TO THE

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Jean Pants at \$1.75 have no equal for standing hard wear and tear. For moulders defined to support competition in nower and a better the exception of Aldermen Robson, whose action was very disappointing to his colleagues from Ward 7. He pledged himself before his election to support competition in nower and a better the exception of Aldermen Robson, whose action was very disappointing to his colleagues.

### Another Special

is our Black and Blue Overalls and Jackets at 75c each. We positively guarantee them to be the best value in Canada.

All out-of-town orders will that happened. be sent express, collect, un- was called to consider the opinion of

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### Hamilton Happenings

The World agency is temporarily in charge of our tra-veling representative, Mr. E. A. Bunts. Subscr.oers are requested to report any irregularity or delay in the delivering of their copy at the Hamilton office, froms 17 and 19, Arcade Build-ing. Phone 1946.

### HAMILTON NOT BOUND BY CATARACT CONTRACT

In Opinion of I. F. Hellmuth, Who Thinks, However, City Might Eventually Pay Pamages.

HAMILTON, Feb. 5.—(Special.)— That the contract made by the City of Hamilton with the Cataract Power Co. is not binding upon the city is the opinion given by I. F. Hellmuth, K.C., who was asked by the city to give his who was asked by the city to give his views of the legal aspect of the situation. Mr. Hellmuth says, however, there is a possibility that the city might eventually have to pay damages

1465.

26

11 Washington, D.C., and Return, via Philadelphia.

From Suspension Bridge, Friday, to the company should it repudiate or ignore the contract.

Mr. Hellmuth considers that the bylaw passed by the Hamilton City Counoil July 18, 1908, approving of the power contract with the Cataract Company. and the contract itself are, in view o the decisions by the Ontario courts, not enforceable against the city, so far as any obligations are thereby imposed of taking and paying for power from the Cataract Company for the year 1993 and subsequent years.

He says further: "According to the construction placed our courts upon section 389 of the Consilidated Municipal Act, no munici- British commons. pal corporation can create obligations of this nature not payable within the municipal year, unless by a bylaw assented to by the ratepayers.

"Whether bylaw 175, approving of the power contract with the Cataract Company, falls within the provision of section 389 depends upon the interpretation to be placed upon section 31

of the contract.
"If this section 31 means, as Mr. 1908 to take or pay for power from the Cataract Power Company, except as authorized by future councils from time to time, then the assent of the ratesection 31, no obligations other than is employed, and broke her arm yesterthose contracted for in the year 1908 day. Share imposed upon the city. If, on the Hospital. other hand, the judge's construction of Malon Kingston, aged 17, nearly sex

ed upon the city beyond the year 1908 are not enforceable

After answering a number of specif queries, he concludes: "While the above are my answers t the several questions submitted, it is cleaned. only fair to say there is room for a different view in regard to the matter, and doubtless the Cataract Company, 108 KING STREET WEST. if it considers the contract a valuable one, will seek to enforce it by litigation, which may be carried to a tribunal not

appeal for Ontario.
"In view of the chances of such litigation, I am by no means prepared to say that the city can repudiate or ig-nore the power contract with the Ca-taract Company without running the risk of eventually having to pay dam-

Will Go to the People. The hydro-electric aldermen scored a notable victory this evening at an informal meeting of the council when ten of the eighteen members present voted in favor of submitting the question to the people. The ten are: Mayor McLaren, and Aldermen Jutten, Applegath, Hopkins, Forth, Anderson, Wright and Cooper, Morris and Ellis. The resolution was presented by Aldermen Morris and Ellis. The nays were not taken, but the eight who did not vote are: Aldermen Robson, Milne, Sweeney, Lees, Peregrine, Guy, Creerar and Clark. Of these all are pronounce. oted in favor of submitting the ques-Our celebrated Kentucky and Clark. Of these all are pronounced Cataract men with the exception of they are best money can ber, the people of Ward 7, who are so strongly hydro-electric that every one of the candidates who ran in the ward considered it necessary to pledge himself to support the government project, expect that he will keep his pledge Monday. The lengths to which some

Monday. The lengths to which some of the aldermen will go to support the Cataract was shown by the actions of Aldermen Peregrine and Lees, Ald. Lees said that if the question were submitted to the people and they re-pudiated the Cataract contract, he would consider it an overwhelming disgrace. Ald. Peregrine said he would not care to sit in the council if

less a dozen or more pairs Mr. Hellmuth. The members who did not attend the meeting were Aldermen are ordered at once, in which Farmer, Ryan, Gardner and Allan.

