

Wall Street Opens Up Strong And Closes With a Firm Tone

Second Clean-up in New York Followed by a Rebound—Toronto Market Makes Small Improvement.

World Office.
Wednesday, Jan. 26.
Fractional recoveries in most of the speculative stocks at the Toronto Stock Market were the feature of the day's business.

A more normal state of affairs on Wall-street was of some assistance, in keeping prices intact here, and turning market sentiment for the time being.

Failures were confined mainly to fractions, but in the case of Rio, this was extended.

The movement in Rio is thought to foreshadow a later increase in dividend on the shares, and to-day's buying was of a responsible nature.

Considering the extent of the break in American shares, only small losses have yet been sustained in domestic stocks.

The small amount of stock offering in this market is undeniably the main source of strength, and trading became positively dull this afternoon.

An excellent undertone continues to be maintained in the investment section of the market.

Wall Street Pointers.
Receivership for Hocking Coal and Iron Company appointed.

Ratification of Utah and Boston and Montana merger.

Special meeting of Atlantic Coast Line of Connecticut to ratify new stock issue.

At present rate Great Northern is now earning dividend twice over.

Reassurance on President's attitude towards corporations principal influence in rally in London.

Consolidated Gas dividend may be increased to six per cent. on Thursday.

Grand Trunk and Erie and Lackawanna roads involved in rate struggle. Tariff was threatened.

The directors of the Pennsylvania Company decided dividend of \$15.67 per share, payable in stock.

Joseph says: The president says that it is the intention of his administration to promote general welfare and not to sow seeds of financial, industrial or commercial distrust. Guggenheim corporations will, with Smelters, recover. The Utah merger has been ratified. This will help substantially.

Steel, Southern Pacific, Atchafalaya or B. R. T. should now be bought. Union Pacific is a bargain. Amalgamated should be bought on the metal situation and merger. We favor Car Foundry, M. K. T. and Southern Railway should be bought.—Financial Bulletin.

Railroad Earnings. Increase.
Duluth Superior, 2nd wk. Jan. \$2,221
Canadian Northern, Dec. \$49,300

HOCKING IRON POOL
Suit Begun to Recover Money Lost in Recent Crash.

NEW YORK, Jan. 26.—Suit was begun to-day by Howard H. Taylor, of Brooklyn, against six of the Wall-st. brokerage firms who were credited with having been in what is now known as the "Hocking Pool" agreement, to recover \$2,800 which Mr. Taylor says he lost in the crash of the Hocking Coal and Iron Company stock on the stock exchange a week ago.

Thru Taylor suit, it is expected that details of the agreement of the quarter which had the Hocking stock in the pool will be made public. James R. Keene is reported as the manager of the Hocking pool.

COPPER MERGER
Announcement of Merger of Boston, Nevada and Utah Properties.

NEW YORK, Jan. 26.—Announcement was officially made to-day that the merger of the Boston Consolidated Copper Company and the Nevada Consolidated Company with the Utah Copper Company was completed.

Formal announcement bearing upon a merger of the Butte Copper properties was expected late this afternoon from the Anaconda Copper Company. The stock of the Anaconda Company is now expected to be sold at the rate of five per cent. increase to facilitate the merger.

With the merger of the Butte properties and the recent merger of the Guggenheim properties, the result will be one gigantic corporation, controlling practically the entire copper output of the United States, and influencing the world market.

On Wall Street.
Erickson Perkins & Co. had much to do with to-day's sharp

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LITTLE DESIRE TO PURCHASE STOCKS.

World Office
Wednesday Evening, Jan. 26.

To-day's dealings at the Toronto Stock Exchange had the same ear-marks as those of Tuesday. An opening rally in New York provided a foundation for steadiness here, but only in two instances—Rio and Mexican Tramway—there was any evidence of more than a normal amount of strength.

There is a desire among large holders to preserve a steady market, if possible, but this will be subject to the amount of speculative public holdings which can be held off the market. There is very little desire to buy stocks at current prices.

HERBERT H. BALL.

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AT OSGOOD HALL

ANNOUNCEMENTS.

Motions set down for single court for Thursday, 27th inst., at 11 a.m.:
1. Canadian Drawn Steel v. Hamilton.
2. Inspector of Prisons v. Macdonald.
3. Thompson v. Downs.
4. Camden v. Hamilton Amusement Company.
5. Garfunkel v. Jaffray.

Peremptory list for divisional court, for Thursday, 27th inst., at 11 a.m.:
1. Coulter v. Elvin (to be continued).
2. Gossnell v. McManney.
3. Bank of Ottawa v. McIlwaine.
4. Hadley v. Westman.
5. Shields v. Elvin.

Peremptory list for court of appeal, for Thursday, 27th inst., at 11 a.m.:
1. Re Ontario Bank v. Bank of Montreal (to be continued).
2. Attorney-General v. Devlin.
3. Toronto Club v. Imperial Trust Co.
4. Toronto Club v. Dominion Bank.
5. Toronto Club v. Imperial Bank.

