TUESDAY MORNING

### The Toronto World FOUNDED 1881.

Morning Newspaper Pul Every Day in the Year. Published WORLD BUILDING, TORONTO. Corner James and Richmond Streets. TELEPHONE CALLS.

Main 5308-Private Exchange Connecting all Departments.

Readers of the World will confer a favor upon the publishers if they will send information to this office of any two stand or railway train where a oronto paper should be ca sale and here The World is not offered.

A BOOMERANG.

"Cook's claim to the pole is be-ginning to resemble a mining title under the Whitney administration.

Thus The Globe in an editorial note. some of The Globe's friends based a claim to mining property on as slender evidence as Explorer Cook appears ... DOSSess. They realize the analogy acutely

NAUGHTY LITTLE EVA.

Little Eva-has embarked on a career of mendacity. Association with her Uncle Bob has been a contaminating influence. But Little Eva evidently believes that if she is to tell a story will confer on the city by linking the she may as well tell a good one. Hence northeast section with the rest of Toshe represents Controller Hocken as of the best schemes ever put forward, asking for \$20,000,000 for tubes. Uncle Bob has been telling her that Controller zens of Toronto." Hocken wants to build a tube to Ham-

civic fra than tes. In connection with the tion.' cent th

New York Central 'situation and its

claim to a perpetual franchise to Eleventh (Death) Avenue and connecting streets, one of the assistant city counsel has dug out some valuable evi-

dence in connection with the grant of the original charter. On February 3, 1846, a report was submitted to the legislative assembly by the committee

that recommended the grant. Had its advice been remembered and acted upon, the traction scandals of New York City and other cities of New York State would hardly have occurred.

The committee advised that "in granting rights to locate and build a rallway, the power in all cases should be reserved to alter, amend, modify or

repeal any charter granted to individ-

these, elevators, warehouses, vaults and the necessary tracks and termina! facilities and to fix the rates and charges. Power is also given to ac-Judges' chambers will be held Tuesday, 21st December, at 11 a.m. quire by condemnation or otherwise whatever property is necessary. Sim-Christmas Vacation Notice ous bills have also been intro-

During the Christmas vacatio duced in the senate and the house of court and judges' chambers will be held on Thursday, 30th December, 1909, and Thursday, 6th January, 1910, at 11 o'clock a.m., for the transaction of urgent business. representatives permitting any incorporated municipality to adopt the commission form of government and requiring all public utility franchises to be ratified by popular vote. These

are satisfactory signs that genuine public spirit is making itself seriously felt in the United States.

Peremptory list for divisional court for Tuesday, 21st December, at 11 a.m.: 1. Ford v. Canadian Express Co. (40 Cost of Viaduct Small 2. Johnston v. Grant. **Compared With Benefits** 

 Goodall v. Clarke.
Sharpe v. White.
Stavert v. Holdcroft.
Pulling v. Williscroft. Edward R. Heyland, managing director of the Monarch Typewriter Com-pany, discussed the Bloor-street via-

with The World yesterday after "The viaduct is an excellent propo

Dec. 21, at city hall at 10.30 a.m.: 8. Hall v. Antipitsky. 16. Kindree v. Gledhill. 10. Hough Litho Co. v. Morley. sition," said Mr. Heyland, "and the cost is infinitesimal in comparison with the benefits which its construction

Hocken wants to build a tube to Ham-ilton. N.Y. FRANCHISES IN 1846. Apparently the representatives of the State of New York sixty years ago had a truer appreciation of the value of civic franchises and of the obligations resting on their holders and operators than hawbeen in evidence in more reen in evidence in more re- of the referendum on the tube ques-

> "I support the tube referendum," said T. E. Washington of the well-known real estate firm, "for tubes are bound to come to solve the question of rapid transit."

> > MERRY XMAS MAPPY NEWYEAR

1909-10

ONSUM? FA

Y. M. C. A. BOYS WON OUT.

The Boys' Club Help in the Christmas Stamp Campaign With a Cheque for \$318.00.

