

NO PROSECUTIONS OF MILK DEALERS

Question of Civil Proceedings
Still Remains, Says Crown
Attorney.

Crown Attorney J. W. Seymour Corley who was instructed by Mayor Church two weeks ago to advise him on the question of prosecuting milk dealers, on the ground that a combine existed, has replied recommending that no prosecution be launched. Any civil proceedings against milk producers, Mr. Corley thinks should be taken by the attorney general.

The legal position is that before any criminal proceedings can be taken a written authority of the Board of Commerce of Canada would be required and the first question to be considered is whether or not such authority could be obtained.

On September 9th, 1920, the board of commerce commenced an investigation of this very question at the city hall in the City of Toronto, at which investigation the city was represented by counsel as also were the board itself, the National Dairy Council, the Farmers' Dairy and the City Dairy. Evidence was called by the board and by and on behalf of the parties represented by counsel. Having heard this evidence the board was empowered by the Combines and Fair Prices Act to direct a prosecution under subsection 5 of section 11 if they had thought that the evidence warranted such a course. No such order has been made and in effect the result of the board's investigation as found by the board itself has not been to establish the existence of a combine of such a character that it would be a breach of the Criminal Code, section 488. An application to the board at this time for permission to launch such a prosecution would hold out very small, if any, hope of success.

"It is to be observed that the evidence adduced before the court was presented and presented by the board themselves and by the counsel appointed by that board, and the board would, no doubt, be loathe to assume that they had failed to elicit any material evidence and if it were now possible to obtain further evidence than that presented to the board it could be presented only by re-opening the former investigation.

"There still remains to be considered the civil proceedings which might be taken against the National Dairy Association and the milk producers and against the distributors for an order declaring their combinations illegal and dissolving those associations and for an injunction restraining these different bodies from continuing operations under such agreements."

TORONTO WATER RATES.
In order to secure the 10 per cent. discount, water takers are reminded to pay their water rates forthwith. After Monday, Nov. 1, no discount can be allowed. Water rates may be paid at the city hall or at the west branch city building, 902 Keele street. It is strongly urged, in order to avoid crowding and delay, that payment be made at once and not deferred until the last few days of the collection. Receipts for water rates forwarded by mail will be returned to the sender as speedily as possible, but stamped and addressed "return enclosed" must accompany the remittance. Each bill as prepared shows the net amount payable. War stamps must be affixed to all cheques.

CIVIL SERVICE RETIREMENTS.
The superannuation committee, under the chairmanship of Premier Bury, held its initial meeting at the parliament buildings yesterday, and Civil Service Commissioner McCutcheon was appointed secretary and also a member of a sub-committee composed of deputy Premier Horace W. H. and E. H. H. of Osgoode Hall, who will prepare regulations for the carrying out of the government's superannuation scheme for civil servants.

COOKERY COLUMN

Cocoa Caramels

8 cups brown sugar
1 cup milk
1 tablespoon molasses
1/2 cup butter
1/2 teaspoon cinnamon
8 tablespoons Cowan's Cocoa
1 teaspoon vanilla
1/2 cup chopped nuts
1/2 cup sultana raisins

Method:—Put all ingredients in a saucepan except vanilla, stir over gentle heat till sugar is dissolved. Boil until a soft ball may be formed when tried in cold water. Cool slightly, beat until creamy, add nuts, vanilla and raisins. Pour on to greased plates and mark in squares before it hardens.

6109



Send for recipe booklet to
THE COWAN COMPANY LIMITED
TORONTO

CONSUMER MUST GET MILK PRICE BENEFIT

"There is a change in conditions all along the line, which seems to indicate that a change in price is warranted," said E. H. Stonehouse, president of the Ontario Milk and Cream Producers' Association, yesterday. He would make no prediction that the price would actually come down. He stated that with the introduction of a six-day week for drivers, and increased cost of bottles and other supplies, the distributors had greater expenses than last year.

Asked what would happen if the producers reduced their price and the distributors refused to reduce theirs, Mr. Stonehouse replied: "There will be no drop in price, unless the consumer gets the benefit. The thing is being worked out in the interests of everyone. I am satisfied everyone is trying to do what is right and fair in this matter."

