

THE DANFORTH AVENUE ANNEXATION CASE

Reasons Given By the Toronto Golf Club Against Coming Into the City.

Mr. Lobb, on Behalf of Six Hundred Small Household, Pleads for Light, Water, Police, Sewerage and Roads.

The proposed annexation of that part of the Township of York lying south of a line 400 feet north of Danforth-avenue and extending south to Queen-street, and lying between East Toronto Town and Greenwood-avenue, is the supreme topic of discussion in the territory concerned. It is also a matter of great interest to all the people living on the Danforth and north of Danforth-avenue. The World, therefore, publishes for the information of all the people, and the public generally, the official report of the first session of the Ontario Highway and Municipal Board, which began the hearing of this question on the 8th of October last. The meeting was held in the parliament buildings in Queen's Park. The board was presided over by the chairman, James Leitch, K.C., the other two members present being A. B. Ingram and H. N. Kitchin.

Others who appeared officially were: Mr. Chisholm, for the City of Toronto; A. P. Lobb, K.C., for petitioners; John Kyles, for Township of York; H. M. McKie, for Toronto Golf Club; F. E. Hodgins, K.C., for parties opposing annexation; R. J. Macleannan for Mr. Justice Macleannan; E. B. Osler, for Toronto Golf Club.

But besides the legal gentlemen, 20 or so representative members of the Toronto Golf Association, headed by E. B. Osler, were present. Among them were D. B. Wilkie, Mr. Maston, Mr. Warren of the Rubber Company, and Mr. Cockshutt.

There was also present a large delegation of the residents of the locality, including market gardeners, and sitting amongst this knot of ordinary everyday citizens was W. P. Macleannan.

The proceedings were as follows:

Chairman: Is there any short name by which we can describe the character of the annexation? Part of the Township of York, that portion south of Danforth-road.

Mr. Chisholm: I have not the map quite ready, your honors, that I promised to have made for you, but this map shows very well, however.

Chairman: We may call it the annexation of that part of the Township of York south and four hundred feet north of Danforth-road. Who represents the petitioners?

Mr. Chisholm: I understand Mr. Lobb. He is expected here, but has not arrived. I rang him up at his office, but he was not in.

Chairman: Mr. Chisholm, you represent the city, and you, Mr. Kyles, the township?

Mr. Kyles: Yes, your honor.

Chairman: Well, Mr. Kyles, are you content or discontent?

Mr. Kyles: We take the same position in this annexation as we have always done, that is, remaining neutral. However, we would much rather keep this territory, and I can at least say that in some respects it is different from the other cases. At the last meeting of the council, it was stated that there were quite a number of petitions against the annexation, but I was instructed to mention this. No doubt, they will be read.

Chairman: We will have to dispose of them when they come up. You are not asking for any special terms or conditions?

Mr. Kyles: Except that the adjustments be made the same as in the other annexations, that is, as of the first of January; just as in the other cases of annexation.

Chairman: Yes, I see. Well, Mr. Lobb, what have you to say?

Mr. Lobb: I represent the ratepayers, the applicants, your honors, those petitioning for the annexation. I have filed the petition and given the notice required by the order of the board to be given, and the proof of this I have sent to the secretary.

Chairman: How many ratepayers are there on the last revised assessment roll in the area to be annexed? Do you know that?

Mr. Lobb: As well as we can ascertain, Mr. Chairman, 1100.

Mr. Hodgins: 1033.

Mr. Lobb: Mine subject to correction. My learned friend says 1033.

Chairman: I want to know what you say. Don't you know what you say?

Mr. Lobb: There is a difficulty that might arise as to how many are on the roll.

Chairman: I want to know how many you say. We have got to be informed about this in order to see if your petition is sufficient. We want to find out about this.

Mr. Lobb: I had them checked again this morning, and find them to be 1113. There are any number of duplicates on the roll?

Mr. Lobb: I was just about to point out that there is no copy of the assessment roll prepared by the clerk. There was four hundred feet north of Danforth taken in same time ago, and that four hundred feet thru the centre lots. The clerk when applied to for a copy of the roll said that he had not the time at present to prepare it, and that it would cost \$25 to prepare it, which is a consideration. Mr. Miller has checked the roll as well as he can, and he find 1113.

