

THE HAMILTON TIMES

TUESDAY, JUNE 8, 1909.

YESTERDAY'S VOTING.

The vote polled on the several by-laws submitted yesterday was not large and resulted in the defeat of the Cataract Power by-law by a majority of 170, and of the Hospital site by-law by 268, while there was a substantial majority in favor of the Board of Control by-law and also in favor of entering into a contract with the Hydro-Electric Commission. There was no organization for soliciting votes in favor of the Cataract by-law, or for inducing voters to turn out. The Hydro-Electric supporters were well organized and had been working for some time. There was no scarcity of money for their campaign either. From whatever source it came, the ready cash was on hand for the payment of canvassers, scrutineers, vehicles, and for such other purposes as old and skilled election workers felt to be of advantage to the Hydro cause. Indeed, it is to be suspected that the field men were not over scrupulous as to methods, if votes were to be procured. From several quarters come tales of Cataract by-law supporters having been approached with offers of good pay if they would turn in and canvass for the Hydro scheme, and act as scrutineers, etc. It would be interesting to know who furnished the funds for these purposes; and perhaps a way may be found to put the distributors of this money on the legal grill. The Cataract Company appears to have taken rather a languid interest in the vote, probably trusting much to the good sense of the ratepayers—or, perhaps, feeling secure in its legal rights under the contract made last year, and upheld by the Courts.

The result of the votes on the power question is to complicate matters greatly. As the Times has frequently pointed out, a yea vote in ratification of the contract with the local company would have settled the matter finally; enabled the aldermen who had kept alive the bitterness against Hamilton power to "save their faces" and pose as seculers of added benefits over the contract of last year; saved the city from the folly of trying to escape from the contract now in force in order to pay a higher price for power, and avoided placing a big liability upon the ratepayers. But a nay vote does not equally settle matters—not even though it expresses a willingness to shoulder debt and pay higher prices for power rather than patronize a Hamilton power company.

Last year's contract is as binding as when the courts upheld it. The nay vote simply rejects the guarantees which were put into the contract voted upon yesterday, which assured private light and power users rates below what the Hydro scheme can reach and other advantages which it cannot give. It does not release the city from the terms of that contract already entered upon, and while it sacrifices some advantages obtained by the Council of this year, it does not remove the danger of litigation and damages from the path of attempted default. If any Hydro devotee feels satisfied with the situation he is no friend of Hamilton ratepayers.

Some features of the voting are worthy of a little study.

Wards 1, 2 and 3 gave majorities for the Cataract contract; Wards 4, 5, 6 and 7 against.

The yea majority on the Cataract by-law in Ward 1 was 54; the nay majority on the Hydro plebiscite in this ward was 65.

The yea majority on the Cataract by-law vote in Ward 2 was 19; the nay majority on the Hydro plebiscite was 67.

The yea majority on the Cataract vote in Ward 3 was 20; the nay majority on the Hydro vote in the ward was just 2. Evidently the voters had been very inconsistent in marking their ballots, probably failing to understand the situation.

In Ward 7 a total of 906 was cast in the Cataract by-law voting, 333 for and 553 against. In the Hydro vote the figures stood 602 for and 303 against!

Of the 3,988 votes on the Cataract by-law, 1,909 were for and 2,079 against; of the 4,003 in the Hydro vote, 2,290 were for, and 1,704 against.

While only freeholders and leaseholders for the term of the contract could vote legally on the Cataract by-law and on the Hospital site by-law, there is a striking similarity in the number of votes polled in each case. They were as follows:

Power by-law . . . . . 3,988
Hydro scheme . . . . . 4,003
Hospital site . . . . . 3,732
Board of Control . . . . . 3,941

Any taxpayer on the municipal voters' list was entitled to vote on the Board of Control by-law, but it would almost seem as if the figures of the vote would lead to the conclusion that only freeholders and leaseholders turned out to exercise the privilege, or that if many others did there must have been a good many of the former who did not choose to cast a ballot; or that—but of course there wasn't any chance of ballots getting into the hands of the unqualified.