> As a result of an inspiring address from Mr. H. H. Love and Secretary Stratten before the Boys' Club of the Y. M. C. A., a few weeks ago the members the club

urday in which to sell Christmas stamps for the Muskoka Free Hospi-

GLASS.

glassworkers' handicraft is afforded by

ra'thful reproduction of the map of the

mountains are clearly shown, while the

distinctive colors for the various pro-

miles of the new grain-producing ter-

ritory are being opened up to the set-

phic idea of the vastness of the great

Dominion, but also gives an impressive idea of this 3600 miles of new road. The

preparation of the map was a delicate

task, since it is the largest piece of ceramic work that has ever been at-

services of eight expert operators con-

one of the most costly reproductions of

a map that have ever been undertaken.

In its manufacture the great difficulty

wou'd yet be sufficiently transparent to allow of illumination by means of 24

lines, and the distinctness of the names

renders if a work of artistic and edu-

cational value. Owing to its fragile character and large size, combine h

with its great weight of one ton three

Birmingham, where it was manufac-

by special means .- "Canada," London,

Awarded \$250 for Injuries.

ed as a result of falling into a hole in the sidewall; on Merton-stract. She

injured her knee cap and sprained her ankle, and yesterday Judge Denton

Remanded a Week.

J. H. McGale and H. A. VanWinkle,

hotelkeeper and insurance agent of Co-

balt, the last of the ten charged in con-

nection with thefts of cobalt ore from

mines, were remanded a week in police

Found Dead at the Spring.

cattle were watered, and was quite

Mars. Maria Roberts of Davisville

hundredweights, its transport from

was to obtain a result which would be

It required the combined

tempted.

Dec. 4: 1909.

awarded her \$250.

court yesterday morning.

An excelient specimen of the stained

# THE TORONTO WORLD.

### s to be assigned to the widow. The own should pay the costs of this ap-AT OSGOODE HALL ANNOUNCEMENTS.

plication. Kneen v. Bryant Press-J. G. O'Donoghue, for plaintiff, asked leave to set down motion to continue in-junction until 23rd instant. Order ac-

cordingly. Kneen v. Johnson-J. G. O'Donoghue, for plaintiff, asked leave to set down motion to continue injunction and that motion be enlarged until 10th January next. Order accordingly. Chapman v. Chapman-E. C. Cat-tanach, for plaintiff, asked leave to set down, and moved for order author-izing mortgage of land for \$2500 for ordingly.

The Hon. Sir Glenholme Falconbridge being confined to his house by one of the bad colds now so prevalent, has adjourned the Welland sittings until 24th Junary next, there being no judge available to take them on 20th inst. Set down, and moved for order author-izing mortgage of land for \$2500 for payments of debts. F. W. Harcourt, K.C., for infants. Order mage. Brooke-S. H. Bradford, K.C., for ap-plicant, moved for an order for repre-

Re Dolbeer, Lot 17, Township of Brooke-S. H. Bradford, K.C., for ap-plicant, moved for an order for repre-

sentation on a proceeding before the referee of thiles. Order made for ser-vice on parties already before the court, and that they do represent all the parties in the same interest.

Weis and Kenny.-F. Aylesworth, for piaintiff, aaked leave to set down mo-tion for enquiry to ascertain damages. R. C. H. Cassels, for defendant, wish-control content and the set of the ed enlargement. Enlarged until Jan 1910.

Peremptory list for non-jury county court before Judge Denton, Tuesday, Singlehurst v. Wills .- Glyn Osler, for plaintiff, appealed from the report of an official raferae, on a number of items. L. Gailagher, for defendant, opposed plaintiff's appeal, and cross-appealed on various other items. Not concluded, and balance of hearing adjournel to 22nd inst. at 2 p.m.

