

ELECTRIC RAILWAYS.

A Halifax Sunday Case.

In November last an information was laid before the Stipendiary Magistrate of Halifax, N.S., by J. Grierson, charging the Halifax Electric Tramway Co. with having procured T. Burgess, a motorman, to perform servile labor on Sunday, Nov. 21, by driving, managing, guiding, controlling & operating a tram car propelled by electricity & owned by the Co. for the conveyance of passengers. The Co. applied to the Supreme Court for an order to prohibit the Magistrate from hearing the case, on the grounds that chapters 57, 22 & 32 of the acts of the Legislature of Nova Scotia for 1889 are ultra vires, & not within the powers conferred upon the Legislature by the B.N.A. Act; & that the Magistrate had no jurisdiction, either at common law or by statute, to hear or determine the charge. Justices Ritchie, Graham & Townshend agreed in favor of the defendant's contention; Chief Justice McDonald dissenting. A writ was granted to prohibit the Stipendiary Magistrate from hearing the case. Borden & Chisholm for the Informant; Pearson & Covert for the Tramway Co.

Judge Ritchie, in the course of his judgment, said: "Chapter 159, Revised Statutes of N.S., 3rd series, being part of the criminal law, the Local Legislature of Nova Scotia had, in my opinion, no power to alter or amend any of its sections, & any legislation purporting to have that effect is ultra vires the Local Legislature. I wish to be distinctly understood as giving no opinion as to whether the Local Legislature could or could not, by any legislation, prevent the performance of servile or other labor on Sunday; but I think it cannot be done in the way attempted—that is, by trying to amend the criminal law. The Stipendiary Magistrate for the city of Halifax should be prohibited from convicting the Halifax Electric Tramway Co. from any breach of the acts of the Local Legislature of N.S., purporting to amend chapter 159 of the Revised Statutes of N.S., 3rd series, or any act in amendment thereof."

Judge Graham, in the course of his judgment, said: "Coming to the amendments I suppose the Province might pass legislation in regard to this matter, & perhaps secure the same end under the head 'property & civil rights' or some other head. But it appears to me that the Act, 1891, cap. 32, is not an attempt to do this. It is a bona-fide attempt to amend by adding sections to an act which I have just endeavored to show is a part of the criminal law. The 1st section expressly says so. Moreover, the person who offends by employing, hiring or procuring his employee to perform servile labor is declared 'guilty of performing servile labor on Sunday within the meaning of the second section of this act,' i.e., the principal act. It is an attempt to deal with the criminal law—to make an offence equal to a crime that the Parliament of Canada alone could create. In my opinion the prohibition ought to issue to prevent the prosecution from proceeding under these supposed amendments."

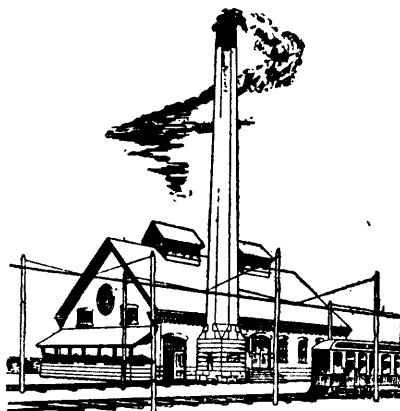
Chief Justice McDonald, in his dissenting judgment, said: "I have endeavored to show that the Stipendiary Magistrate of Halifax has jurisdiction to inquire into & adjudicate upon a charge of an alleged violation of the principal act, & that the amendments mentioned do not affect that jurisdiction. The charge is that this defendant corporation procured & hired persons to do servile work for them & in their interests on the Lord's Day. I think the Stipendiary Magistrate of Halifax has jurisdiction to adjudicate upon that charge, & that consequently this application should be refused with costs. I am not sorry that I feel obliged to come to this conclusion. The Parliament of Canada has made no provision with a view

to enforce abstinence from ordinary labor & occupation on the Sabbath, leaving the subject in the case of N.S. to be dealt with by the Local Legislature; & I should be sorry to see the sanction which our statute gives to the sacredness of the Sabbath withdrawn."

In response to an enquiry, Pearson & Covert, who represented the Tramway Co., write THE RAILWAY & SHIPPING WORLD: "We have an old Act in existence in this Province which was a Nova Scotia Act before Confederation. This states that any person performing servile labor on the Lord's Day shall be fined. It was quite clear that 'person' mentioned in this Act did not mean a corporation. So certain persons here, who constitute the Sunday Observance Society, had our Legislature pass certain laws since Confederation. These are chap. 57 of 1889, chap. 22 of 1890, & chap. 32 of 1891. These chapters are stated to be amendments of the old law. Our argument was that the Sunday Observance Law, in force before Confederation, was part of the criminal law of the Province, & had been regarded as the criminal law since the days of Charles II., when the 1st act on the subject was passed, & that our Legislature had no authority to amend this old Act, because it formed part of the Criminal Law of Canada by reason of section 129 of the B.N.A. Act. The decision went on the point that this was an amendment of the Criminal Law."

