gue against it until it was stopped and the consumers shackled more securely than before.

How differently the city treated the poor pedlar, struggling to make an honest living by delivering goods to citizens in their homes. He was arrested and fined—and an appeal against him taken to the Privy Council—which very properly dismissed it with costs. Aldermen do not hesitate to spend money fighting pedlars—but they show a peculiar aversion to attack the gas company. But poor pedlars, unlike the rich company, have not the power to influence aldermen.

The Aldermanic Stool Pigeons.

The company's "stool pigeons" in the council may struggle and scheme, but nothing can save it. It is doomed. All that can be done is to prolong its death agony. They cannot help it by promising to connive at amendments to the charter. Legislation could not be granted while this suit is pending. Parliament never interferes with the functions of the law courts by legislating on behalf of one party to an action against another. Such legislation would be unconstitutional and ultra vires.

And now, as aldermen cannot possibly save the company—as it is sinking fast—would it not be prudent to seek their own safety—desert its standard and return to the cause of the citizens whom they have sworn to serve—but whom of late they have been betraying?

Criminal Prosecutions May Follow.

There are a number of causes making for the extinction of the company; and the present action is one of them. Mr. Pearson, when in a philosophical mood, has often observed that from little causes great things spring—and Mr. Cockburn, from historical reading, can recall the story of Hampden refusing to pay ship-money to Charles I. His refusal roused all England and ended in the King being dethroned and beheaded.

The end of the dispute with the company will be that gas will be sold at cost—shareholders will lose their dividends—directors will be held personally liable for an immense judgment—and the company will lose its charter. Besides, there is a strong probability that the criminal law will shortly be set in motion.

Do shareholders consider how long the shares will remain at their present value with all these clouds hanging over the company? and also with the almost certainty that any day a better and cheaper force for lighting and heating may be substituted for gas? Such a substitute has already been discovered and tested with satisfactory results.

Samples of High-Handed Robbery.

A flagrant instance of robbing the consumer may be found in connection with the mains. Some years ago new mains valued at about $700,000 were put in. The life of mains is twenty years. The company charges 5 per cent. annually against earnings for repairs of mains, which amounts to $35,000. It also writes off $20,000 a year for depreciation of mains, making $55,000 in all, and in twenty years it obtains for repairs and depreciation a total sum of $1,100,000, which is $400,000 more than the original cost.

Besides, the mains are becoming less valuable every year, but the amount for depreciation and the 5 per cent. for repairs is charged as if they were worth the original value, $700,000, and in the last of the twenty years, when the mains are about dead and worthless these amounts are charged on the original value when the mains were first purchased. In addition to this, entirely new mains, owing to reduction in cost of material could at present be purchased for $400,000, but the company ignores this fact and continues charging on the old original value of $700,000. Another example of defrauding the consumer may be found in the fact that the company makes no distinction between destructible and indestructible material—charging alike for depreciation and repairs of both kinds.

Rotten Bookkeeping.

The whole system of book-keeping is rotten; and shareholders will ultimately suffer for the bad management as consumers have already done. Far better for all parties had the company honestly lived up to the statute 50 Vic., chap. 85, instead of resorting to all manner of sharp practice to evade and defeat it. Here is another proof of the truth of the old adage which Mr. Pearson has often spoken upon: that honesty is the best policy.

Why was not that construction put upon the Act which Mr. Justice Ferguson has just held to be right? Who is responsible for disobeying it and bringing all this trouble upon the company?

Are the Aldermen Straight?

Now, do Ald. Lamb, McMurrich and Scott really believe that if the company simply grants a 15-cent reduction all complications and matters in dispute will be finally and satisfactorily settled and adjusted? Every allowance must be made for aldermanic ignorance and stupidity; still there are a few simple facts that are not too big for the limited capacity of the aldermanic brain. The World, taking pity upon aldermen, explained and elucidated in its special articles some matters the company had purposely hidden and complicated—making them so easy and simple that Mr. Pearson on reading the special articles at once thought of the text, "That a wayfaring man, though a fool, need not err therein."