There are many who will regret the defeat of the Hospital site by-law. It is probable that it was hardly less misunderstood than the Power by-law. A site will have to be secured by and by—perhaps when it will cost much more than it could be got for now. Proceeding cautiously the Council could, had it been authorized to act, secured options quietly in a way to have saved a good deal of money. However, it is not a matter beyond remedy; it can be brought up again at any time.

by-law will add some more machinery to the municipal mill. Let us hope that the improvement in the gristing capacity to which it will lead will be worth the cost. There is a possibility of benefit in it, if we secure the best men for controllers, on purely business principles. Anything else will make the Board of Control system a weapon of incalculable civic evil and add expense to the municipal administration. Its existence will increase the responsibility which rests on the ratepayer. If it will help to stimulate him to rise to the duty which he owes to his own interests as a citizen and to his fellows in the community we shall have reason to be thankful.

LATE WHEAT REPORTS.

Reports of the wheat crop generally indicate improvement. During June United States reports show that, with the exception of a few localities, the weather has been favorable, and the crop has made splendid progress. The drought conditions in Kansas have been relieved, and a generally optimistic feeling exists. "Bradstreet's" says: "Grain crops have made a distinct advance this week, winter wheat improving, spring wheat showing normal growth and fine condition, oats helped by rains, and corn coming up well on a record-breaking acreage. There are some irregularities. Best reports as to winter wheat come from east of the Mississippi River, a section which last fall had a poor start." The tone of spring wheat reports is excellent, and much is expected from the California crop.

The wheat-growing countries of the world report a condition which at present affords no justification for the belief that there will be any great crop shortage. Wheat may remain at a higher level than that of the last two years but there seems to be no ground for looking for famine prices next season.

DISALLOWANCE.

At the last session of Parliament Hon. Mr. Aylesworth, Minister of Justice, advised the Governor-General against the disallowance of two Ontario statutes against which petitions had been lodged on the ground that they were unjust, oppressive, and in conflict with recognized legal principles. Hon. Mr. Aylesworth frankly admitted that the legislation in question was of an odious and unjust character, but, as it was within the power of the Provincial Legislature to deal with such matters, it had power to enact it. He said: "The legislation in question, even though confiscation of property without compensation, and so an abusive legislative power, does not fall within any of the aforesaid enumerations" (i. e., the classes of cases in which disallowance should be exercised).

The editor of the Canada Law Journal dissents from Hon. Mr. Aylesworth's view as stated in this advice. He says "the section of the act by which the power of disallowance is conferred, is entirely unrestricted in its terms." It contains no provision circumscribing the scope of its power. The Law Journal is not aware of any principle of statutory construction which can be adduced as a basis for the contention that a restriction of an executive power conferred in general terms may be so restricted by a provision concerning the appointment of the legislative powers between parliaments created by the same statute. It points out that Mr. Aylesworth's view would confine the power of disallowance to a class of cases with which the courts can deal, and forbid disallowance in a class of cases which can only be remedied by the exercise of that power; and it argues that the very object of the framers of the act in conferring the general power of disallowance was to render possible the annulment of provincial statutes, which, although dealing with matters within the legislative domain of the Provinces, might be objectionable on other grounds.

In June, 1868, Sir John A. Macdonald set forth the opinion that the following classes of acts were proper subjects for disallowance: Those which are altogether illegal or unconstitutional; those which are illegal or unconstitutional in part; those which, in cases of concurrent jurisdiction, clash with the legislation of the general Parliament; those which affect the interest of the Dominion generally. The Law Journal reads the word "illegal" in the description of the first two classes as intended to cover statutes which interfere with private rights. In support of that view it quotes Sir John A. Macdonald in 1881, as denying the right of a Legislature "to take away the rights of one man and vest them in another." Even admitting that such right should exist, Sir John said: "I think it devolves upon this Government to see that such power is not exercised in flagrant violation of private right and natural justice." A similar opinion was set forth by Sir John Thompson in 1893. Hon. Mr. Oimet, acting Minister of Justice, in the same year, declared that "a statute which interferes with the vested rights of property, and the obligation of contract, without providing for compensation," should be disallowed. Even Sir Aylesworth himself, in his recent report, avowed his belief that "the framers of the British North America Act contemplated, and probably intended, that the power of disallowance should afford a vested interest and the rights of property a safeguard and protection against destructive legislation." The Law Journal contends that in view of the facts and circumstances the power of disallowance should have been exercised in the cases which were submitted to Hon. Mr. Aylesworth; that in the interests of justice, in the safeguarding of private rights, and as a matter of expediency in protecting public credit, disallowance of the statute in question was demanded. And many will share his views. Whitney's vicious acts should have been disallowed.