Smith v. Kennedy.--W. A. Skeans, for plaintiff, moved ex parte for an injunction. Injunction granted re-straining defendants, etc., from enter-ing upon or in any way interfering with parts of fots 7 and 8 in the third-concession from the hay in the Tour concession from the bay in the Town-ship of York, with certain exceptions specified until Thursday, 23rd inst.; wit liberty to file further material and to serve notive of motion for speedy judg-

### ent returnable therewith, Divisional Court.

Before Meredith, C.J.; Teetzel, J.; Sutherland, J.

Re Perkins and Dowling .- Reid, for ment: The demand made in Mr. Moss' letter of 24th November seems fair and reasonable. It is the only way in which the order of 24th September can be substantially complied with, and it does not seem to be laying too neary purden on plaintiff's advisers to re-quire this to be done. As waveflow to costs. costs

McCall v. Cane.-W. Laidlaw, K.C. almost here, the particulars need not be marshalled and defined until 10th January. Costs of this motion to de-fendants in any event. Time for de-livering statement of defence extended-until eight days after compliance with this order. Hayes v. Henderson-Altchison (Mas-ten & Co.) for defendants, moved on consent for brder dismissing action without costs and vacating certificate peal, and this appeal is by leave from the latter order. Argued and reserv-

Reid v. Toronto Railway Co .- H. Dewart, K.C., for the defendants, appealed from the judgment of Mulock, C.J., of Oct. 5, 1909. J. MacGregor, for plaintiff, contra. The plaintiff, driver of a tally-ho coach; brought acmaking such grants it should be dis-tingtly understood that they take and receive their charters upon the express understanding and agreement that any american of mercy with the result that Order made. Atkins v. Richardson-D. Henderson, ribs, etc. At the trial judgment was for the plaintiff for \$1000 and Defendance present appeal is

EATON'S DAILY STORE NEWS Store Closes Daily at 5 P.M.

**DECEMBER 21 1909** 

ESTA

JOHN C

Handker

We have all of size, width ering, scaliop-iancy veining covers great i

sentlemen, \$1.50, \$2.00, \$2 dozen and up

GENTS' SIL Fancy pattern \$1.50; muffler \$2.00, \$2.50, \$3

REAL LAC 1 \$1.00, \$2.00,

CHILDREN

Quarter doze

Gent's H

Special

\$3.00 V

Men's Pure terchiefs, wi uarter inch nitial A to 2

aundered or

than made up can easily ha cost you in the cozen. ON S CZEN- W

NOTE-Not

EMBROIDE lemstitched ure Irish lin nd linen. "M

28.50, \$10.00, \$20.00 to \$50.

Special

\$12.00

LINEN. C

Regularly \$1 to Clear, \$6.0

FANCY PI linen, hand-e tial: letters, suitable for s3.00, \$3.50.

TABLE L.

27-inch Nap \$12.50, \$15.00 set. Big ran Other size:

TOWELS-

INITIAL 7

sifts on acc hardsomely splendid qua dozen. Pairs

DOWN QU beautiful cov

SOFA PIL fine patterns \$3.00, \$3.50,

. E int

Made pert skin did rang put aslo Colored mas. Far Yon m style you above, f \$9,00:

SILK BL

of weaves it the length.

Lengths, \$

FINE SH 50c, 75c, 90 \$3.00, \$3.50,

ental tints. \$1.09, \$1.25

LACE Co \$1.25, \$2.00 \$60.00 each

COIFFUI

and crepc 83.00, \$4.00,

LADIES' (boxed), 69 \$1.59, \$1.75

SILK HC colors, pl \$1.75, \$2.00

JAP KI

PURE S long, navy broidered, \$3,00 each.

CELTIC HAT PIN handsome sloo Great Scottish T chiefs, Ti Sashes, S Rugs, etc.,

OPERA shades in designs, \$ \$28.00 to \$

Ladies

wanting a well during this depart

on equalit

JOHN

65 to

VIYELLA

low as you \$2.00, \$2.50,

ntiful

Opens 8 A.M. -Best Buying is Done Early.