As to some details the ignorance of aldermen is inexcusable and is passing strange. But there are none so blind as those who do not want to see. If aldermen persist in fighting for the company, what conclusion must irresistibly be forced upon the minds of citizens?

Rushing the Report Through.

This action is one of the most complicated and technical ever before the courts. Why was not Mr. Christopher Robinson's advice obtained when the sub-committee were conferring with the company? But did not some members of the committee confer with the company's own solicitors? The committee's report was very meagre. No reasons were given for its adoption. Mr. Christopher Robinson's opinion should have been annexed to it. It was rushed through in a hurry.

Are all the overcharges and diversions of money since 1887, of which Judge Ferguson holds the company guilty and directs accounts to be taken, to be condoned? Ald. Lamb says the money cannot be recovered. But the sheriff of Toronto with an execution against the directors could levy the amount in twenty-four hours.

No Protection Against Future Robbery.

No restrictions or guarantees are mentioned binding the company to continue granting even the paltry reduction of 15 cents. It can increase the price next year. It can continue disobeying the statute 50 Vic., chap. 85, and refuse to form the funds. Consumers are not protected against future frauds and sharp practice. Its promises are utterly worthless. The contract solemnly embodied in the statute it not only broke but never pretended to keep. Any other promise would meet just the same fate. But aldermen are not such imbeciles as from their actions they lead the public to believe. They want to help the company.

Ald. Scott does not see much in the judgment, as in his opinion it merely directs a number of accounts to be taken. But the spectacles he wears do not alter the judgment. His opinion conflicts both with Mr. Justice Ferguson and Mr. Christopher Robinson. The company fully realizes what the taking of the accounts means, and will never, if it can prevent it, allow it to be done.

Ald. Lamb's Indecent Conduct.

Ald. Lamb says there is nothing wrong about money being put in plant. Perhaps not, where the plant is necessary and the money has not been illegally diverted. But this does not hold good where money has been sunk in a vast, idle and useless plant—drawing 5 per cent. annually for repairs and additional sums for depreciation—especially where it should be in debentures to the credit of certain funds cheapening gas. But as he is a shareholder, the company holds him where the wool is short and it is highly indecent for him to take any part in the dispute. No doubt he wants the action settled as, if continued, it will hurt his stock. But if he prefers keeping up the value of the shares to serving the citizens he ought to resign. He could do good work as a director of the company.

Ald. Hallam gives indications of no surrender and of fighting for the consumers. If he persists in this good work citizens will not forget him next January.

Is There to be Another "Boodle" Investigation?

The aldermen friendly to the company use the same arguments and the identical words that are used by the company's own lawyers. They have evidently been coached and inspired and taught what to say.

Before the echoes of the "Boodle" investigation by Judge McDougall in connection with the street railway franchise have quite died away, will it be necessary to start another such investigation as to aldermen's dealings with the Gas Company?

SELF-DENIAL WEEK.

The Salvation Army's Annual Effort to Raise a Fund to Assist the Fallen.

The Salvation Army is all alive and actively engaged in preparing for its annual self-denial week, which takes place throughout Canada from Nov. 30th to Dec. 7t inclusive.

Large sums of money have been raised in past years, and it is a wonderful testimony to the Army's development and activity. Each member of the Army, as well as the friends of its many social institutions, is asked to abstain from all luxuries, and in many cases officers and soldiers have actually determined to do without certain articles of food which are ordinarily considered necessary in order that, by their acts of self-denial, they may add financial support to the Army and its many branches of work.

A new feature has been introduced this year, which consists of a prettily designed sack, hundreds of which will be scattered throughout the country among friendly farmers and others, who will have the opportunity of filling the same with any kind of grain they may feel disposed to give. All the proceeds raised from the sale of the grain are to be donated to the self-denial fund. It is the object of the Army to raise the sum of $35,000 this year.