lowance of the statute in question was demanded. And many will share his views. Whitney's vicious acts should have been disallowed.

EDITORIAL NOTES.

How would you like to be the dog-catcher?

That young fellow Mackenzie King is making a fine collection of titles. The Mail and Empire is becoming envious.

Pretty good-looking lot of men whose portraits we have been printing in connection with the General Assembly reports.

Don't forget to take doggie out for a walk. The exercise will be good for it, and it will not hurt the boy or girl in charge.

Hamilton has its revivment wall, and in a short time will have 20-odd acres of made land behind it. Toronto will wait a while.

When you go out boating do not forget that the water is very wet and that it is no evidence of being an aquatic sport to be rash or careless.

Orillia, which is far behind the times in the matter of sewage system, is now considering the construction of one. It is one of the works which no growing town can afford to neglect.

Who said Stewart did nothing but draw his \$2,500 and mileage for his session's "work"? That's away off. He made an appeal for more duty on granite. You see, he deals in that sort of thing!

Canadian industry needs all the loose capital available among our people. For Whitney to seek to deplete the supply by selling Ontario bonds in Great Britain and bring in that much more capital, is very poor statesmanship.

The story that the bookmakers lost \$200,000 on the Woodbine races did not, so far as we are aware, lead a single one of the church courts now in session to pass a resolution of sympathy or regret.

The German press is said to be severe on Lord Rosebery's speech to the visiting journalists. There has been much said in Great Britain of late which, very naturally, stirs up German ire. British journals themselves are very quick to take offence in such matters.

Lady Aberdeen has still a warm feeling for Hamilton. She got much undeserved newspaper abuse from here in connection with her Victorian Nurses' scheme, but she has lived to see her justification acknowledged on all sides, and when she visits us the people and press of the city will be a unit in approval and thankfulness for the good work it has accomplished.

The Times offers its congratulations to Rev. Father Brady and the congregation of St. Lawrence's Church on the consecration of the building and on the beautiful altar, the magnificent gift of R. O. and A. B. Mackay, a work of art fit to adorn any sacred edifice. St. Lawrence's Church has enjoyed great prosperity and its influence for good is exercised in a very large field.

How would it do for Mayor McLaren to let the public know something of the machinations of the busybody who is making it his work to create uncertainty among the officials and employees of the city, and represent the Mayor and engineer as scheming to get rid of them? A man who tries to work that scheme deserves to be exposed.

The Presbyterian Assembly has now tackled the Church Union question in earnest. It is a very knotty problem. Principal MacKay, of Vancouver, reproaches as suicidal, an attempt to reach organic union at present, but suggests a scheme of co-operation along the lines of federation. His suggestion is not without its good features. Such a federation might avoid the necessity of dealing with serious points of difficulty, and enable the co-operating bodies to grow together, making organic union safe and easy some years hence.

The Toronto Globe's Hamilton correspondent misinforms it grossly when he sends it the following: "Last year the City Council made an agreement with the local company for lighting the streets, and for power for civic purposes. The agreement was attacked in the courts, and it was quashed, which left the Council free to enter into a new agreement with either the company or the commission." That statement is the very reverse of the fact. Instead of the by-law being quashed, the suit brought attacking it was dismissed with costs. In this power matter the Globe has very often been misled and misinformed as to the Hamilton situation.

