

## THE HAMILTON TIMES

MONDAY, FEB. 15, 1909.

## WHAT SAYS THE CONTRACT.

The Hydro-Electric Commission pays for its current \$10.40 at Niagara Falls, all other items to be added. The city under the contract with the Cataract Company is entitled to order what power it wishes to pay for, at its pumping house and other places at which it wishes, ready for use at \$9 per horse-power per annum.

The above appeared in the Times of Friday. On Saturday the local Ontario Power Company organ characterized it as an "amazing assertion," and intimated that it was not strange that an organ of the jackal class in British Columbia had referred to the Times, which had exposed it recently, as "the most incorrigible newspaper liar in Canada." This is all very terrible, of course.

But let us see just how far the Times' paragraph differed from the facts as shown by the words of the Cataract contract. Section 7 provides for the delivery of the current where the city wishes it, at the city's distributing station. It is not to be delivered at a tension of 110,000 volts or 60,000 volts, or even at 10,000 volts, but stepped down to 2,200 volts.

The contract gives the city a \$16 per h.p. rate metered monthly peak-load measurement, with the option to "at any time" have the right to readjust the amount to be paid "on the basis of 10 per cent. less than the amount that will be charged by the Hydro-Electric Commission" to any municipality west of Hamilton or to the city of Toronto, due and proper allowances being made for any difference in the cost of transmission. Another option is given to the city in these words of section 16:

The city may, if it so elects, install a recording watt hour meter, and take readings therefrom, and should it appear in their interest, may, on notice by resolution of the Council at any time during the first 12 months of the currency of this contract, change the basis of measurement of and payment for current supplied thereunder, to the price of 3/4 a cent per h.p. consumed, the city in such case to guarantee the Company a minimum payment of 75c. per month per h.p. of capacity of transformers connected for the city's supply of current.

By this option the city is entitled to meter its power and by making its order conform to the amount of capacity which it will require the Company to furnish to make the price of its power, 75c. per h.p. per month. And 75c. per h.p. per month is \$0.40 a year. We are not astonished at the Herald trying to serve its masters by seeking to deny the existence of this option; we recollect that when it first gave the terms of the contract to its readers it forbore to remark upon the favorable character of this option, and even went so far as to falsely state that according to the terms of the contract the power was "to be measured according to the yearly peak load," although it had the words of the contract informing it to the contrary before it. The public of Hamilton will understand that the objects which such an organ has to serve by these methods can hardly be in its interest.

## HIS GRACE.

Twenty years are but a span in the history of a church or a diocese, but it can truly be said that St. Mary's Cathedral has changed far more in the score of years since first the present Archbishop came to it as rector, than has His Grace himself. With the advent of His Lordship Bishop Dowling, great progress was ushered into the diocese of Hamilton. It radiated from the Cathedral, and the then Father McEvay was the one chosen by His Lordship for the great work he had in view. It is doubtful if even Bishop Dowling could then foresee how great would be the things accomplished through the earnest endeavors of Father McEvay and Father Mahoney, now respectively the Archbishop of Toronto and the Dean of the Diocese of Hamilton, each with ten years of good work to his credit.

In the pulpit His Grace, as is only natural, is more venerable than of yore, but he speaks with the same earnestness, eloquence in its simplicity and directness. Those who had the pleasure of being presented to him yesterday morning found, and could not but observe, the same bright, beaming, cheerful face of twenty years ago, softened by so many years spent in the service of the Master among people of two dioceses, but speaking kindness and sincerity in every feature. The same firm mouth, the characteristic of a strong and well-rounded face, with the same fine head of short, curly hair, somewhat silvered. But the firmness of the mouth is lost in the brightness and tenderness of the smile that plays over the features when he speaks, and loses itself in the dimpled chin. His Grace of 1909 is so strikingly like Father McEvay of 1880 that time seems to have been lost in its effect upon him, and yet the robes of his high office become him well, and many an honest heart swelled with pride yesterday as the members of his old flock in Hamilton grasped the hand of "Our Archbishop." Truly His Grace's warmest welcome to Hamilton was in the hearts of his people.

## THE TELEPHONE IN LAW.

As civilization progresses and its conveniences increase, there is an increase of legal difficulties, which, from time to time present themselves for solution. The general introduction of the use of the telephone presents some problems as to its status in evidence in the courts. A decision of considerable importance has just been rendered by Appellate Term of the New York Supreme Court, involving the admissibility of telephone conversation as evidence. The particular issue in the case as reported in "Brad-

street's" was as to the terms of orders given by the plaintiff, a customer, to the defendants, his brokers, in the course of a conversation held over the telephone between the defendants' agent and the plaintiff's wife, speaking with his authority. To corroborate the defendants' agent as to what was said proof was offered in the form of the testimony of a witness who had listened to the conversation by the use of another telephone at the defendants' place of business. This evidence was excluded by the trial court as was other proof, to identify the plaintiff's wife as the speaker or show that the conversation overheard was the same as that to which the plaintiff's testimony referred, on the ground that since the witness heard the conversation upon another instrument, in a room other than that in which the defendants' agent was speaking, the evidence was in its nature incompetent. The Appellate Term reversed the judgment below and ordered a new trial. It declared that unquestionably a conversation overheard between parties whose voices are recognized by the witness may be proven, and that there is no ground for distinction in principle between such a case and that of a conversation by telephone which the witness overhears, where the actual connection between the instruments is shown in such wise as to identify the very conversation and the persons holding the conversation are known.