Chairman: Are there any duplicates? Are there any names twice on the roll?

Mr. Lobb: I cannot say that there are not. We have avoided that as much as possible, and we say as nearly as we can make it 1113 on the roll.

Chairman: How many have you on your petition?

Mr. Lobb: I think that there is no doubt about these petitioners. However, there might be the question that your honor has raised about duplicates.

board that the portion annexed to the city in 1884 is still unoccupied to the extent of one-half, or at least one-quarter of the area annexed. An extension is not wanted. They will not be able to build this up for at least ten years more. Let them build this up before they consider the annexation of this property. I would like to suggest that it would be advisable for the gentlemen of the board to go over that portion that was taken over by the city in 1884, and then to go over the property asking to be annexed, and see whether or not this is a fair proposition.

Chairman: That is here, I suppose? (Consults map.)

Mr. Hodgins: East of the city, and runs to Greenwood-avenue. There are a number of counter petitions, but I suppose that it would be better to wait before bringing them up.

Chairman: Well, Mr. Lobb, in face of that opposition, you will have to prove your petition.

Mr. Lobb: There are a large number of gentlemen here whose time is limited. I have several witnesses here in order to prove this petition, but I would suggest that these other gentlemen be heard. Afterwards this petition will be proved accurately and

annexed in order to consider whether the sanitary improvements and so on can be arranged for owing to the present system of the city's sewerage cannot be used. The fall is not sufficient. I cannot speak as to the accuracy of this. I have just been told so, however, the city engineer, no doubt, can give the information. As for the distance that the voters are apart, the map will show that. My remark was made as an illustration. It was not as to a measurement on the map. What does it matter whether it is two miles or four miles or what the limit is? The principle is just the same. Conditions vary according to the different places. You understand that. The map will show the distances, and I think that you will find it very much more than a mile and a half.

Chairman: Do you want any area excluded?

Mr. McKie: Yes, your honor, the Toronto Golf Association. There are other objections, but they have a large block of land there.

Chairman: You say that you don't want the golf links included?

Mr. Lobb: I am a representative of the Golf Club. I would suggest that if your honors could afford the time you should go out and look over the territory to be annexed in that does not mean anything. The Golf Club north of it procuring all the advantages of the city, but we have a hundred acres, and we have four hundred acres. We spend from twenty to twenty-five hundred dollars a year. Small boys around there benefit. While golf is a game only, I think that you should recognize that every city must have a golf links, that a city without golf links is not right.

Mr. Lobb: That is just right, we take it to the city and make it part of it.

Mr. Osler: They let the city keep it up. I don't think that it will interfere with the annexation at all to leave it out. Nearly a mile of it is along the Grand Trunk Railway, and it is impossible to make any crossings to open up streets either north or south.

Vice-Chairman: It runs parallel with the Kingston-road?

Mr. Osler: It runs nearly along the Grand Trunk Railway. The principal part is all down south of Reid-avenue. I think that if the mayor and the council and the board would get together and look over that ground, they would agree that it is a great benefit there. The members have been playing golf in that place for twenty odd years and have spent a great deal of money on it. It is a great open space, a great park, as it were.

Mr. Lobb: It would be any different if there was a fixed assessment? If the golf association had a fixed assessment by the city. On what other terms that you want excluded?

Chairman: Is there any other territory that you want excluded?

Mr. Lobb: I beg your pardon.

Chairman: You want the golf links excluded. Is there anybody else against the petition?

Mr. Lobb: Yes, there are other petitioners against it.

Chairman: Yes, we know what you want now. Is there anybody else against the petition?

Mr. Lobb: I don't know.

Chairman: The area of Mr. Macleannan's property is what?

Mr. Macleannan: About fifty acres, probably more. It immediately joins the golf links.

Chairman: On the east or west?

Mr. Macleannan: East of the golf links.

Chairman: Yes, is there any other objection or wants any territory excluded?

Mr. McKie: I don't know.