We are asked if London goes on with the Hydro scheme, with the Smith suit "stayed" by the Whitney statute denying the right to the courts of justice to deal with complaints against the Commission, will it be safe from trouble? That is a big question. The Whitney statute may be disallowed within two years of its enactment. The court has held that even if not disallowed it may be repealed or amended at any session of this or any future Legislature. Then the suit could be proceeded with or new suits could be brought to obtain the justice denied by Whitney at present. Whether London would be "safe," or would be mulcted in heavy costs, loss and damages would, of course, depend on the outcome of the suit and the expenditure and obligations the city had incurred in the interval.

At last the labor problem seems to be in process of its right solution—that of making the workers in a business also proprietors. It is encouraging to learn that Sir Christopher Furness' co-partnership experiment in the Hartlepool shipbuilding yards has so far been successful. So successful has it been, indeed, that Sir Christopher is eager to extend it to the Wingate colliery. He has invited the coal miners of that colliery to go with him into a profit-sharing plan. Every employee is entitled to become a member of the co-partnership by signing assent to the principles, and by acquiescing in the regular deduction

Some Genuine Bargains In New and Used PIANOS

In order to reduce our stock as much as possible before the summer months, we will offer some very fine bargains for the next few days in new and used Pianos. The new Pianos are instruments that have become slightly showporn or the styles have been discontinued from this year's catalogues, while the used Pianos have been rented from three months to one year.

EXAMINE THE LIST

- \$300 STODDARD, square piano, good for beginners, only \$ 38
350 HEINTZMAN, square piano, in good condition . . . . . 68
350 DOMINION, upright, a real bargain . . . . . 198
450 MASON & RISCH, used only six months . . . . . 267
325 PALMER, rented one year . . . . . 168
600 WEBSTER, player piano, shopworn . . . . . 412
450 DOMINION, Louis XV., used six months . . . . . 235
500 NEW SCALE WILLIAMS, shopworn . . . . . 378
325 GOETZMAN, a genuine bargain . . . . . 185
375 STUYVESANT, a little shopworn . . . . . 278
325 GOETZMAN, used two years . . . . . 155
325 KRYDNER, rented only six months . . . . . 225

We are sole representatives in Hamilton for the "CHICKERING," the old reliable that has stood the test for nearly 100 years; also "NEWCOMBE," "KRYDNER," "NEW SCALE WILLIAMS," "DOMINION," "HAINES BROS.," "ENNIS" and others, and we offer you the FINEST and LARGEST stock in the city to select from.

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OUR EXCHANGES

OUR DOMINION.

(Brantford Courier.)

Toronto ratepayers have voted down a by-law to expend \$50,000 on a sea wall. The next plan will be to get the Province to put up the spendthrift for them.

AFRAID OF THE LADIES.

(Galt Reporter.)

Important Political Item: William Lyon Mackenzie King, Minister of Labor, is a bachelor. Will some one please throw a protecting arm around the young man?

FAVORED SEA WALL AND WERE BEATEN.

(Toronto Telegram.)

The World, the Globe, the Mail, the News, the Star, the Trades and Labor Council, the Board of Trade, the Guild of Civic Art, the Retail Merchants' Association, the Riverside Business Men's Association.

SHOP EARLY.

(Stratford Beacon.)

The Duncan Ferguson Company announce in this issue of The Beacon that during July and August they will close their store every day, except Saturday, at 5 p. m. This is a commendable step, and it is to be hoped that buyers will facilitate the carrying out of a plan to give employees shorter hours during the heated term by purchasing early in the afternoon.

QUEEN'S.

(Kingston Standard.)

It has seemed to the Standard for some time that this change of relations was bound to come, and we have, for that reason, consistently advocated such a change for we believe it will make for a greater Queen's—for a Queen's that will be kept thoroughly up to the times and that will not lack for the sinews of war necessary for its proper expansion and development.

MINISTER OF LABOR.

(Brantford Expositor.)