Here's an Important Item.

Has it occurred to you how easy, comfortable and convenient it now is to take a day trip from Toronto to New York; if not, just a moment, while we tell you. You can leave Toronto every week day at 9.05 a.m., get a through parlor car to Buffalo without change, via the Grand Trunk and New York Central; reaching Buffalo at 12.30 p.m. Leave on the Empire State Express from the same station, via the New York Central at 1 p.m., stopping only at Rochester, Syracuse, Utica and Albany. The many advantages of this trip are that you go through pleasantly and quickly with only one change of cars from Toronto to New York. Avoid night travel. Land at Grand Central Station, the centre of New York. Ride on the Empire State Express and the New York Central, which is, and always will be, America's greatest railroad. You can buy tickets through via the New York Central at any regular ticket office. For any information desired, not obtainable at such offices, address Edson J. Weeks, Central Agent, N.Y.C. & H.R.R. 1 Exchange-street, Buffalo.

Provincial Appointments.

The following appointments have been made by His Honor the Lieutenant-Governor:

Stanley Clarke Warner, of Napanee, barrister, to be county attorney and clerk of the peace for Lennox and Addington counties, vice A. L. Morden, deceased.

Thomas Brown Lafferty, of Orillia, to be police magistrate of that town.

Norman St. Clair Gurd, of Sarnia, solicitor, to be a notary public in and for the Province of Ontario.

Peter Mitchell, of Lindsay, to be a bailiff of the Fifth Division Court of Victoria county.

Letters patent have been issued to the Lincoln Street Railway Traction and Light Company, Ltd., capital stock $90,000; The Brantford Operating and Agency Company, Ltd., capital stock $50,000; The Brockville Electric Street Railway Company, Ltd., capital stock $200,000.

The Provincial Secretary has issued orders that intending candidates may be permitted to examine the regulations and forms of applications for an examination of candidates for the civil service at India, at his office.

A Desperate Prisoner.

Thomas Carlyle, age 23, a young man who resides in Richmond-street, but refuses to say where, was arrested on Saturday, charged with the theft of a pocket-book in St. Lawrence market from a Mrs. Thomas.

Carlyle was locked up at Police Headquarters, and at about half-past 8 in the evening he made a desperate attempt to escape and was very nearly successful. He broke the wooden bedstead in his cell and using part of it for a lever forced out one of the bars, and had just got out through the aperture when he was caught by Sergeant Hales, who was making his rounds. Carlyle was again locked up on a charge of attempting to break jail.

The prisoner is a son of the York-street livery stable keeper.

The Mice Must Play.

While Mrs. Palmer and her family, who reside in a cottage at 43 Brookfield-street, were at church last night their house was discovered to be on fire. A still ialarm to Dundas-street section brought the firemen, who extinguished the blaze after the place had been damaged to the extent of $50. The origin of the fire is supposed to have been "mice and matches."

THE HYAMSES ACQUITTED

Continued from page one.

the saloon later on? It would appear almost impossible that there could have been these visitors, for we find when Miss Lattimer comes the doors are locked; we find that care was taken in that way and we find that the news of the occurrence did not spread; did not even reach White's office, adjacent to 11 King-street, till about a quarter to one.

The blood on the clothes of Dallas and Harry was also referred to by Mr. Osler, who said that in all fairness to the prisoners it must be said that this was compatible with the theory of accident. The wounds on the face were dealt with and the attention of the jury drawn to the utter failure by the defence to account for the glass in the wound over the right eye. Great stress was laid upon the evidence showing the existence of the wound over the left eye.

Re the Medical Testimony.

"The defence say," said Mr. Osler, "That we did not ask the medical experts about it. We did ask the medical men about it and their evidence shows that if that wound was due to violence, it was not inflicted by the weight."