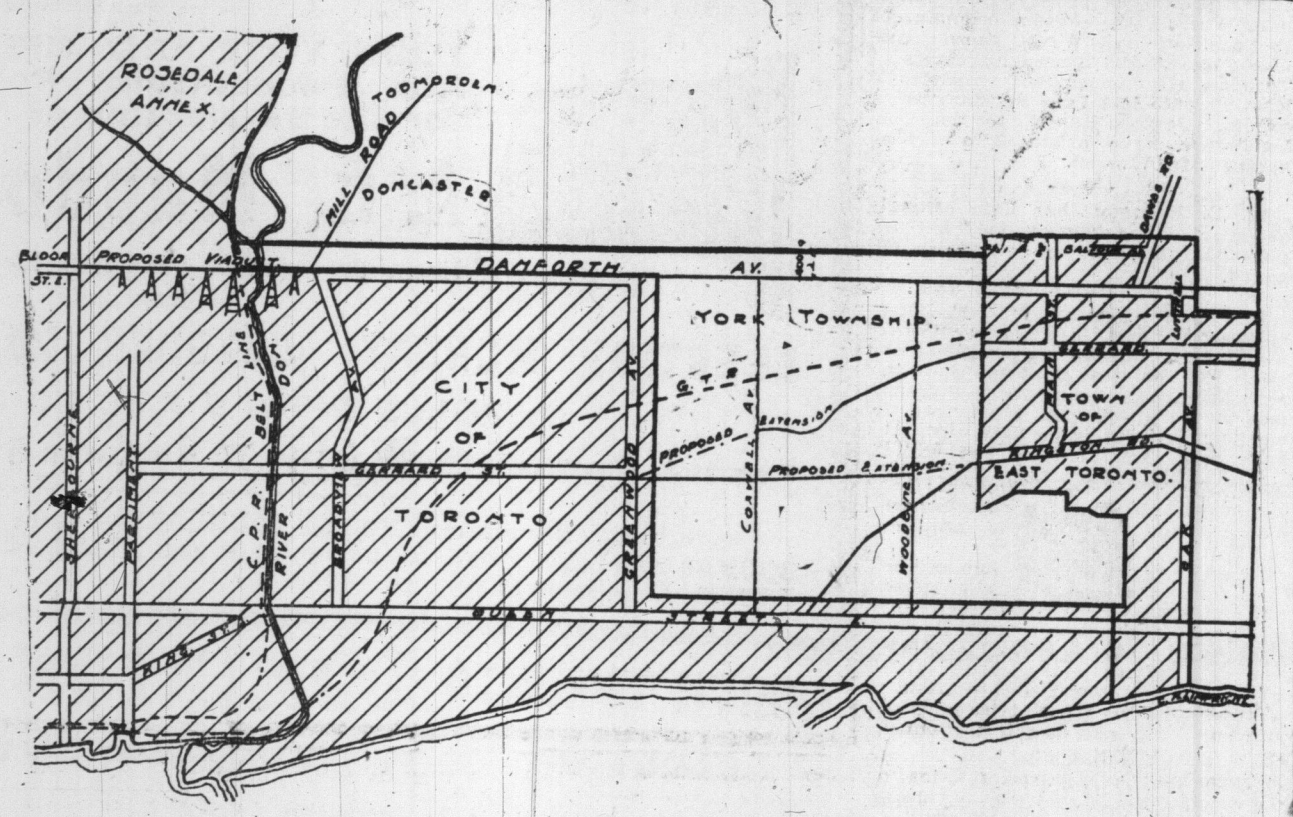
Chairman: Mr. McKie, I am appealing for them, there are petitions in from John Maughan who owns property immediately west of the Fitzgerald estate, who own property immediately south of Gerard-street.

Chairman: You don't represent them? If they want to be heard they had better appear.

Mr. McKie: I believe that there are thirty-seven acres in the Fitzgerald estate.

Chairman: If these people do not take enough interest in this annexation to appear, we are not going to trouble much about them. They knew that this matter was coming up, and they should have attended.

