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\$90 PER FOOT
Bloor-street, near Walmsee-road, choice
corner for physician, cheapest lot in this
district.

H. H. WILLIAMS & CO.,
Realty Brokers, 28 Victoria St.

PROBS—Fair to-day; snow or rain in some
localities on Wednesday.

**NOT BOUND TO
CATARACT**
Hamilton's Contract for Power
is for This Year Only
and Next Year's Board
is Free to Deal With
Hydro-Electric
Commission.

"THE CONTRACT EXPRESSLY
PROVIDES THAT THE CORPORATION
SHALL NOT BE BOUND TO
INCUR ANY DEBT OR OBLIGATION
FOR ITS PURPOSES."

Justice Anglin in giving judgment on
the suit to quash the Hamilton bylaw
authorizing a contract with the Cata-
ract Power, Light and Traction Com-
pany, puts his finger on this clause in
the contract and intimates that the
city will be under no obligation to
pay should the council for 1909 deter-
mine otherwise. This is what he says:

"If the municipal council of the
year 1909 should refuse to vote
money out of the revenues of that
year to pay for electric energy un-
der this contract, then, having re-
solved to clause 31, I am unable to
see what obligation there could be
on the part of the municipal cor-
poration to take or to pay for such
electrical energy, and unless there
is that obligation, there could be
no liability in damages for failure
to take and pay for it."

He dismisses the action, however,
which James Smith brought to quash
the bylaw.

"I merely desire to say with great
respect," he states, "that while the
hydro-electric legislation requires that
municipalities should obtain the ap-
proval of the electorate before enter-
ing into contracts with the commis-
sion, I entirely concur in the view that
the passage by the council and the ap-
proval by the electorate of the bylaws
62 and 77 did not oblige the council
to enter into the contract authorized
by bylaw 625 with the hydro-electric
power commission, and that the ex-
istence of these bylaws therefore pre-
sented no obstacle to the passage of
bylaw 715 or to the making of the con-
tract which it purports to authorize."

"The result in my opinion is that
the city has not by this contract
bound itself to take from its con-
tributants electric energy for any
year after 1909, and that the municipal
council for each subsequent year dur-
ing the term of the contract shall pro-
vide in its estimates for the expendi-
ture necessary to pay for electric
energy to be supplied in that year."

**Hamilton is Pleased
With Court Decision**
HAMILTON, Dec. 28.—(Special.)—In-
terviewed this evening as to the de-
cision of Justice Anglin in the power
suit holding that the council is not
bound to take power from the Cata-
ract after Dec. 31, 1909, Hon. J. S. Hen-
drie said:

"The decision does not, in my opin-
ion, mean any loss to the city. If the
people want hydro-electric power, all
they have to do is to say so."
Mayor Stewart was delighted with
the outcome of the suit. He said:

"With the exception of the cost of
a clear-cut victory for the friends of
hydro-electric power. It means that
the council of 1909 is at liberty to sign
a contract with the hydro-electric
commission and is not liable to the
Cataract Company for damages if it
does so. It is of greater importance
than ever now that the municipal
council should be elected next year.
We do not want any bigger victory
than Justice Anglin's decision."
Ald. Bailey, Conservative candi-
date for mayor, said:

"The decision means that if a hydro-
electric council is elected next year we
can get hydro-electric power. I am
going to do everything and work just
as hard as I can for that end. I am
delighted with the result."
Ald. McLaren, the other candidate
for mayor, expressed satisfaction with
the decision. He believes that it
leaves the council free next year to
close with the hydro-electric commis-
sion.