OSGOODE HALL NEWS

ANNOUNCEMENTS.

Weekly Court: List for Thursday, 28th inst., at 11 a.m.: Toronto v. Hill; Hurlbut v. Galt Shoe; Selfred v. Central Foundries; Hymas v. Technical Products; Boyko v. Dyro; Tremaine v. Routledge; Phillips v. Phillips; re Fanning estate; re Brent estate; Snitzler v. Dupuis; Servius v. Briggs.

First Divisional Court: List for Thursday, 28th inst., at 10.30 a.m.: 74, Benson Garvin; 19, re Home Bank and C.P.R.; 86, Ideal Phonograph Co. v. Shapley; 98, Reynolds v. Rutledge; 108, Lyons Fuel and Supply v. Helpe; 24, McDonald v. Brown; 105, re John East Co., Ltd., and Bishop.

Master's Chambers.

Before G. M. Lee, Registrar.
Gunn Vending Co. of Canada v. Millards Canada, Ltd.: Motion for particulars of claim enlarged till plaintiff can examine particulars. Time for defence extended. Order striking out paragraph 10. Costs to successful party in the cause.
Carr v. O'Boyle: Order adding Arthur J. Savage as party defendant.

Perfect Knit Mills, Ltd., v. Edelstein. Order on consent extending time for return of commission to February 1, 1921.

Hevey v. Simpson; O'Leary v. Simpson: Order for interpleader issue to be tried at Toronto non-jury sittings. Mrs. Simpson to be plaintiff in the issue. Costs in the cause.

Judge's Chambers.

Before Middleton, J.
Rex v. Fodder; R. M. W. Chitty for accused moved to quash conviction under O.T.A. by magistrate at Bridgeburg, 27th August, 1920; J. P. Brennan for magistrate. Motion dismissed with costs.

Weekly Court.

Before Middleton, J.
Re H. E. Lottridge Estate; E. F. Lezier for executrix of James W. Lottridge moved to construe will of Nancy E. Lottridge; M. H. Lange for executrix of Nancy E. Lottridge and residuary legatees under her will. Order declaring that gift to J. W. Lotridge be tested and payable forthwith to his executrix. Costs out of fund left to J. W. Lottridge.

Budd v. Corns; re Bechan estate: Motions stand one week.
Black Lake v. Ferron: Stands to 26th inst.

McIntyre v. Timiskaming: Stands sine die.
Servius v. Briggs: Stands to 28th inst.

Re Murray estate: Stands two weeks.
Webb v. Butson; A. R. Hassard obtained order continuing injunction to trial, or motion turned into motion for judgment, and judgment for plaintiff for perpetual injunction with costs.

Winch v. Parkinson: Stands till Nov. 1.
Hilbert v. McKee; D. T. J. Kelly for plaintiff moved to continue injunction; R. D. Ponton for defendant. Injunction continued to trial. Cheats and child to remain in custody of defendant, defendant undertaking not to dispose of chattels until trial. Pleadings to be delivered. Costs in cause unless trial judge otherwise orders.

Atchison v. Way: Case settled and motion struck from list.
Re British Cattle Supply Co.; D. J. Grant for S. Hisey appealed from report of J. A. C. Cameron, official referee, settling him on list of contributors; S. C. Wood for liquidator. Reserved.

Hodgkins v. Pleggen: Stand to Nov. 1.
First Divisional Court.

Seaforth Creamery v. Rozell; R. S. Robertson for plaintiffs on appeal from Lennox, J., March 2, 1920; W. Proudfoot, K.C., for defendants. Action for damages for trade libel. At trial judgment was given for plaintiffs for \$200 damages and costs, and for defendants for \$200 damages and costs on their counter-claim. Appeal dismissed with costs.

Furnival v. Edwards: Appeal dismissed.
Fuller v. Niagara Falls: A. C. Kingstone for plaintiff on appeal from Lennox, J., 12th April, 1920; G. Wilkie for Corporation of Niagara Falls. Action to recover \$5,000 damages for injuries received in fall on sidewalk, alleged to be in state of non-repair. At trial action was dismissed, statutory notice not having been given. Appeal dismissed with costs if asked.