It is noticeable that the efforts to sow taras among the good Liberal wheat in the Labor field have met with no success. Not a single organization representing Labor has made complaint of the Government's action in appointing Mr. King. There are three reasons for this, as follows: First, the tactics of the Conservative organs are very apparent, and the past record of that party on Labor questions is well understood; second, it is recognized that no man in Canada has established as good a claim to pose as the friend of Labor as that of the new Minister; third, that while this is true, it is also true that the Minister of Labor must often hold the balances as between Capital and Labor, and cannot be actively identified either with the one class or the other.

PARTNERSHIP.

(Montreal Witness.)

At last the labor problem seems to be in process of its right solution—that of making the workers in a business also proprietors. It is encouraging to learn that Sir Christopher Furness' co-partnership experiment in the Hartlepool shipbuilding yards has so far been successful. So successful has it been, indeed, that Sir Christopher is eager to extend it to the Wingate colliery. He has invited the coal miners of that colliery to go with him into a profit-sharing plan. Every employee is entitled to become a member of the co-partnership by signing assent to the principles, and by acquiescing in the regular deduction

of five per cent. from his pay until the shares to be allotted to him are fully paid up. No employee can remain in the service for more than three months unless he becomes a partner. As in the case of the Hartlepool shipyards, the men will have to substitute for the barbaric instrument, the strike, a recourse to conciliation by the "colliery council," or, failing that, arbitration. The colliery council will consist of 100 representatives of master and men, and Sir Christopher hopes by these means to bring about a permanent peace, and establish a model village at Wingate, where the property is situated. Sir Christopher says: "I confess the existence of such an estate has engendered within us the hope that, with the co-operation of the employees of the colliery, we may create a village that, by reason of its facilities for fraternal intercourse, healthy and even profitable recreation, the judicious pursuit of knowledge, and wholesome entertainment, for all sections of the community shall be the pride of its inhabitants and a desirable pattern for our neighbors." These are lines of action which must more and more extend until the interests and aims of employers and employed are one. These two ventures of Sir Christopher will therefore be watched with the keenest interest and hope.

ANNUAL OF DAY NURSERY.

Reports Show a Year of Good Work—Officers Re-Elected.

The annual meeting of the Board of the Day Nursery was held yesterday afternoon, Mrs. Arthur Boyle, president, in the chair. Mrs. Henderson, secretary, read the report of the year's work, in which she said: "We are met to celebrate our fifteenth anniversary, and when we look back to the beginning of our work we remember how we were, so to speak, shoved into this work by the real need of those who suffered. Mrs. Waters sometimes leading us into spots we shrank from, but her courage and trust were stronger than ours. Now we feel we have much to encourage us, much to be thankful for. During these fifteen years we have never met a serious money difficulty. One month this year when the bills were paid we had in the current account 52 cents, and only once were we compelled to let some of our bills run a second month. No serious accident has come to the home in all these fifteen years. Our confidence in our matron, Miss Stevenson, and in our nurse, her sister, is such that we feel restful about the home. The efforts, failures and successes are all passed into the great silence, and we are so glad to know that we were permitted to serve the Master just a little through this work. The basement in our home makes us wish for a better building, and the board has found one just to suit them, so we hope to move to a larger, brighter home before long. We believe our home has helped a number of women to self-supporting and self-respecting lives, who bitter bread from charity's table or worse. I, for one, love to look into the bright, happy faces that gather here. Within the last year the late G. H. Bisby left us a legacy of \$1,000, and Miss Juliet Deolittle left the work \$800. The board was able to meet the current expenses without drawing on the \$400 left by William Hendrie, so we have a snug sum to pay in cash on any home selected by the board of management. During the year Central W. C. T. U. has held twenty-eight mothers' meetings, consisting of Bible readings, cooking lessons, etc., always followed by refreshments. The committee for this: Mrs.

THE BUSINESS GAME

Business is a game. Those who like to play it win, but no permanent advantage can come from marked cards or loaded dice. During the past thirty-five years this shoe business has been played fair, which is one reason why we continue to do such a prosperous business in the face of all opposition.