Mr. Lobb: Perhaps, your honors will permit me to point out this. It has been stated that there are some parts of this territory desiring to be included. For instance, Mr. Macleannan has spoken in reference to his property. Of course, it is at variance with the city will take in a small portion of the city. I only raise this, for the reason that my learned friend appears and asks this, we take the opportunity as to this, that is taking in portions and leaving others out. Now, there are many of my clients living in the golf links, and many north of the golf links, and many south, and unless this land is taken in they could not be admitted. I am not saying whether it is wise to take in or not. I am leaving that to your judgment and your jurisdiction. I submit, however, that it is in the city



The unshaded portion, showing the territory between the city and East Toronto, is that which is desired to be annexed. The portion bounded by Coxwell-avenue, the G.T.R., the line showing the proposed extension of Gerrard-street to the Kingston-road, and the Town of East Toronto, is the section in dispute.

thoroughly, but I think that it will not take less than an hour or even more. As there are a number of gentlemen here representing other interests, I would suggest that you hear them now. As to the area, the extent to be annexed, I have only to say that both my learned friends are wrong. Their statements are incorrect. My learned friend, Mr. McKie, said that there were voters some four miles apart. My learned friend, Mr. Hodgins, stated that the bulk of the vote came from the southern part. That is not so. Perhaps the bulk of the vote is from the northern part, but it is not so. The centre of the territory to be annexed, the heaviest and most solid vote is from the northern part, and it is north of Danforth-road. The most limited part, no doubt, are those living on the 400 feet strip; however, of those, three-fifths of the ratepayers voted for the annexation.

Mr. Hodgins: There are only 54 there at any rate.

Mr. Lobb: Pardon me, Mr. Hodgins. I am not speaking in figures. I am speaking in fractions. Three-fifths of the whole city is in Reid-avenue from 80 to 85 per cent. These are all clamoring for the advantages of the city. They are asking for police protection, fire protection, and different sanitary arrangements. At present the sanitary arrangements are a menace to them. In fact, are a menace to the whole city unless attended to at once. If your honors will consider the objections, let us hear the others who appear to represent the petitioners.

Chairman: Certainly, we will hear them.

Mr. Hodgins: As I understand Mr. Lobb, the percentage he gives is in support of the whole city in reference to the numbers. For instance, on the Danforth-road, for a mile and a half, there are only eight houses, half a dozen houses. There is a great percentage like this, and for that reason it is extremely important that the gentlemen of the commission should see the territory and understand the evidence that will be given.

Chairman: We will go into that later on. We want to hear what the trouble is.

Mr. McKie: It will be necessary for your honors to see the territory to be

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duplicate, no doubt, and there will be no objection to the petition.

Chairman: You wish to file this today?

Mr. Lobb: I ask that it be filed to-day. There is no objection to it.

Mr. Hodgins: I understand that I object as to that, not only because I do not think that it is quite fair to it, but I think that the law is against it. The majority must be taken before any proceedings are taken, and so far as I am concerned, I attach so little importance to my petition, that if the board will treat the names on it as a withdrawal from the previous petition, I will not object.

Mr. Lobb: You are making an error when you say that proceedings cannot be taken until there is a majority. There is no such rule. It is in the power of the board to annex the property. There is no time limit. Mr. Hodgins' petition has to stand as a date. Many of the people who signed this petition have withdrawn their names. I am not sure that these will have to be found and checked up. The last one that signed stands.

Chairman: Oh, of course, we will check up the names. Are you ready to prove your petition?

Mr. Lobb: I am ready, but until we know whether the names are there and properly on the roll, and until we know what is really right, I don't see how we could satisfy your honors. We took the roll, we might find a larger number on it than we have, and that would be no majority. Then it would be a question of proving it to you. It would be more satisfactory to proceed then with the evidence, when ascertained whether the petition is sufficiently signed or not, it would take at the very least a half an hour to call the men who saw it signed.

Chairman: We want to suit your convenience.

Mr. Lobb: There are three possible ways. The first my learned friend's petition may out number ours, second we may have a majority, and third, he may admit it.

Chairman: Suit yourselves.

Mr. Lobb: I only suggest that it would be better to prove it another day, your honor.

Chairman: Will we fix a day?

Mr. Lobb: Will your honors consider whether you will inspect the property in the meantime. You might perhaps fix a time in order that we might make arrangements.

Mr. Hodgins: How about Wednesday, the 4th of November?

Mr. Lobb: A little later in the week, I think, Thursday or Friday.