"And I'll be where I've always been,
right to the front in fighting the cause
of competitive power," he added.
The Allen St. labor M.L.A. for
East Hamilton said:

"As I understand the decision, it
leaves the council free next year to
close a contract for government pur-
poses. What we have to do now is to
watch the men we elect to the coun-
cil. Labor will vote almost solidly
for the hydro-electric candidates, for
that Cataract Power Company sticks
in the nostrils of the labor men on
account of the street railway strike,
and the way it seeks the small con-
sumer of light and power."
Ald. A. J. Wright, one of the mem-
bers of the council who took a leading
part in the fight to break up the Cata-
ract's monopoly, said it was the best
news he had heard in many a day.
The contract signed by the council
last July meant that the city was
settling power at \$16 a horse-power for
its use, the company had a monopoly
as far as the public was concerned,
and was charging as high as \$109 a
horse-power.

Ex-Ald. Michael Kennedy was an-
other who heard the decision with
great satisfaction. Among the forty
old alderman candidates, almost two-
thirds are running on the hydro-
electric ticket, and there was general re-
joicing among them when the decision
was announced, and corresponding
gloom among the aldermen and candi-
dates who are supporting the local
company.

The Toronto World.

Twelve Pages—Tuesday Morning December 29 1908—Twelve Pages

UNDER FALSE COLORS.

The Globe of yesterday says Ex-Ald. Thomas Davies may be the mayoralty candidate of the anti-reductionists. That may or may not be; but The World has no hesitation in believing that Controller Spence is the friend of Robert Fleming and the Toronto Railway, who are trying to get him into the council under the guise of license reduction. He can't get into the council on his record on public ownership or on his alliances with Mr. Fleming; so this subterfuge of license reduction was invented.

The people in their vote on Thursday will settle the question of license reduction; the main issue before the electors is to get men in the council who are for public rights all the time and for public ownership of the street railway.

The newspapers that speak for the electric ring are all out for Mr. Spence because he is a license reductionist. They conveniently withhold that he is friendly to Fleming!

SOUTHERN ITALY DEVASTATED BY EARTHQUAKE; SICILIAN CITY INUNDATED BY TIDAL WAVE

Town of Messina Partially Destroyed and Catania Flooded—Thousands of Lives Believed to Have Been Lost.

ROME, Dec. 28.—The three Provinces of Cosenza, Catanzaro and Reggio di Calabria, composing the department of Calabria, which forms the south-western extremity of Italy, or "the toe of the boot," were devastated today by an earthquake, the far-reaching effects of which were felt almost throughout the entire country. The town of Messina, in Sicily, was partially destroyed, and Catania was inundated. In Messina hundreds of houses have fallen, and many persons have been killed.

The fate of entire regions within the zone of the earthquake is unknown, but reports received here up to a late hour to-night indicate that the havoc has been great, and the destruction to life and property more terrible than Italy has experienced in many years. The uncertainty of the situation has filled all Italians with the deepest dis-
trust that they still have fear that the day may come when that part of the country, which seems to have been most blessed by nature, will be destroyed by the blind forces of that same nature which nearly nineteen centu-

C.P.R. TO BUILD GOV GANDIA TO GOWGANDA

Asks No Subsidy for Line From Sudbury to New Silver Field in Northland.

MONTREAL, Dec. 28.—(Special.)—Herald this afternoon says: "It was learned to-day on good authority that, although no actual decision had been arrived at, there is every probability of the C.P.R. building a railway to Gowganda, the new silver field towards which prospectors are being drawn from all parts."
"The C.P.R. is prepared, it is said, to construct the road without a subsidy, from its system at Sudbury, which would run in a northeasterly direction into the heart of the new silver country by Gowganda, Miller and Everett Lakes, Oshkosh and Hanging Stone, where thousands of stakes have been driven."

SYRIAN PEDLAR SHOOT HIS BROTHER AND COUSIN

Had Demanded Money, and Being Refused, Opened Fire—Victims Will Die.

HAWKESBURY, Dec. 28.—(Special.)—J. M. Assaly, merchant, of this town, was fatally shot here to-night about 6.30 by his brother, Salem Assaly.

WILKINS WILL APPEAR

SIMCOE, Dec. 28.—The trial of Chief of Police Malone, for attempting murder of Constable Wilkins, will begin to-morrow. Wilkins is well enough to appear.