# The Muffler of Fashion

## CombiningComfort, 29 Good Appearance

THE well dressed woman of to-day demands neatness as well as comfort in her winter attire, and the care and attention given to the proper fit of the coat around the shoulders an I neck has done away with the ungainly and untidy bulkiness of the old time muffler -and in its place we have the "Bonton" Muffler-neat, attractive and pretty, and a perfect protector for

> and chest. It's made of highly mercerized Egyptian yarn of the finest quality. It fits snugly about the necs, fastening in front with lome

**T. EATON** 

TORONTO

Perhaps you've a friend or two you'd like to remember at Christmas with an inexpensive gift-often they're the hardest to choose. See these mufflers and we're sure your gift problem will be solved. A splendid range of shades including plenty of the favorite white, black, brown, tan, red, champagne, taupe, sky, copenhagen, silver grey and mauve. Price, each, 39c. -Main Floor, Centre.



without costs and vacating certificate of ils pendens. Order made. John Abell Co. v. McLaren-Carr (Ross & H.) for plaintiff, moved for or-

11. Kirby v. Rosar. 1. T. Long Bro. v. Toronto Construction Co. Non-Jury Assize Court. Peremptory list for non-jury assize ount, Tuesday, Dec. 21, at city hall at 10.30 a.m.: 79. Smallwood v. Powell.

Master's Chambers.

Non-Jury County Court.

Before Cartwright, K.C., Master. Webb v. St. Mary's and Western Railway, No. 1.-C. A. Moss, for defendants, on motion for particulars of amended statement of chaim. W. R.

Wadsworth, for plaintiff, contra. Judg-ment: The demand made in Mr. Moss

quire this to be done. As vacation is

der renewing writ for a year and al-lowing service. Order made. May v. May-E. Meek, K.C., for plaintiff, moved for an order for sub-

99. Lindsay v. Imperial Steel. 70. Marshall v. Todd.

amendment, alteration or repeal of their when the day's work was totaled up charter strictly belongs to and may be it was found that three hundred dolexercised by the state whenever the was paid into Mr. J. S. Robertson, seclegislature in their wisdom shall deem it necessary for the protection of the tarium, a few days since. The trustees public good, and no claim of equity or in appreciation of the work done by otherwise can or shall interpose to pre-1910 a bed that will be for the benefit, vent it." These recommendations have of any member of the club unfortunate been long lost sight of, but they show enough to become afflicted with tuberthat there were representatives at that culosis, or for any other nominee of the club. time who had some prevision of what

would happen to public franchises, were A MAP OF CANADA IN STAINED they, left free from legislative control. It does not seem that they anticipated that legislatures themselves might fall under the influences from which they a novel map that has been prepared for the west-end office of the Grand Trunk Railway System on Cockspursought to guard public franchises.

VOX POPULI. Confidence is once more being re-stored in the voice of the people. Under the system by which the people Dominion of Canada has been executdelegate to elected bodies the power to ed. The names of places in great numspeak for them, it seemed as the the bers, the rivers, the lakes, and the people had lost their judgment at times. The act of the Ontario Legistimes. The act of the Ontario Legis-lature by which the granting of all adjacent territories of the United States franchises by municipal councils must have been burned in to ensure fixity. franchises by municipal councils must stretching across the continent from first be confirmed by reference to the the Atlantic to the Pacific may be restored the tradition of the people's route, the Grand Trunk Pacific, by means of which millions of square

No council is now likely to give away a franchise which the people would re- tler. The work not only affords a grafuse to part with.

PUBLIC SERVICES IN THE U.S. As was indicated to be the likely focue of the long fight made by ex-Mayor Tom Johnson for improved traction facilities in Cleveland, Ohio, tinuously for five months, and it is the gity council has now passed an ordinance granting a general franchise for 25 years. It provides that the companies shall give a three-cent care ser- quite legible in daylight, and which vice, with one cent for transfers, but if this does not yield a return of six 25-candle power lamps by night. The per cent act on the actual investment delicate blerding of the various tints, it may be increased to a maximum the definition of the finest hair-like of four cents for a single fare. The city, if the original proposition has been followed, will have complete supervisory control of operations and can name a purchaser after eight years. But for the Ohio Legislature prohibiting tured, to London, had to be carried out cities from owning and operating their public services-a restriction due to corporation influence-there is little

doubt that Cleveland would have resumed its traction franchise. Still, the sued the corporation of North Toronto result is a victory for the ex-mayor, who has triumphed after his own defeat in November.