SOROSIS.—Never before during the past seven years has the demand for "Sorosis Shoes" been so great as at present—not only in Canada, but also throughout the States and Europe. We are sole agents in this city for Sorosis—and also for "Red Cross" and "Cushion Sole" Oxfords for women.

FAMILY SHOE STORE.—This being a family shoe store, where the ninety-nine cent trick is not allowed, it is different to maintain any particular line, as our stock is complete for the whole family. We make it a rule to mark the price in plain figures on all shoes at a fair profit. Therefore you are certain to get your money's worth on every purchase made in this store. OXFORDS.—Last month we sold more Oxfords than during any May in the past six years. Why? Because we had the goods, and at prices the people were ready to pay. Duplicate orders are now being rushed through for us, so that we will not be caught short during this month in Oxfords for the whole family.

BOATING AND OUTFITTING.—Our stock in these shoes is in good shape. They were made to our order, and the soles are of FIRST QUALITY rubber. When going away be sure and take a pair of these shoes with you; also Shoe Dressing, Laces, Trees and Rubbers. Then go and have a good time.

J. D. CLIMIE, 30 and 32 King Street West

Campbell, convener; Mrs. Butler, Mrs. Pratt, Mrs. Chumas, Mrs. Boyle, Mrs. Byrnes, Mrs. J. Wilson, Mrs. E. J. Whyte, Mrs. Pratt donated \$24 towards the refreshments, Mrs. Boyle over \$7, and all the committee provided cakes, tea, coffee, etc., to make the meetings pleasant for the mothers. As many as thirty mothers have taken tea with their children.

"Children cared for during the year, 1,681; beds provided for adults, 958; meals given, 2,706. Mrs. Soper donated an awning for the children to play under. The Helping Hand Society also sent a donation of clothing."

Mrs. Balfour, treasurer, reported the receipts for the year \$622.11; disbursements, \$659.53, leaving a balance on hand of \$32.58.

The officers were re-elected by a standing vote, and are: Honorary President—Mrs. T. H. Pratt, President—Mrs. Arthur Boyle, Secretary—Mrs. C. Henderson, Treasurer—Mrs. Balfour.

The board consists of twelve members each from Central and Youmans' W. C. T. U.'s, who elect their own officers. They are doing a noble work, and so quietly few recognize its importance. Infants and small children, not old enough to be left alone, are fed and cared for during the day, thus enabling many mothers to go out to work who would otherwise not be able to earn any money. A nominal fee is charged, so the mothers are not taking charity. Young girls coming to town strangers are looked after, and many meals given to transients.

Hearty votes of thanks were passed to Mrs. Boyle, Mrs. Henderson and Mrs. Balfour for their untiring work during the year. Donations of clothing for children or

SHOULD BE ATTENDED TO.

To the Editor of the Times:

Sir.—I would like to know who is responsible for a land owner to lose his vote for two elections without reason. Last year I went to vote on a by-law, and was told I was a tenant. Now, I have lived and owned my house for over twenty-five years, and last election, when I went to see about it, they said it was a mistake, and would look it up; but for some reason or other the same mistake has been made at this election, and yet I have to pay taxes just the same. I think it downright carelessness on the part of some of those City Hall employees—there are enough of them to look after such affairs as these. Now, Mr. Editor, is there any way this can be rectified, as I think I should have the privilege of voting on by-laws. Thanking you for your space, I remain, Thos. Patterson, 359 Victoria avenue north, Hamilton, Hamilton, June 8, 1909.

OCCUPY URUMIAH.

St. Petersburg, June 8.—The correspondent at Constantinople of the Novoye Vremya Union says in a despatch that the commander of the fourth Turkish army corps has been instructed to occupy Urumiah in Persian Armenia, and sent out advance detachments on the road to Tabriz.

Mrs. Charlotte E. Cawthra, of Toronto, who died in Paris, France, on May 8, left an estate of \$119,413.24 to the members of her family and relatives.