

FIFTY DOLLARS

King Street office, near Yonge, well-lighted, steam heating, immediate possession.
H. H. WILLIAMS & CO.
Realty Brokers, 26 Victoria St.

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

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

The new routes and streets affected are:
ADELAIDE-STREET, from Jarvis to 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 extracts 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 tracks, subject to the use by the pedestrian and the vehicle. The company took all the financial risk.

A company advancing all the capital, making themselves responsible for the success of the enterprise, taking all the risk of failure or loss, would require to have the right to select the streets where men most do congregate, where passengers could most readily and easily present themselves for carriage, and where the traffic could be most remunerative.

The denial of this right to the company to thus manage their business would require to be stated in very clear and decisive language. While the city may requisition the company to extend its tracks, the company cannot be compelled to build "and the city may grant the right to some other person. To force the company to abandon and to grant the right to build on the abandoned streets to some other person, the company is the only remedy which the city has. This, however, does not prevent the company from objecting and choosing the streets that they consider will fit in with the rest of their system."

We determine again "and the city may grant the right to some other person. To force the company to abandon and to grant the right to build on the abandoned streets to some other person, the company is the only remedy which the city has. This, however, does not prevent the company from objecting and choosing the streets that they consider will fit in with the rest of their system."

The decision in full follows: This is an application made by the Toronto Railway Company to have their rights declared under an agreement made between the respondent and George W. Kieley and others, which agreement was validated by a statute of the parliament of Ontario, in 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.

The company also ask that the respondents, the city, their servants and agents, be restrained and enjoined by the board from interfering with the construction of the company's railway upon Adelaide-street, from Jarvis-street to Bathurst-street; upon Bay-street, from Front to Queen; upon University-avenue, from Queen to College-street; upon Richmond, from Victoria to Church-street; and upon Wellington-street, all in the City of Toronto, in accordance with plans submitted by the company to the city's engineer, and for an order that the city engineer may be required to state whether he has any reasonable or valid objections to said plans; and if no such objections can be made that the same should be ordered to be taken as approved.

A History of the Deal.
The following is a short history of the deal.

The Toronto World

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

HANNA, MINING COMPANIES' 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.
Clifford Extension Mines, Ltd.
Aganico 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 it. Seymour Corley, crown attorney, has been retained as counsel for the department, but not in his official capacity. He will take up the cases and has access to full sources of information, which he will utilize to as large an extent as possible.

Violation of Section 90.
The prosecution is not a criminal one, but for violation of the terms of the Companies Act, section 90 being the special clause in question. The section requires among other information 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 allotment, shares offered; whether fully or partly paid up, the names of vendors; the amount paid in cash or otherwise for property bought; amount payable as commission; amount of preliminary expenses; the amount to be paid to any promoter; the dates and parties to every material contract; names of auditors; and full particulars of the nature and extent of the interest, if any, of every director in the promotion of or in the property proposed to be acquired by the company, with a statement of all sums to be paid to him in cash or shares by any person, either to qualify him as a director or otherwise for services rendered.

The chief fault, neglecting to file prospectuses, in advertising the company must not state anything at variance with the information filed in the prospectus, nor must it state certain matters specified in the act. 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 are under section 98, 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 complied with the act. Brokers do not appear to come under the statute when they are acting generally, but if acting as agents for a particular company they must observe the law as its agents.

Special Prosecution.
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 issuing their shares through agents. The two companies named will be on the carpet and if they do not rectify the matter the charters will be cancelled.

"It is the only way to get at them," remarked Mr. Mulock. 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.

