

As it pleases, and that the reserve was a liability for the shareholder and not a trust for the consumer, and it was denied that the company had been guilty of any fraud but had acted honorably and in the best interests of the consumer.

**Consumers Recovering Money.**  
The consumer for the plaintiff Johnston answered the company's lawyers, and argued that it treated the whole dispute as a mere matter of bookkeeping; that it apparently assumed that the entries in the books were correct; that it was pleased with the money. Mr. Christopher Robinson stated that he knew very little about bookkeeping, but if convinced it could produce such wonderful results he would devote the rest of his life to mastering the science.

They also denied that the Attorney-General or the city should be a party to the present action, claiming that the present plaintiff could sue on behalf of all consumers. They asked that the statute of 1887 be construed as it had been just passed.

It was urged that as consumers were named as parties in that Act, they have such an interest in the profits of the business as to be entitled to an account against the company and this action seeks to recover money overpaid by consumers and to restrain the continuance of acts injurious to them.

It was also contended that the Gas Company was different from an ordinary trading corporation, and that it had obtained by its charter special privileges and advantages which—as such as the right to dig up public highways, stop traffic, commit acts of trespass over private property when laying mains through intervening property, together with a grant of what is practically a monopoly; and in consideration of these great privileges the company's dividends were limited to 10 per cent., and all other profits were to be applied for the benefit of the consumer.

It was further pointed out that the company claims the right to invest the profits to any amount in plants which belongs to the shareholders—that this is merely another method of increasing the value of the stock—and that this was not the intention of the Legislature. The capital stock was to be invested in plant, but not the surplus profits. No greater profits should be made out of the company than would suffice to pay the 10 per cent. dividends, and this 10 per cent. limit prohibits sinking surplus profits in plant, for what shareholders are forbidden to take back in the form of a bonus in the event of a sale or a "cleverness contrivance."

**Why Money is Spent in Plant.**  
The sections of 407c were mentioned, empowering the company in case of a sale to the city to have the business valued as a going concern and at arbitration and allowing the shareholders to divide the purchase money in proportion to their shares. And it was argued that the charter should be construed most strongly against the company and liberally in favor of the consumer. When a corporation obtains rights which it would not have at common law, it ought not to be allowed any rights not given in its charter, and if there is any doubt as to its powers it must apply to the Legislature. The Act of 1887, which was the result of a compromise between the company and the city, should be construed in favor of the consumer and all doubts decided against the company who drew and promoted it.

There was no dispute over that part of the Act allowing the stock to be increased by \$1,000,000. The dispute only involved those portions relating to the investment of the premiums and surplus profits.

**How the Company Violates the Law.**  
By that Act the company obtained three things in addition to the 10 per cent. dividend allowed by the original Act, viz., Permission to form a Reserve equaling half the paid-up capital; to form a Repairs Fund by a yearly charge of 6 per cent. on the plant in use, and payment of \$9000 per year to the directors.

### R. J. BULL THE VICTOR.

Defeated His Field by a Handsome Majority in the Election for the Office of Mayor of the City of Toronto. Owing to the fierceness of the storm, the returns from the 16 voting divisions of York Township came in but slowly to Eglington, where the counts were made. It was not until 11:15 that the results were in. The total vote was 40,000 and the candidates received as follows:

**Mr. Bull's Success may be said to be partly due to his personal popularity, though all have a wide circle of voters, and partly to his being a candidate for the north end of the township. The new deputy reeve was born at Downsville, York Township, in 1859, and received his education at the village schools, and afterwards at the West Hill School. He was a member of the N.W.T., where he farmed for four years at Yorkville. Coming back to the city he was employed by the Massey-Harris Co. He has also been an assessor and collector for the Township of York. He has been doing admirable work in both capacities. In politics Mr. Bull is a Conservative. He takes his seat in the County Council to-day.**

**The Ameliorated Residual will hold its last annual meeting on Feb. 25, at the Hotel Victoria. Mr. H. M. G. will hold its annual meeting on Feb. 25, at the Hotel Victoria. Mr. J. H. M. will hold its annual meeting on Feb. 25, at the Hotel Victoria.**