Non-Jury Assize Courts.
Peremptory list for non-jury assize court, before Chief Justice Meredith, Thursday, Jan. 27, at city hall, at 10.30 a.m.:
80. Myer v. Northern Crown Bank.
84. Crawford v. McDowell.
85. Law v. Lohr.
86. Scholten v. Bell.
87. McPherson v. McGuire.
88. McIntyre v. Bedell.

Peremptory list for non-jury assize court (Atty. Gen. v. Chancellors), Thursday, Jan. 27, at city hall, at 10.30 a.m.:
26. Lochrie v. Consumers' Cordage.
31. Williams v. Menary.
32. Murray v. Hunter.
33. Lee v. Hunter.
34. Storn v. Berna Motor.
35. McAlm v. Thompson.
36. Green v. Jacobs.

Jury Assize Court.
Peremptory list for jury assize court, before Justice Latchford, Thursday, Jan. 27, at city hall, at 10 a.m.:
37. Lee v. Cook.
38. Fitchett v. C.N.O. Railway and Lloyd.
39. Dolly v. McCann-Knox.
40. Young v. Toronto Railway.

Master's Chambers.
Before Cartwright, K.C. Master.
Gunn, Limited, v. Cochrane-Bowden (Atty. Gen. v. Chancellors), on motion for judgment under C.R. 63.
J. King, K.C., for defendant, contra.
Judgment: Order should be made for the court, until the parties agree as to this in a week, F.D. and costs being reserved, so that nothing may be done thereunder without the leave of the court, and the action for malicious prosecution is determined. No order will issue for a week to see what has been arranged by the parties.

Beatty v. Burrows, R. Gooderham, for plaintiff, moved for order amending writ of summons by adding a defendant and dispensing with service on original defendants. Order made: E. H. Harcourt, K.C., for William Davies Co., contra. (Macdonald & Co.), for defendants, moved on consent for order dismissing action without costs. Order made.

McCrane v. H. J. Martin, for plaintiff, moved for leave to issue execution against defendant, Wilson. W. H. Irving, for defendant, contra. A motion dismissed without prejudice to a motion to be further material.

W. M. Heron Estate, W. B. Ballantyne, for R. Tew, assignee, moved on notice for payment out of fund. E. H. Harcourt, K.C., for defendant, contra. Argument of appeal reserved. Judgment reserved.

Colleran v. Ham and Nott Co., J. F. Edgar, for plaintiff, moved on consent for an order for discontinuance of action. Order made without prejudice to a motion to be further material.

Kemer v. Watterston—E. P. Brown, for defendant, moved for an order to set aside order for judgment, K.C. for plaintiff, contra. Reserved.

Crandall v. Dunsford—H. L. Drayton, K.C., for defendant, moved to dismiss action for want of prosecution. Field, for plaintiff, contra. On plaintiff undertaking to set case down and proceed to trial at next non-jury sittings at Lindsay and paying costs of motion fixed at \$25 in a month, motion dismissed. In default of either of these conditions action to be dismissed with costs.

Smith v. Cooper—L. C. Smith, for plaintiff, moved for a final order of foreclosure. Order made.

Single Court.
Before Clute, J.
Fraser v. Clute, C. H. Cassels, for plaintiff, moved to continue to trial the injunction herein against ringing of chiming in St. Peter's Church, Stratford, between hours of 9 p.m. and 7 a.m. In the distribution of the motion it was: By consent injunction modified so as to apply only to ringing of chiming every quarter hour and not to hours aforesaid, and continued to trial without prejudice to all objections of defendant.

Regisworth—F. Aylesworth, for all the adult parties, moved to rectify description of property in will. F. W. Harcourt, K.C., for infants. It appeared that infants' interests will not be affected by the proposed change in description to east half of lot 17 and north 20 acres of east half of lot 16, both in the 3rd concession, West Huron township, Township of Mulmur, containing 150 acres. Costs of motion out of estate.

Little v. Smith—D. B. Simpson, K.C., for plaintiff, appealed from report of local master at Cobourg. R. S. Braekin (Chambers), for defendant, contra, and moved for judgment on report. Appeal dismissed with costs, the report confirmed and judgment for the plaintiff for \$37.54, with such costs as that sum entitles him to, with set-off to the defendant of costs on high court scale.

Bean v. City of Stratford—J. C. Makins (Stratford), for plaintiff, moved for writ of summons for defendant, R. S. Robertson (Stratford), for defendant, contra. Enlarged for three months. Defendants to pay \$40 on account of plaintiff's costs within ten days. If costs not paid as aforesaid, or if work not proceeded with, plaintiff may, if so advised, renew motion.

Garfunkel v. Jaffray—W. R. Wadsworth, for plaintiff, moved for an injunction to restrain defendants from carrying on a Chinese laundry at No. 38 Ross street, before the 1st of March, in violation of an agreement not to do so. J. A. Jaffray, defendant in person. Chas. Lee, defendant in person. Lee Peter, husband of Chas. Lee, defendant in person. Motion enlarged until 27th inst. Injunction as asked until 27th inst.

Before the Chancellor.
Purse v. Gowganda Queen Mines—R.

Before the Chancellor.
Purse v. Gowganda Queen Mines—R.