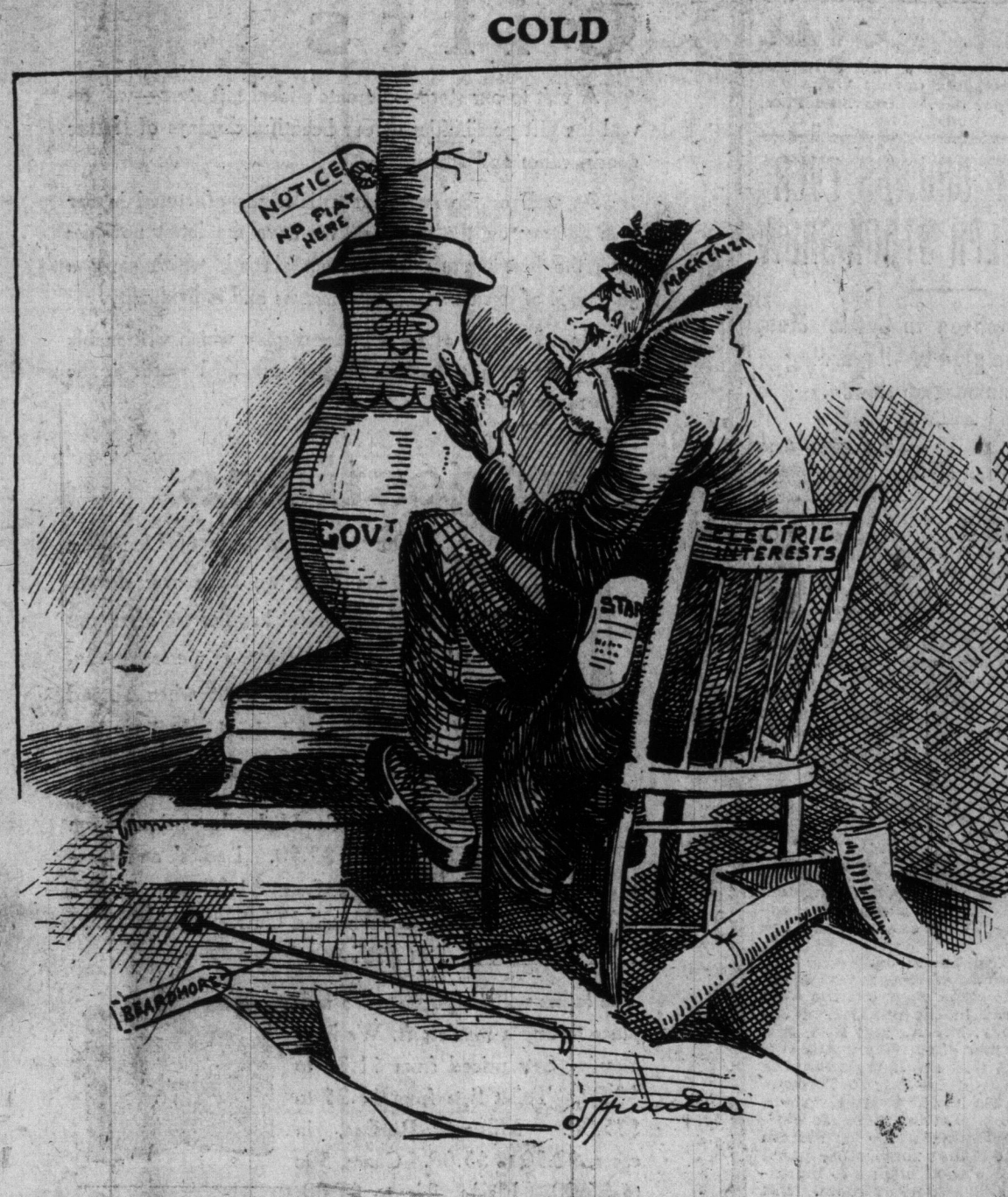
The cases under Mr. Corley's charge will come up to-morrow. There are a number of others than the five mentioned, but service had not been completed last night.

PREPARING FOR LEGISLATURE

The Session Will Be Called Early in February.

Legislation will be needed for the five houses with the question of the Ontario Government's fiscal year. At present it closes on Dec. 31. It is proposed to close the next year on Oct. 31, necessitating a short term fiscal year of ten months. Next session of the legislature will consequently be asked to provide estimates for ten months. In order to carry on the business, however, estimates for the following 12 months will be submitted. These will be necessary to provide light, as many of the expenditures cannot be estimated so far ahead. This will be remedied by providing heavy supplementary estimates in the following session of the legislature.