A Hamilton Power House.

The Hamilton Radial Electric Ry. Co.'s power station, a view of which is given on this page, is erected on the Hamilton Beach near Burlington, & is the most substantial building of its kind erected anywhere in the locality of Hamilton. The building was designed & erected under the supervision of Charles Mills, architect, of Hamilton, & stands as a monument of first-class construction in every way. The soil on which it stands was not of the best for a structure of this nature, it being a very heavy building for the purposes for which it was required. The size is 53 ft. 9 in. x 99 ft., & all of press bricks made at Beamsville. The foundation walls are also of press brick, & the footings are in 2 courses of 10 in. thick, each of concrete.



The roof is slated with Rockland slate & is carried by 7 large trusses. The lantern sashes on top are operated by a special device from below, & are so arranged to work that the wind cannot penetrate. The winds that sweep this building are at times terrific, the location being between Hamilton Bay and Lake Ontario. The chimney is 108 ft. 3 in. high, & is also of press brick. The base is 16 ft. square & the top on the inside 4 ft. There is one thing that speaks well for the construction of the whole building, & that is, not a single crack of any description has appeared at all in the work.

The station supplies current for 9 miles of

road, & in it are two 15x28x34 L. H. Tandem Wheelock engines & 2 Canadian General M.P. 4-200-450 dynamos & 3 steel boilers, with room for 1 more engine & 2 more boilers if necessary. The fly-wheels are 16 ft. 6 in. in diameter, & 26 in. face. The total cost of the building was \$10,000.

Electric Railways in Canada.

Electricity was first used as a motive power in Canada in 1883. A short piece of track was laid on the grounds of the Toronto Industrial Exhibition. The motor did not "mote" to any extent, owing to the dynamo used on the car, a double armature one, with only one pole piece to each armature. The following year, 1884, produced the first practicable road. In comparison with the modern electric car it would be thought a crude affair, but it "got there," though with the expenditure of a considerable amount of fuel & supplies. The current was taken from copper slips laid in a wooden box between the rails. In 1885, the track was lengthened & the overhead wire & trolley-arm used. In 1891, the possibility of combating the real old-fashioned winter in the deep snow area which includes Quebec, Montreal & Ottawa, was successfully demonstrated by the Ottawa Electric Ry. Co. Montreal followed in 1892 & Quebec in 1897.

In 1896 there were 30 railways in Canada, the motive power of which was electricity, with 569 miles of railway & an equipment of 947 motor cars, 360 trailers, 62 sweepers & 1,315 motors. The number of miles run during the year was 22,772,631, & the number of passengers carried was 73,972,414, giving 3¼ passengers carried to each mile run.

The first city in Canada & in the world to have established in it a special electric heating service from a central station was Ottawa. Electric mail cars were first used in Ottawa on Nov. 9, 1893, to convey Her Majesty's mails from the central post office to the railway stations. In July, 1886, the streets of Montreal were first lighted by electricity. In 1888, the first incandescent lights were supplied. Electric light was first used in Montreal in 1877, by the Harbor Commissioners. Electric power was first supplied for canals in the Dominion at Sault Ste. Marie (Canadian side) in 1895.—From Alphabet of First Things in Canada, by Geo. Johnson, F.S.S.

A Railway Advertising Suit.

An action was recently tried before County Judge Morgan, in Toronto, in which the rights of advertisers were discussed. The Toronto Ry. Co. sued the King-Jones Co., of Toronto, for \$200, balance due on an advertising contract. The defence set up that the Ry. Co. had not performed its contract, & that the contract had been cancelled, & the defendant demanded a jury. Judge Morgan decided against its right to a jury. It was shown in evidence that all the cards received from the defendant had been placed in the cars, & careful & systematic records were put in evidence, proving conclusively the case of the Ry. Co. The members of the defendant Company, although they had previously made affidavits that the cards were not placed in the cars, & that the contract had been cancelled, declined the issue & refused to give any testimony in their defence, & judgment was immediately given for the Ry. Co. for the full amount claimed & costs. The Judge intimated that the evidence of the Ry. Co. was very conclusive. It was suggested for the defendant in cross-examination that some of the conductors might have taken down some of the cards for coal shovels. This was denied, but the Judge intimated that unless such a course of conduct could be shown to have been approved of by the Ry.