Illinois is another state where the cities have been hampered by the existence of a law, secured by franchise corporations preventing public operation of service monopolles. After years of agitation, this disability will probably be soon removed. A bill has been introduced in the senate, in the form of an amendment to the Cities and VI-lages Act, authorizing the authorities to acquire, own, construct, maintain and operate subways, wheres, docks an amendment to the Cities and Viland levees, and in connection with dead when found.

or plaintiff, moved for particulars of statement of defence. G. Grant, for de-fendant, contra. Defendant undertak-ing to withdraw jury notice, order that endant give articulars as demand-

detendant give articulars as demand-ed on 8th January, 1910. Costs in cause. McPherson v. McGuire-W. Laidlaw, K.C., for plaintiff, moved for order for K.C., for plaintiff, moved for order for issue of subpoena duces tecum to the registrar of deed at North Bay. Order made.

> Single Court. Before the Chanceloir.

Stevens v. Carter-O. D. Peat (Ham-lton) for plaintiff, on motion for in-unction, asked enlargement to examine Charles Walter, on motion for an or-der that plaintiff pay his costs of an abandoned motion. W. R. Smyth, K.C., judgment. Not concluded. for plaintiff, wished enlargement. En-larged until 10th January next.

stomach and be absolutely unhealthful.

bilious.

pasteurized.

ment.

" PILSENER."

Ford v. Canadian Express Co.-C.

The plaintiff, an accountant, brought action to recover \$5000 damages for alleged swearing out of an information, child, alleged to be his, at the rate of \$1 per week until the child atrived at the age of 15 years, and plaintiff claimed \$523 and costs. Defendant

alleged swearing out of an information, maliciously and without reasonable or probable cause against the piaintiff, charging him with forgery of money orders of defendants, and causing his arrest under said warrant. At the trial judgment was given for the plain-

OK

O'Kuks

PILSENER

Inger

The Home Beer

A beer may taste all right-and yet not BE all right.

Beer, not properly aged-"green "-will make you

Beer, not pure or improperly brewed, will upset the

O'KEEFE'S "Pilsener" Lager is brewed with

filtered water, choicest nops and pure barley malt. It

is aiways fully aged, filtered again before bottling and

It is the Ideal Beer for the Home.

As famous for purity, as for its delightful flavor.

"The Light Beer in The Light Bottle " (REGISTERED)

THE O'KEEFE BREWERY CO., LIMITED

TORONTO. 80

in Wines and Liquors are

anticipated in Michie's

large and varied Assort-

Insist that your dealer always send O'KEEFF.'S

of making said alleged contract and not bound thereby and pleaded the junction, asked enlargement to examine defendants. Eric Armour, K.C., for de-fendants, contra. Motion stands till Thursday, 23rd instant. Things to main in statu quo meantime. Reinhardt v. Barton-F. J. Roche, for Charles Walter, on motion for an or statute as to other matters. At the declaring that there has been a mis-trial in respect of the issue growing out of the proceedings for forgery, and that the plaintiff if so advised may go to trial on the issue last referred to. Defendants new appeal from that judgment. Not concluded. Before Faleonbridge, C.J.; Britton, J.; Sutherland, J.