The Cataract aldermen argued that case we will prepay charges. The Cataract adderned by the cataract with the Cataract, was morally bound. Mayor McLaren pointed out that the company had not lived up to any contract it had with the city, ex-cept when compelled to do so by law. Aldermen Wright and Ellis replied that last year's council had broken faith with the electors in signing up with the Cataract after the electors had passed two bylaws in favor of joining the hydro-electric project. Ald. Hop-kins, Cooper and Justen fought effec-tively in favor of allowing the people to have their will.

Alonco Callon, a married man, ha

been arrested on the charge of assaulting a thirteen-year-old girl.

Wm. Bowerman is offering a reward of \$100 for persons he claims were

oncerned in a recent plot against his on, Percy, who was acquitted in court son, Percy, who was acquitted in court on a charge of holding up and robbing a telegraph operator.

Charles Crisp, arrested on the suspicion of having tried to sell some stolen brass, was remanded for a week by the police magistrate this morning. He was captured by Constables Smith and McLean after a long chase.

When Slander is Committed.

The lawyers are very much up in the

The lawyers are very much up in the air over the recent decision of Justice Teetzel in the Guest-Ptolemy slander suit, when his lordship ruled that slander consisted in imputing a crime or leatherne disease. der consisted in imputing a crime or loathsome disease. One lawyer, who has a client who complains that a neighbor spread stories reflecting on her character, says in view of the decision that there is no redress for the woman, and the local lawyers are talking of asking for an amendment to the law, so that such eases will be covered. o that such cases will be covered. The Street Railway Company has agreed to lay 92-pound rails on James, Barton and Herkimer-streets when the reconstruction of the system is started MISS GEORGIA RODGI

early next spring. The company will use the lip-girder rail.
City Solicitor Waddell has appealed against the judgment of Justice Anglir in the suit brought by Barton Township to compel the city to supply town ship residents with water. His princi pal ground of objection is that all the osts were saddled on the city. Joseph Baker, who was here from

the Northwest on a visit, dropped dead this afternoon while carrying on a conversation with friends at the residence of Alex Main. Rotel Hanrahan Corner Barton and Catherine-streets, Hamilton, modern and strictly first-class. Rates \$1.50 to \$2 per day. Phone

Tickets good ten days. Particulars, 54 King-street East, Toronto, Ont. 613561234

### CAN INSPECT THE SCHOOLS

Opinion of Donald McMaster, K.C., on Manitoba Problem.

WINNIPEG, Feb. 5 .- The report of he department of education was tabled n the legislature this afternoon. It contains the opinion of Donald Macmaster, K.C., and a member of the

Macmaster says the Government of Manitoba has the power to enact compulsory education, and also to inspect the denominational schools.

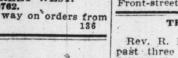
But should they put such measures in force there is no doubt that the minority would have reasonable ground on which to appeal to the govrnor-in-council, claiming that their rights and privileges as subjects of the King were affected, and they were Justice Anglin says, that there is no fairly entitled to be exempted from binding obligation upon the city after contributing to the support of public schools.

Minor Aceldents. to time, then the assent of the rate-payers was not required to bylaw 775; Parliament-street, fell on the sidewalk but with this construction placed upon She was taken to St. Michael's

section 31 is incorrect, and the contraction of section 31 is incorrect, and the contract binds the city for a five year period, then section 389 of the Consolidated Municipal Act would, upon the authorities, apply, and the bylaw, not having been submitted to the ratepayers, is not binding.

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Services, 10.30 a.m. and 7 p.m.
Subject for Feb. 7: "SPIRIT."
Testimony meeting Wednesdays.

"The Church of the 20th Century."

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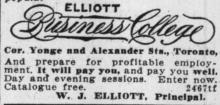
**Grand Opera House** To-Morrow Night, Feb. 7th.

SOLOISTS MISS GEORGIA RODGERS and

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of the interpretation placed upon section 31, any obligations intended to be imposed upon the city beyond the races.

CANADIAN AND UNITED STATES who was rendered unconsclous in a toboggan collision on the slide at High Park on Thursday, has recovered.

CANADIAN AND UNITED STATES patch right for sale or exchange for real estate. Address J. Lehman, head of Coxwell-avenue, Toronto, Ont.

CANADIAN AND UNITED STATES who was rendered unconscious in a toboggan collision on the slide at High Park on Thursday, has recovered.

### THE NEW CURATE.

Rev. R. B. Grobb, who, has for the past three years been curate of St. John's Church, Port Hope, Ont., has AMUSEMENTS.

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THURS. NIGHT—The Prisoner of Zenda
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