Killed by Falling Tree.
PORT ARTHUR, Dec. 28.—(Special.)—James Ladona, aged 22, a Galician, was killed by a falling tree at Greer camp, on the Duluth extension on Wednesday.

A MATTER OF TASTE.



"Sister" Spence: They're too large for him and should be cut down. City "Father" Father: Tut, tut, gir-r-r-r; isn't the lad growin' an' fillin' out all the while?"

WEST TORONTO MAN IS MANGLED BY YARD ENGINE

William George White, C. P. R. Car Repairer, Found Dead Beside Track.

WEST TORONTO, Dec. 28.—With his legs and body festively mutilated by being run over by a yard engine, William George White, 272 Maria-street, a C.P.R. car repairer, was found dead on the tracks north of Pacific-avenue about 10.30 to-night.

Hostler Found Dead Standing in His Room

Michael Holleran Wedged Between Dresser and Wall and Suffocated.

ST. THOMAS, Dec. 28.—(Special.)—Michael Holleran, hostler at the Duke House, was found dead to-day standing in his room.

EMINENT AMERICAN SCHOLARS GATHERING

Archaeological Institute and Philological Association Open Annual Convention.

Toronto has been honored thru its university in being selected for the joint meeting of the Archaeological Institute of America and the American Philological Association. Yesterday's proceedings in the physics buildings gathered together some eminent men, and more will be added to-day, the sessions being at 9.30, 2 and 3.15. The meetings continue till Thursday afternoon.

STRATHCONA TO STAY IN LONDON OFFICE

Postmaster-General Says There's Not the Slightest Possibility of His Retiring.

MONTREAL, Dec. 28.—(Special.)—"Great Britain not only rules the seas, but she rules the world," was the statement made to your correspondent this evening by Hon. Rodolphe Lemieux, who recently arrived from London, where he has been negotiating with the imperial authorities on the cheap cable proposition.

DRASTIC LIQUOR LAW FOR SOUTH AUSTRALIA

Bill Proposes to Close Bars on Election Day and Holidays—Traveler Defined.

(Canadian Associated Press Cable.)
LONDON, Dec. 28.—The Melbourne correspondent of The Chronicle writes that the South Australian Legislative Assembly has just accepted a draconian license law, which will close all public houses on election day and on the most important holidays.

\$20,000 JEWELRY HAUL BY DARING SAFE ROBBERS

Nervy Cracksmen Bore Thru Steel Door in Plain View of Street.

NEW YORK, Dec. 28.—A safe robbery of unusual daring was revealed by Oscar C. Jachet, a jeweler of Third-avenue, whose store was last night looted of \$20,000 in cash and \$20,000 in jewelry.

FIREMAN'S FOOT CRUSHED

Wm. Fleming Thrown From His Seat While Driving Huer Engine.

Wm. Fleming, engineer of the big engine at Portland-street Fire Station, had his left foot badly injured yesterday afternoon. He had taken the driver's seat in turning out to an alarm from Speedwell-avenue and St. Patrick-street, and in turning up the avenue from Queen-street was jerked from the seat, his foot going under the wheels. The engine weighs six tons.

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Parkview Mansions for Rent
Suites in this high-class apartment house can be had from \$40 to \$50 per month, three to seven rooms, bath and toilet.

H. H. WILLIAMS & CO.,
Realty Brokers, 28 Victoria St.

EVERYBODY RUNS FOR MUNICIPAL OFFICE

Hamilton Has Conservative and Liberal Candidates for Mayor, Both for Hydro-Electric Power.

MAYORS OF CITIES.
Ottawa—Charles Hopewell.
St. Thomas—George Geddes.
Woodstock—Mayor Saville.
Peterborough—H. Huxford.
Port Arthur—J. Matthews.