Christmas Bazaar, Third Floor,

For Cift

Suggestions

mean to merchants thruout the whole city everything which is essential to tion under R.S.O. c 1690 3, but it is manufest from the evidence on both sides that the parties were at arms' length and defendant or his father on. his behalf had refused to pay any more while there was yet time to have

leaded that he was an infant at time

filed the affidavit. And in any event we do not see how we could now enable the plaintiff to comply with the statute. The appeal must be dismised with costs. Rasch v. Heckler .- A. MoL. Mac-Donell, K.C., for defendants, on ap-

peal from judgment of MacMahon, J. the Or E. Meck, K.C., for plaintiff, contra. Board. Judgment: The ellegation is that the defendant, husband and wife, employed the plaintiff to prospect for and make discovery of mineral for them, and to stake out mining claims for and on behalf of the defendants, and have the same recorded in the name the defendants or one of them. pon the evidence we are of opinion that there is no joint Hability on the part of the defondants. \* \* From first to last there was nothing said about husband's authority, or about the wife's liability. In our opinion the Mability of the wife does not arise merely because the real contracting party directed the plaintiff to record in the name of the wife. \*\* We think there should be a declaration that the defendant, Anna E. Heckler, holds those claims as trustee for the defendant, C. F. Heckler, and that the appeal as to her should be allowed and the action dismissed as against her without costs. Appeal of C. V. Heck-ler dismissed without costs and judg-Your Christmas Requirements

> Stanley Barracks football team, was fined \$10 without costs in the police ing Arthur Smalley, a member of the Broadview team. The assault took place last Saturday. In the witness box Smalley said Hague ran at him from behind and without any provocaion plugged him one, while one officials of the game said that the act was a most cowardly one.

**Vote for Bloor-Danforth Viaduct** Will Help to Make Toronto Great

CANADA

H. R. Frankland, Danforth and Pape-aves

Extra Gift

Sections

Second Floor,

Albert Streat

ART COL Roman stri moking-ro A nice gift. BIG BLAZE AT SUDBURY UMBREL men's)-In of handle, \$3.00, \$3.50 engraved f Earlscourt and Dovercourt to Be An- \$125,000 Damage Done at a Sudbury Morning Conflagration. ART PRI

Earlscourt and Dovercourt will be SUDBURY, Dec. 20,--S. Johnson's annexed to Toronto on Jan. 10, accord- large business block was burned here ing to an order passed yesterday by of \$125,000, with about 25 per cent, inthe Ontario Railway and Municipal surance. Mayor Leckie lost a valuable law library and had to be rescued by firemen with ladders.

Losses include: S. Johnson, building to date the fixed assessment on the loss \$50,000; insurance \$20,000; Bank of new territory from the time of the Toronto \$2000, covered; Manager L. passing by the city council of the re- Lambe, \$700, covered; Downey & solution in favor of the annexation, ra- Moyle, furtiture, \$200; P. L. Parker, ther than from the date of the order groceries, \$12,000, insurance \$4500; Dr. Switzer \$2000, insurance \$1800; Mayor Leckie, \$10,000, insurance \$1800; F. W. to the request of the Toronto Suburban Manitoulin & North Shore Railway Co., that the bylaws affecting agree-Silo:0, covered; Major Smith, broker, Lione, Lionetting agree-Silo:0, Lionetting agree-S ments with it stand after annexation, \$1000, covered; Major Sunth, \$3000; J. Henry, furniture, \$3000; adian customs office, all records and

express parcels destroyed.

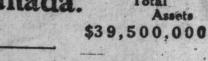


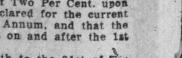
# **DIVIDEND No. 55** NOTICE IS HEREBY GIVEN that a dividend of Two Per Cent. upon

the Paid-up Capital Stock of the Bank has been declared for the current quarter, being at the rate of Eight Per Gent. Per Annum, and that the same will be payable at the Bank and its Branches on and after the 1st day of January next. The transfer books will be closed from the 17th to the 31st of Bo

cember, both days inclusive. By order of the Board. STUART STRATHY.

Toronto, November 19, 1909.





Caneral Manager.

the trial judge, with costs in the court below.

Footballer Fined. A dootball player, A. Hague, of the yesterday afternoon for assault-

ment to stand against him as found by

of the board.

amining them fully.

WATCH TORONTO GROW

nexed on January 10.

Earlscourt aand Dovercourt will be

After some discussion it was decided

passing by the city council of the re-

The city solicitor declined to assent

until he had had an opportunity of ex-