The jurymen were reminded that the medical evidence for the defence did not clear the prisoners of the charge of murder. All the doctors agreed that there must have been two blows. The boy beyond doubt was unconscious when he received the crushing blow. Upon this one great central fact al lagree. Dr. Cameron says that upon the assumption that the men were innocent, the theory of the defence was a possibility and not a probability. "When it was reduced to a possibility you must look at the light of what went before and what followed after, and then see if you can take that possibility in.

"Is it possible," said the counsel, "that by an accident, almost a miracle, should take place just at a happy time for these prisoners, or are they the despairing suggestions of men with their lives at stake? You must read the mechanical and medical expert in the light of what preceded and followed the death."

Time Cuts but Little Figure.

In speaking of the knock-down blow, Mr. Osler asked if a blow from an ax, engaging with the internal angular process would not cause the fracture found there, and break in the malar bone. All say there was a knock-down blow, and the method of it is immaterial. The question of time was not important, as in this case a man mould be alive in one minute and dead the next. The time between life and death could be counted in seconds. The sounds heard by McCarthy might be expected when the skilful murderer was at work. "I would expect," said Mr. Osler, "to find the skilful murderer going upstairs to drop the weight and the cage so as to make a noise."

Dallas' Conflicting Stories.

"Dallas never claimed he was at the barber shop or at White's," Mr. Osler said, "but when pleading women asked to know how it happened he tells them, 'I was there; I heard it fall; I went down; the weight was on him; I fainted.' They want you to believe this. Is that an answer to it? Does not it stamp the evidence that the defence have brought as to the time and movements of the prisoners with more than doubt? Before we analyze what should be done with these witnesses let us see just what the statements made by the prisoners were; let us take the hook. To Dr. King H. P. Hyams stated that deceased had been struck by the weight and they had got the weight off the head. The accident occurred apparently when H. P. Hyams was there; according to Dr. King, the weight had come down the shaft, and they had taken it off. He says they had explained to him the hoist was out of order, and that the weight had been caught, and fell and struck him on the head; he attempted to get him out from under the weight; can't say whether he said 'me' or 'my brother' or 'we'; only three were present; Dallas said 'Thank God, you have come'; H. P. said at my office he did not think he was dead; whether 'we' or 'I' was used is vague; might have used either. Humphrey remembers H. P. Hyams telling him the weight had fallen from the shaft and struck Wells, and that it had come off the hook and struck him when he was looking up the shaft. H. P. Hyams heard the weight fall"

Harry Also as a Versatilist.

Mr. Osler read the different statements made by Harry Hyams as to the discovery and how the accident occurred, and it was pointed out that none of these did Harry Hyams deny being there when the accident occurred.

"Just consider these statements, which are of the utmost importance in this case. Are they consistent with the evidence the defence set up? Are they consistent with an alibi set up? Are they consistent with the absence of the prisoners? To three witnesses H. P. Hyams said he was there. Wherever Dallas speaks of it he says he was there Both were there and heard the crash; Dallas at one time fixing the weight and it drops; Dallas at another time writing in the office, and heard the crash; H. P. Hyams at another time in the office, and runs out after hearing the crash and meets Dallas on the stairs. By these things you test and determine between guilt and innocence. Were they there? Both have said they were. Did they hear the crash? Did it happen when both were there? Both have said so. Then what possible weight can you give to the evidence of those brought here to suggest that they were not? Can you waive for a moment McCarthy's evidence as to time? My learned friend says I cross-examined McCarthy unduly, but I cross-examined him with a knowledge of what these men had said, and with a knowledge that was inconsistent with McCarthy's story. If it was the weight he heard fall, then was it the weight Dallas or H. P. Hyams said they heard fall? Was it the weight they or either of them started?

McCarthy is Touched Up.