Chairman: We will adjourn this matter until Friday, the 11th of November at 2:30 p. m. Order. That is one moment, we will go over this territory one day before the 6th. We can go over the 4th, in going over this territory, we might be mistaken as to locus in quo. Would you gentlemen agree to somebody to point out the locus in quo?

Mr. Lobb: We will arrange that. All that you want is some one to point out the physical part of it. Perhaps Mr. Chisholm would get someone in the meantime.

Mr. McKie: Somebody satisfactory. Mr. Lobb: Perhaps you would consent to the mayor of East Toronto.

Mr. Hodgins: It will be quite easy to agree to somebody to show your honors the exact physical boundaries, but I think that each party should have an opportunity of showing what he objects to. For instance, take the crossings across the track.

Vice-Chairman: We might manage to see that ourselves.

Mr. Hodgins: Quite so. That was only an illustration. There are points, however, that local knowledge might throw light on, and we ought to have an opportunity of presenting that.

Chairman: Now, after consultation with my brothers on the board, I think that we will adopt the method of having the petitioners go over the drainage with the lawyers, on each side, the referee hears their statements, if he makes no comments himself, and I think that it would not be a bad scheme for this board to adopt that if he objects to two or more lawyers.

Mr. Hodgins: I think that that is reasonable.

Mr. Chisholm: Probably Mr. Lobb, Mr. McKie, Mr. Hodgins and myself could go along. We will guarantee that one counsel will be heard at a time. Perhaps the board will let us know when they can go. I think that someone suggested to-morrow.

Chairman: We could not do that.

Mr. Lobb: You could not give us a day earlier?

Chairman: We will fix the 4th day of November at 2:30 in the afternoon.

Mr. Lobb: The board will provide us with autos to go to the city. We were depending on the city. The city are getting the thing known. The city is rich.

Mr. Chisholm: Very well, we will see what we can do.

Mr. McKie: The roads are bad, and even in a motor it is not easily done. Would you not go in the morning? It is dark practically at half past four.

Chairman: You can go quite a distance in a motor in a short time.

Mr. Lobb: Perhaps it is a deep land scheme on the part of the Golf Club to get us to the club house in the forenoon before lunch. (Laughter.)

Mr. McKie: It will afford the Golf Club great pleasure in seeing any of the party at any time.

Chairman: Very well, I think that we will go in the afternoon.

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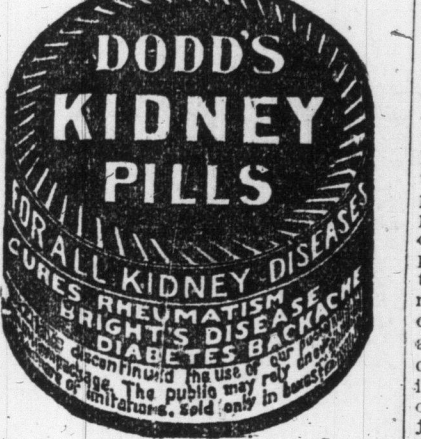
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Mr. Hodgins: I am instructed that a number who have signed the petition have subsequently signed another opposing the petition, and that will reduce the number on the petition by at least 65.

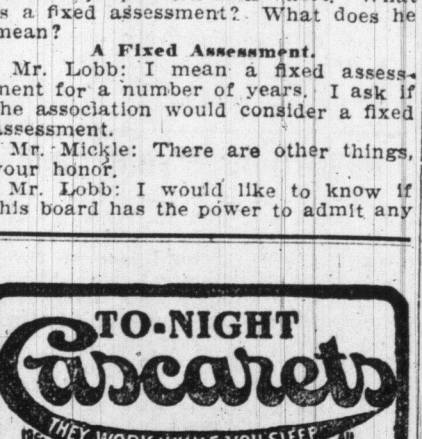
Chairman: Well, there will have to be a scrutiny of the ratepayers on the petition.

Going Over the District.

Mr. Hodgins: In addition to what my learned friend Mr. McKie said, that this covers a very large area, according to my view, the great strength of the petitioners is in the southeast corner, south of Kingston-road, adding in that pocket between East Toronto and the city. The bulk of the property north of Gerard, or south, is opposed to it. However, it should be pointed out to the



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