Shipman v. Morrell: Appeal allowed by substituting for the amount allowed at the trial the sum of \$185 with costs of action. No costs of appeal.

Parkes v. National; R. S. Collier for defendants appealed from county court of Haldimand, 15th June, 1920; W. Law for plaintiff. Appeal dismissed with costs.

City of Windsor v. Gordon; J. M. Pike, K.C., and J. R. Rodd for defendants appealed from Latchford, J., May 7, 1920; F. D. Davis for plaintiffs. Action for declaration that stairway and steps of British-American Block encroach on Ouellette street, and for an order for their removal. At trial judgment was given in favor of plaintiff. Appeal argued and judgment reserved.

Bradley v. Bailey Tobacco Co.; J. R. Rodd for defendants on appeal from Latchford, J., May 6, 1920; O. L. Lewis, K.C., and J. M. Pike, K.C., for plaintiff. Action to recover \$4,669.85, damages claimed for breach of contract for sale by plaintiff to defendant of quantity of tobacco. At trial plaintiff was awarded judgment for \$4,660.25 and costs. Appeal argued and judgment reserved.

The Toronto and Niagara Power Company

Hereby notifies its customers in Toronto that on and after December 1st, its rates for various classes of service will be as follows:

Residential Alternating Current

1st 5 K.W. hrs. per room per month at 5c per K.W. hr.
Balance of monthly consumption at 2c per K.W. hr.
Penalty for non-payment within 10 days 1/4c per K.W. hr.
Minimum monthly bill \$1.00.

Residential Direct Current

1st 5 K.W. hrs. per room per month at 6c per K.W. hr.
Next 4 K.W. hrs. per room per month at 4c per K.W. hr.
Balance of monthly consumption at 2a per K.W. hr.
Penalty for non-payment within 10 days 1/4c per K.W. hr.
Minimum monthly bill \$1.00.

Commercial Lighting

Alternating Current

Demand taken as 90% of Connected Load.
1st 75 hours' use of demand per month at 5c per K.W. hr.
Balance of monthly consumption at 2c per K.W. hr.
Penalty for non-payment within 10 days 1/4c per K.W. hr.
Minimum monthly payment \$1.00 per K.W. of demand.

Commercial Lighting

Direct Current

Demand taken as 90% of Connected Load.
1st 75 hours' use of demand per month at 6c per K.W. hr.

Balance of monthly consumption at 2a per K.W. hr.
Penalty for non-payment within 10 days 1/4c per K.W. hr.
Minimum monthly payment \$1.00 per K.W. of demand.

Power Rates

Demand under 100 H.P. on basis of Connected Load.
1st 10 H.P. at 100% of Connected Load.
Next 10 H.P. at 90% of Connected Load.
Next 80 H.P. at 60% of Connected Load.
Connected Load of more than 100 H.P. demand measured by graphic meters.

Alternating Current Power Rates

\$1.50 per H.P. per month of demand plus—
2c per K.W. hr. for 1st 50 hours' use of demand.
1c per K.W. hr. for Next 50 hours' use of demand.
1/4c per K.W. hr. for Balance of monthly consumption.
Penalty for non-payment within 10 days 1/4c per K.W. hr. of consumption.

Direct Current Power Rates

\$1.50 per H.P. per month of demand plus—
2 1/2c per K.W. hr. for 1st 50 hours' use of demand.
1 1/2c per K.W. hr. for Next 50 hours' use of demand.
1c per K.W. hr. for Balance of monthly consumption.
Penalty for non-payment within 10 days 1/4c per K.W. hr.
Minimum monthly payment A. C. and D. C. demand charge.

All present contracts which are subject to cancellation on thirty days' notice are hereby cancelled from November 30th at midnight.

Accounts rendered for service covering a period in November and a period in December will be prorated according to the number of days covered in each period.

The increases in the rates of the Company have been necessitated by increased labour charges and rates, increased cost of all materials used by the Company, increased taxes and Workmen's Compensation rates, and the increased cost of power due to a Court decision which construes the agreement of the Electrical Development Company and arrives at the Rentals payable by a different method than that adopted by the Company in the past.

All these increased payments are matters over which the Company has no control.

The Toronto and Niagara Power Company

12 Adelaide Street East

Toronto