"McCarthy's evidence, as I said last night, may be all true, excepting the putting on or the putting back of the clock. Was he fairly tested on these matters? How does he show up in the witness-box? The man who had had a good situation for a long time and a man who is apparently going down hill ever since until this summer he is taking short engagements on steamboats running out of Buffalo—a trip on one, a fortnight on another. I cannot show what character a man has got except by cross-examination, and I can't put men in the box to say what McCarthy's character is. I can't put men in the box to say they knew his character or to say they would not believe his statements on oath. But the treacherous witness is the witness on the borderland; the witness who hears a suggestion of the story wanted; who is willing to swear to exact time, when, according to the ordinary memory of man, he could not and ought not to do so, and I fairly tested such men by trying their record. I asked McCarthy questions about his business, but he could not tell me. Now if a man's memory does not help him to remember the strong points, how are you to believe a man who says at that moment I stood with three eggs in each hand.

"I submit to you upon the statements of the prisoners, McCarthy is excluded; I submit to you upon his cross-examination, he is excluded. It is impossible that he should so remember.

Gardipy's Magnificent Memory.

"Take Gardipy as another. He was gone as a witness for the defence when he said he took out his watch, and it was 8.35 when Harry sat down in that chair that morning. He was gone as a witness for the defence when he said he took out his watch and it was 5 minutes to 9 o'clock when he left. There was nothing to identify H. P. Hyams with that death till two years after; there was nothing to make Gardipy remember that fact as he gives it. He might just as well say he timed every customer he shaved, and he could pick out men for years and years and say he knows.

"How can Rammage swear to the time? Rammage swears apparently to what Horn suggested at the first interview; he asks him to come back; Horn makes his suggestions and statements, and when the second interview takes place the accommodating memory of Mr. Rammage had spanned the trouble and come to the exact time.

Dr Aikins Was Remiss.

"Dr. Aikins," Mr. Osler submitted, "was manifestly trying to justify himself for not holding an inquest. He should have thought that the doctor would have taken a different course, having regard to the fact that he was not in possession of the full facts. The evidence of the Prestons was not believable, because it was not consistent. At one court he fails to mention several matters which after he gets more light, and has a better understanding of what was wanted, are perfectly clear in his memory. Then came the tests of the Wednesday following, when according to the evidence the office was locked. They said that Crone was there; why was Crone not called? Wouldn't he say what friend White has said?

Mr. Osler's Last Remarks.

In conclusion Mr. Osler said: "I have done what I could to present these facts to you on the part of the Crown; we have done all that could be done to bring light on this transaction; the defence, as was their right, hedged themselves behind all the technical rules of the present law. It was their right. Our criminal law has been built up from age to age, and the prisoners are hedged in by technical rules made by judges at times when every excuse was made to let the prisoners off because the punishment was greater than the crime than when men were hanged for larceny and minor offences; rules—merciful rules—were built to protect men, when judges were more merciful than the law, and these rules remain. Aids to the defence; aids they are entitled to; limits of the Crown's right which must be observed. But with all these difficulties, what has the Crown done? Have they brought this home to these prisoners? The Crown has done all in the enquiry as to this young man—unknown, with few friends—they have done all that could be done if it was the death of the highest man in the land being enquired into. Each life of each subject is just the same value to the Crown. The Crown also looks upon it as most important at this time that if there is an appearance of murder for insurance money, it should be stamped right out. It is one of the most horrible forms of murder; it strikes at the sanctity of families; it is only by the insurance being upon the life of one of the family, the wife, the husband, the sister or brother; it is only in that way the profit can be made; that murder insurance can be successful. So it strikes at the very domestic hearth; the worst kind of treachery, murder. There is a temptation to insure; there is a pressing by flocks of agents all over the country—more for their commission—taking all sorts of insurance; endeavoring to get the benefits; giving plausible reasons why amonts are required. All these things are a sort of danger to the community and this truly teaches no other lesson—it teaches that there are those who seek to make money in this way and that the utmost effort of the Crown will be made to follow them up. I am not asking you for these reasons to press the evidence unduly against the prisoners; they are entitled to the benefit of the doubt. The benefit of the doubt means this and this only: That the Crown has failed to bring the matter home; no more. When it comes home to you as a conviction that there is, guilt, that is the result of the evidence upon your minds. When that comes to you as the result of the evidence, you are bound to give effect to it. Your verdict is, if guilty, of the most serious results to the prisoners; but bear this in mind that the law provides, beyond the verdict of the jury, how men found guilty of murder or capital offences shall be treated; the law provides in case of a verdict of guilty that the learned judge who presides shall report upon the case; the law provides that all the evidence that has been taken shall be submitted to the Ministers of the Crown and shall be passed upon by the Governor-General in council; and until that is done no man's life is taken. No doubt you have a great individual responsibility in passing upon the evidence; it is a responsibility you must accept; it is a duty you must perform. No duty can be higher. But you cannot be terrorized by threats of legal murder; you cannot be terrorized by the consequences; you must administer the law as you find it; the facts must be given full weight. The moment jurors do that, that moment the courts of justice become a mock, and people take the law in their own hands when crime is committed. No, gentlemen, the lives of these men are to a large extent in your judgment. I seek not their lives; I seek only that you should give effect—honest effect—to the evidence; you must give weight to every detail. No man does his duty who says this case is too complicated, because then the man who chooses to complicate his acts is sure to get off.