**An overcoat belonging to Rev. Mr. Young, a visitor from Muskoka, was stolen from the church on Sunday night. The overcoat was valued at \$50. The thief was seen by a police officer on Sunday night. The overcoat was recovered on Monday morning. The thief was arrested on Tuesday evening.**

**Before Judge Macdonald yesterday afternoon, the case of Mrs. M. J. G. was heard. The defendant was charged with the theft of a watch from the home of her employer, Mrs. C. J. G. The watch was valued at \$100. The defendant was found guilty and sentenced to 30 days in jail.**

**The evidence of Mr. Otto C. Guellich in the J. V. Verall case was taken in Detroit last week. Mr. Guellich was called by the defense. He testified that he had seen the defendant on the night of the crime. He also testified that he had seen the defendant on the night of the crime.**

**The promoters of the York County Mutual Fire Insurance Company have now secured the necessary \$100,000 necessary to start the company. The company will be formed on March 1, 1936. The company will insure fire risks in the county.**

**All surplus profits should have been carried to the Special Reserve Account and applied to reduce gas. A suggestion for the reduction of the gas rate was made by the committee. The committee is considering the suggestion.**

### THE JUNCTION MYSTERY.

**A Havelock Secretion Who Led the Friends and Neighbors of the Late George T. Burt. Burt was a favorite, being a friend of the late George T. Burt. Burt was a favorite, being a friend of the late George T. Burt.**

**The search for Burt's body was a desperate task. The searchers were looking for a body that had been buried in a shallow grave. The searchers were looking for a body that had been buried in a shallow grave.**

**A Good Specialty Show. The specialty show was a success. The show was a success. The show was a success.**

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### ON STAGE AND PLATFORM.

**Mr. Frank Mayo made his first appearance here in many years at the Grand last night. He has given us a most enjoyable performance.**

**The specialty show was a success. The show was a success. The show was a success.**

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**CARTERS LITTLE RIVER PILLS**  
SICK HEADACHE  
Positively cured by these Little Pills.  
They also relieve Distress from Dyspepsia, Indigestion and Too Hearty Eating. A perfect remedy for Dizziness, Nausea, Drowsiness, Bad Taste in the Mouth, Constipation, Pain in the Side, TORPID LIVER. They Regulate the Bowels. Purely Vegetable.

**TORONTO GENERAL AND TRUSTS CO.**  
SALES AND SAFE DEPOSIT VAULTS.  
Cor. Yonge and Colborne-Sts.

**ERRORS OF YOUNG & OLD.**  
Hazleton's Vitalizer  
J. E. HAZLETON, 308 YONGE STREET, TORONTO.

**ON TARIO MARKET**  
Special lines for customers only. Five Hundred Dollars' worth of stocks and bonds selling at prices less than cost.

**JOHN GOEBEL**  
Wholesale and Retail Dealer in Meat, Groceries and General Provisions.

**WANTED.**  
COOK-ACCUSTOMED TO DO WASHING and ironing. References required. Mrs. Rankin, 222 Sherbourn Street.

**LEGAL NOTICES.**  
NOTICE IS HEREBY GIVEN THAT I have been appointed executor of the estate of the late Mrs. Minnie Holcomb Pearson of the City of Toronto.

**LAND SURVEYORS.**  
UNWIN & CO. (LATE UNWIN, BROWN & SANKEY). Established 1852. General Building, corner Bay and Richmond streets. Telephone 1530.

**ST. LAWRENCE HOTEL.**  
135 to 139 St. James Street, Montreal. The best known hotel in the Dominion.

**John H. Skeans**  
Butter Dealer. Butter, Creamery Butter (lb blks), Dairy Butter (lb blocks), Large Roll Butter, Tubs, Pails and Crocks. Shipped direct to us daily from all quarters of the Province.

**ROBERT JOHNSTON.**  
16 Sulley Street.  
Dear Sirs,—I highly recommend Dr. E. J. W. Peck's Compound Iron Pills for all ailments of the blood, nervous system, and general debility. I have used them for several years and find them to be the best medicine I have ever used.

**W. H. Cudney, Port Huron, Ont.**  
I was afflicted with Rheumatism and tried all cures. I did not get relief until I used Dr. E. J. W. Peck's Compound Iron Pills, and before I had finished two boxes I was completely cured, and now feel like a different man.

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