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S. Robertson (Stratford) for plaintiff, W. R. Symth, K.C., for defendant. The action was for a declaration that the subscription for 5000 shares of stock in defendant company is not binding upon him and is invalid, that the plaintiff is not a shareholder, and for an order compelling defendant to remove his name from their stock register. Judgment: I find that the plaintiff signed an agreement to take shares in the company to be formed and to pay calls thereon, first upon admission and then at defined periods afterwards. I do not give effect to the counter-claim, as the American Securities Co. is not before the court, and it may be the plaintiff can resist payment of the calls on grounds other than those pleaded on this record. Action dismissed with costs and without prejudice to such further steps as plaintiff or defendant may be advised to take.

Before Meredith, C.J.
McLaughlin v. the Ontario Iron and Steel Co.—J. G. O'Donoghue for plaintiff, W. M. Gorman, K.C., and R. H. Greer for defendants. Action for damages to plaintiff, who was employed in defendant's manufactory as a foreman moulder and received injury on Dec. 17, 1908, while engaged in his work owing to a hook, a heavy part of an overhead crane, falling and striking him on the head, causing a fracture of the skull, as he alleges, thru the negligence of the defendant. In my opinion Murphy v. Wilson does not apply and McCauley should be held to have been a person having the charge or control of an engine or a machine, and a liability rests on the meaning of clause 5 of section 3 of the Workmen's Compensation for Injuries Act, and the plaintiff is entitled to recover. Judgment for plaintiff for \$1750, with costs.

Divisional Court.
Before Mulock, C.J.; Magee, J.; Sutherland, J.
McKnight v. Robertson—E. Meek, K.C., for plaintiff, on appeal from judgment of Latchford, J., of Nov. 19, 1909. G. Lynch-Staunton, K.C., for defendant, contra. Argument of appeal reserved. Judgment reserved.

Coulter v. Elvin—F. E. O'Flynn (Bellevue), for plaintiff, appealed from the judgment of Latchford, J., of Nov. 19, 1909. S. M. MacFarland (Bellevue), for defendant, contra. The action was to enforce an alleged agreement between Thomas Elvin, deceased, and plaintiff, that if they were each to live at his home and work during the lifetime of deceased, he would give to the plaintiff, Maggie Coulter, the farm in question. At the trial judgment entered, and the plaintiff's appeal therefrom not concluded.

Court of Appeal.
Before Moore, C.J.; Oleson, J.A.; Garrows, J.A.; MacLaren, J.A.
Perdue v. C. P. R. Co.—E. F. B. Johnston, K.C., and B. F. Justin, K.C., for plaintiff, on appeal from judgment of MacMahon, J. F. Hellmuth, K.C., and A. MacMurchy, K.C., for defendants, contra. Argument of appeal resumed from yesterday and concluded. Judgment reserved.

In the matter of the Ontario Bank and Bank of Montreal—J. Bicknell, K.C., and G. B. Strath, for liquidator, J. C. Makins (K.C.), for shareholders, and W. J. McFarland, for shareholders, and all contributing shareholders. W. Nesbitt, K.C., J. Gormley, K.C., and J. A. Worrell, K.C., for Bank of Montreal respondents, and W. J. McFarland, for shareholders, and all contributing shareholders of the Ontario Bank, from the certificate of Geo. Kappele, K.C., official referee, dated Oct. 14, 1909, declaring void the agreement of Oct. 13, 1909, made between the Ontario Bank and the Bank of Montreal. The Royal Trust Co. and W. J. McFarland now appeal to this court. Not concluded.

Health Measures in Alberta.
EDMONTON, Jan. 26.—It has been made imperative by an important order just issued by the provincial board of health, that all municipalities in the province shall have proper and satisfactory sewage disposal systems installed before Dec. 31. If practically necessitates the expenditure of close upon \$2,000,000.

A Shock to the Students.
MONTREAL, Jan. 26.—A score of the science students at McGill got a shock this week when they were informed that as they had not got the necessary forty per cent. in the Christmas examinations they would not be allowed to continue their course, but would have to begin over again next year. Over-indulgence in sport is attributed to most of them.

White Slave Traffic.
WASHINGTON, Jan. 26.—By a viva voce vote the Mann "white slave" bill was to-day passed by the house, practically as introduced.

Underwear Saved His Life.
DETROIT, Jan. 26.—Three union suits bought at a bargain sale Monday afternoon by George Sauve, a travelling salesman from Montreal, saved him and his wife from death when the lodging house, where they had engaged rooms, took fire yesterday. Escape by the way of the stairs was cut off by the blaze. Sauve knotted the union suits together, tied one end to the bedpost, and threw the other out of the window, and thus he and his wife scrambled to the ground.

ONLY THROUGH SLEEPER TO BOSTON.
From Toronto leaves via Grand Trunk Railway System 9 a.m. daily. Remember the New England excursion Feb. 23. Boston, Ayer and Fitchburg, Mass., \$15.25; Gardner, Mass., \$14.95; Greenfield, Mass., \$14.10; return Feb. 23. Secure tickets and made reservations at City Ticket Office, northwest corner King and Yonge-streets, Phone Main 4209.

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