"You have got to follow it in all its complications; you have got to take their financial condition; all the acts of preparation; you have got to take the medical and mechanical evidence; you have got to take the supposed evidence of alibi; you have got to take the results, the fruits of the crime, coming to them; take all these things into your consideration, gentlemen, and simply do right."

His Lordship Begins His Summary.

At 12.20 His Lordship began his address as follows:

"The counsel on both sides of the case have come to the conclusion of their labors. The time has come for me and you to commence the performance of our duties. I need not tell you the case has lasted a very long period, and very many kinds of evidence have been given. However, all has to be dealt with. You are supposed to recollect every detail of the evidence; you have to probe as well as you can all the evidence. It is quite true you cannot in an off-hand way perform your duties by saying the case is too complicated, but you are to examine and see whether or not the case has been proved against the prisoners beyond a reasonable doubt before you can find them guilty. I wish to call your attention to some remarks made by counsel.

The Warehouse and Insurance.

Starting on the presumption of innocence, His Lordship referred to the accusation of the Crown, that there was evil intent in the minds of the prisoners for a long time previous to the death of Wells. His Lordship reviewed the mercantile agency, which was carried on before Wells and Aylesworth were engaged, and asked if the logic of the Crown was in any way reasonable.

The engaging of the warehouse was at the instance and advice of Lane and Palin. "It is easy for the finger of accusation to reach too far. Are you prepared to say that this warehouse was taken with murderous intent, as a cloak for villainy and dark deeds?"

In dealing with the insurance phase of the question, His Lordship strongly emphasized the evidence which showed the prisoners were strong believers in endowment insurance. The heavy policies on the life of Dallas were quoted in support of this.

Money Not Necessarily a Consideration.

At the opening of the afternoon session His Lordship reverted to the alleged motive. "Admitting that the prisoners got more than $22,000, is that any reason why these men should be condemned? These men were in sore need of the money, it is true, but may Wells not have been killed by an accident, or in an ordinary case, some person else might have killed him?"

His Lordship then pictured the events of the morning of death, following the order suggested by the defence, from the time Wells left the house until his discovery in the basement by Harry Hyams. He assumed Wells, in wishing to start the fire, going to the basement for the coal, the hoist is at the top flat and the weight in the basement; Wells wished to get the cage to the bottom, starts working the rope, the weight catches at the first floor, Wells looks up and in doing so receives his death blow. When Wells was so careless in working the hoist, it was not in any way surprising to hear of an accident. The stories of the barbers on the question of time were spoken of as being worthy of belief for many reasons, and showed that the prisoners were on that morning

Continued on Page Four.

—DIAMOND HALL—

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