It is understood that good progress is being made with the accounts and business will be in good shape for the session early in February.



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

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. Previous to embarking upon a theatrical career, she was a pupil of E. W. Schuch and was a member of St. James' Cathedral Choir. 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 with a shubert vehicle, but, like many another theatrical venture, it found the money stringency too severe, and was withdrawn. Miss Hawley, it was understood, was to finish the season in vaudeville.

Joseph Hawley of the Tremont House was a brother of the deceased, who was brought to Toronto for interment.

T. & N. O. Brakeman Killed at Matheson

NORTH BAY, Dec. 9.—(Special.)—Wilfrid Stewart of North Bay, T. and N. O. Railway brakeman, was instantly killed at Matheson this morning while coupling cars.

Deceased was a single man residing with his parents at North Bay. Captain Arthur Nesbitt died suddenly at his home in Cache Bay to-night, aged 55. He is survived by a wife and three sons.

DR. D. M. FRASER DEAD.

STRAITFORD, Dec. 9.—Dr. Donald M. Fraser of the firm of Fraser & Deacon died here to-night at the age of sixty-two years. He was a graduate of McGill University.

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 Longueuil, 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 agent of St. Lambert had voted against him.

Son Discovers Parents Dead

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 injury caused a cerebral hemorrhage. Deceased was 83 years old. An aged widow alone survives.

PHONE FOR G. T. SYSTEM.

OTTAWA, Dec. 9.—(Special.)—Morley Donaldson, of the Grand Trunk Railway said to-day that he would not be surprised if the company gradually introduced the telephone through their entire system, the telegraph being superseded by degrees.

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 was ready to 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 and telegraphed that to which he belonged.

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.

RETALIATION.

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, the way it sees fit. All the same, everybody ought to pay his fare.

IMPROVE Your facilities. We have a warehouse flat, corner Yonge and Temperance Streets, for rent, 10,000 square feet, light on three sides, steam heated, freight and passenger elevators. None better.

H. H. WILLIAMS & CO.
Realty Brokers, 26 Victoria St.

GOWGANDA 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 Gowganda 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 tho' 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 a sense of direction. The only sound was the gentle wash of the paddles as the canoe glided along.

Away across by the headland a canoe covered with white spots, shot into view. There was a man in the 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."

Known to me tell 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—for the life of a hunter and prospector.

Austen Dumond was lost, hopelessly lost, for thirteen days in the northern forests. Only a few hundred feet from the blazing trail, and he wandered and searched as he would, hour after hour, he could not recover the trail. Some 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. All afternoon Dumond shouted in the hope that some one might hear his voice, but often as he called he heard in answer only the echo of his own voice in the forest. Night came on and he lit a fire. He had nothing with him to eat, but was not yet so hungry or hopeless that he would do what he was driven to devour in the days that followed.

To protect his matches he put them in a can of baking powder, which he had been taking to the camp for cooking purposes. During the days that followed, thirteen long days in all, Dumond wandered, studying at night the stars and by day the moss on the trees. He skirted unknown lakes and ascended rocky hills in vain hope of some thing might lead him to some lone hunter's cabin or prospector's tent.

On the last day of his wandering he emerged at Port Maitachewan, one of the remote Hudson Bay posts on the frontier of Northern Ontario. During these thirteen days he had seen no other human beings, not a single trail, not a single Canadian, nor a "Whiskey Jack" as they are called by men of the north. He had no salt, nothing to vary his savage diet, but he served to keep the young man alive until he burst forth joyfully at the fort clearing.

And one would naturally think that Dumond paddled down the lakes and rivers straight to civilization and to an easy stool in good old Toronto. 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 marvelous how news travels, even in a wilderness where the telegraph office and the telephone are unknown. From one end of the Gowganda 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 Gowganda. 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 Continued on Page 9

TIME TO ATTEND TO IT.
If You Contemplate Purchasing Furs, You Had Better See Dineen's.

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