shortly before the oncoming train engine telegraphed that it which he belonged.

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BRAMPTON COUNCIL OBEYS COURT RULING

No Opposition to the Second Reading of Local Option Bylaw.

BRAMPTON, Dec. 9.—(Special.)—Following the order of Chief Justice Meredith the town council passed the second reading of the local option bylaw, by a unanimous vote. The proper advertisement will be inserted in the local press to-morrow, and two following Thursdays, and the vote will be taken on Jan. 4.

Meantime counsel for the licensed victuallers will appeal against Chief Justice Meredith's ruling. If they succeed there is little doubt that the local optionists will take it to the court of appeal. The vote will, therefore, be taken before the second appeal can be decided.

Editor World: I have no doubt that the Toronto Railway loses quite a number of fares, and as a frequent patron of the cars I think I have come to the conclusion that a good many people have been goaded by ill-treatment and overcrowding into beating the box. A company that cannot be reached by courts, that refuses to extend its lines where lines are needed, that provides poor cars, and an insufficient number of them, must not be surprised at some kind of retaliation, more or less honest, more or less dishonest (to it may be). All the same, everybody ought to pay his fare. Up-Town.

MANY HAPPY RETURNS.

Eugene O'Keefe, that veteran citizen of Toronto, whose geniality grows brighter day by day, is eighty-one years of age to-day. He has been forty-eight years at the head of the O'Keefe Brewing Company. He is a polished gentleman of the old school.

THAT STREET RAILWAY DECISION.

Route, Hog—and die—Old saying revised.

GOVWANDA TALES OF LAKE AND OF FOREST

Toronto Boy Lost for Thirteen Days in the Wilderness—A November Visit to the Silver Discoveries.

It is not often that one can paddle the length of Lake Gowanda in the closing days of November. On this occasion it was possible, and was the only advantage which the backward season afforded. In a fourteen foot canoe, with William Hewitt, of Ottawa, in the stern, myself in the centre and John Debeau, my guide and philosopher, in the bow we paddled the entire length of the west shore, stopping at every prospector's tent or cabin, and landing occasionally to follow a trail which might lead to prospects on the second or third tier of claims.

It was a strange November day for the northland. The sun shone brightly though the air was crisp and cold. The snow and ice had entirely disappeared, and the lake lay like a great mirror of fantastic outline set in a deep frame of dark green forest. There was no sign of life. Not a bird fluttered above the tree line. The silence was so intense that it compelled wonder. The only sound was the gentle wash of the paddles as the canoe glided along.

A way across by the headland a canoe covered on a narrow trail. A man in a bow and one in the stern and they paddled with the grace of aborigines. "That is Dumond's spotted canoe," said Mr. Hewitt. "It is known all over the north country."

All attention was attracted by the story of Austin Dumond, a graduate of the Central Business College, Toronto, and who left the office stool for a life in the wild woods—the life of a hunter and prospector.

Austin Dumond was lost, hopelessly lost, for thirteen days in the northern forests. Only a few tracks were seen on the blazed trail, and he wandered and searched as he would, hour after hour, he could not recover any of the marks on the tree trunks which would lead him to safety.

Dumond had no compass and soon completely lost all sense of direction. He had matches, however, and a large Colt's magazine revolver with plenty of cartridges.

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He did nothing of the kind, Dumond and his spotted canoe are still portions of the scenery of the northland, and the life has grown upon him that he is there to stay, following in turn the trail of the big moose or groping along the rocks in search of earth's hidden riches.

World Man on the Trail.

It is marvellous how news travels, even in a wilderness where the post office and the telegraph are unknown. From one end of the Gowanda trail to the other it was soon known that The World representative was going in. Prospectors "going out" to Elk City told of meeting The World at Lost Lake, at Miller Lake or at Gowanda. They related amusing stories of how he worried down the salt pork and beans of how he slept in wet blankets and muttered things about the weight of his pack sack.

In the middle of the night some prospector who had wandered in to join the party would sit up and with deep concern ask: "Well, how is The World man getting along?" Then he would roll himself in his blankets again and laugh himself to sleep.

In the morning, when the tea pail

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