MAYORS OF TOWNS.
Nininger-on-the-Lake—J. de W. Rowland.
Ridgeway—J. J. Henry.
Meaford—J. W. Horley.
Chesley—Conrad Krug.
Listowel—Andrew Loersch.
North Bay—Robert Rankin.
Seaford—E. E. Hays.
Ingersoll—George Sutherland.

HAMILTON, Dec. 28.—(Special.)—Nominations for mayor and aldermen took place to-day. Ald. W. G. Bailey, Conservative, and Ald. McLaren, Liberal, were nominated for mayor. Both are hydro-electric candidates.

For aldermen, there were 63 nominated, as follows:
Ward 1—George H. Milne, Ald. Guy, George Cann, Sackville Hill, Thomas S. Morris and W. C. Menger.
Ward 2—W. J. Southam, Ald. Cramer, G. H. Lees, C. G. Bird, Dr. A. E. Wickens, George Webber, and Ald. Francis.

Ward 3—Ald. Nicholson, Edward Morwick, John Fort, Ald. Dickson, C. C. Baird, Ald. Ferguson and Will Applegate.
Ward 4—Aldermen Allan, Clarke and Lewis, W. Ellis, C. L. Ennis and H. N. Thomas.

Ward 5—Ald. Sweeney, Gardner and A. J. Wright, George Hill and M. Kennedy.
Ward 6—W. J. Ryan, Ald. Jutten, Ald. Howard, Dr. Simpson, Jos. Ross, H. A. Martin, and Ald. A. J. Oughran.

OTAWA.
Mayor—Controller Chas. Hopewell (re-election).
Board of control—Controllers Davidson, Mastey and Champagne, Ald. Watson, ex-Ald. Pepper and R. M. Draper.

ALDERMEN—Victoria Ward—Donald J. Harris, William E. Brown, Denis Charbono, Samuel Rosenthal.
Dainville Ward—Edward F. McGrath, William Farmer, George Ross, J. A. Forward, J. H. Slack.
Wellington Ward—Edward H. Hinchey, R. K. Farrow, A. G. Marshall, W. W. Boucher, R. F. Robinson, William Sales, E. F. Day, F. X. Laderoute, W. D. Bartram, Thomas Clary.

Central Ward—Geo. A. Little, Ira Bower, Herbert S. Campbell.
St. George Ward—Wm. Ashe, Walter Cunningham, J. G. Kihl, A. E. Caron.
Bay Ward—Edgar Empey, John Baxter, Eugene Boudillier, A. W. Desjardins, Chas. E. Lapierre.
Ottawa Ward—C. S. O. Boudreau, J. H. G. Carriere, Alphonse Julien, J. A. Pland.
Rideau Ward—Brearr Slinn, Thomas B. McDonald, J. P. Grant, Thomas Brethour.

Mayor-elect Charles Hopewell is the leading temperance advocate of the city. He is a prohibitionist. The temperance party is jubilant.

C.P.R. SUBURBAN TRAIN WILL BE DISCONTINUED

Service Has Been Appreciated and Residents Along Line Are Indignant Over Change.

It is said that the C.P.R. will, on the first of the year, cut off the special suburban train which has been serving the people along the line between Toronto and Brampton since last spring.

The unofficially announced, the word has reached Brampton and intermediate points, in addition to being gossiped among employees at the Union Depot. Much indignation is felt by the people who have been depending on the service in their daily travels to and from the city. To them the C.P.R.'s effort towards supplying a long-felt want were eminently satisfactory, and much appreciated. From appearances the company could have little complaint, as the train was well patronized.

REALIZING THE VALUE

The Phenomenal Sale of Furs at Dineen's Attracts Many Purchasers.

The public is realizing the importance of the big fur sale now in progress at Dineen's, and many people are availing themselves of the opportunities presented. A substantial reduction on all lines of fine fur, in some cases as low as cost and even less than that, cannot but prove an attraction to careful buyers who know they can depend on anything they get at Dineen's, Canada's leading furriers and hatters, Yonge and Temperance streets.