The judgment would seem to follow lines of common sense, always assuming that the recognition of the voice was beyond doubt. The telephone, as a business convenience, would lose some of its importance were it to be outlawed from the courts. But think of the difficulties which may crop up in connection with wireless telegraphy!

## EDITORIAL NOTES.

The new pay-as-you-enter cars will not be ready for operation in Toronto until the fall of this year. The change involves a large investment of money.

A St. Catharines man has already killed off the 1909 peach crop by frost. Some of us will wait till bloom time before we order prunes to supply the lack.

A clear view through every part of every place in which liquor is sold, and at every hour of the day or night, should be insisted upon. It helps to secure the observance of the law.

The reduction of liquor licenses in Toronto will cut off \$20,499 of revenue. However this sum may figure in the city accounts, it will not be lost to the people as a whole.

Dr. Balfe's compliments to Inspector Birrell. It was not to be supposed that Dr. Balfe would be sat upon by Mr. Birrell without furnishing him a supply of caloric to last him throughout the cold spell. Will the Inspector come again?

In what respect has Barrow been lacking within the latitude given him by the Council? He has never had "a free hand" nor the assistance it is proposed to give the man for whom he is to be knifed. Fair play is bonnie play.

One of the Toronto newspapers which has devoted itself to trying to bring about the ruin of the Toronto Electric Light Company is now whining that that company does not enrich it by a share of its advertising patronage! That's cheek for you.

A few days ago Mr. E. N. Lewis, M.P. for West Huron, made a plea in the Commons for shorter sessions. They are to be desired. But can Mr. Lewis cork up the windy members of his own side of the House, when they want to talk to obstruct or to manufacture fake campaign material? There's the rub.

According to Major Reed, who spoke at a Unionist meeting in Perthshire the other night, Germany has 2,000 spies at work in England, and 5,000 persons are kept by the Kaiser collecting information in England with hostile intent. The Perthshire whiskey must be particularly potent in its effects on the imagination.

The one "sure thing" about reorganization of the City Engineer's department, as it appears to certain aldermen who are after Mr. Barrow's scalp, is that the city will be required to pay a lot more money for its engineer for a lot less work, and to provide for the extra work that has been put upon Barrow by paying out another lot more money.

In Stanley Mills & Co.'s "Made-in-Hamilton" exhibition there was no representation of that busy industry in which un-Hamilton aldermen and their friends are engaged in trying to knock the local electric industry, and tie the city to a thirty-year monopoly by an exclusive contract with the Hydro-Electric Commission. That was an oversight.

St. Andrew's, N. B., is to the fore with a pamphlet setting forth its claims as "The Natural Winter Port of Canada." And it has many reasons to offer in support of its claim. We are driven to conclude that Canada is rich in available Atlantic winter ports, and that when we require more than one—which we assuredly shall ere long—there will be no lack of offerings.

Toronto's and London's appeals from the order of Mr. Justice Latchford in the actions brought against these cities to obtain injunctions to restrain them from carrying out their contracts with the Hydro-Electric Commission, have been dismissed. Unless there are further appeals, the cases against the cities will go on to trial, and if they suffer

# ANOTHER DEEP CUT IN PIANOS

Notwithstanding the fact that we have sold a large number of pianos during the past ten days, there are still many new ones left and these must be sold or dumped in the street, as Mr. Carey insists on having his business closed up in full by March 1st. Of course the pianos can be sold in bulk to some dealer, but it seems a pity to do this when there are so many people in Hamilton who want pianos and yet are unable to pay the big retail prices that are usually charged for same. We feel confident that every piano in the store would be sold in one day if people only could see the instruments and know the price they are offered at.

## Don't delay--Use judgment--Come and see

There are no finer pianos in all the world than "Mason & Risch," "New Scale Williams," "Haines Bros.," "Dominion," "Newcombe," "Henry Herbert," "Krydner," "Ennis," and others which we have in stock, and all are included in this great CLOSING OUT SALE

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#### \$600 WEBSTER SIMPLEX

Player Piano, in fine condition. Must be sold at once. Outfit includes fine Bench and \$20 worth of Music.

Sale Price \$298

#### \$400 HENRY HERBERT

Walnut case, seven and one-third octaves; overstrung bass; absolutely new in every sense of the word and a genuine bargain.

Sale Price \$273

#### \$275 COLUMBUS PIANO

in Mission case—a little gem and worth the regular price. Is absolutely new and in order to sell quick we have made the

Sale Price \$137

#### \$800 PLAYER PIANO

One of the finest instruments made, but we want to turn it into money and will offer it at the

Sale Price \$598

#### Three \$300

Upright Pianos that are beauties, but to turn them into money at once they will go at the

Sale Price \$187

#### Ten Organs

that are well worth \$35 each, but to close them all out in the next three days they will go at only

\$18

\$20 Viols reduced to ..... \$9.50  
\$12 Guitars reduced to ..... \$5.87  
\$15 Guitars reduced to ..... \$6.90  
\$12 Mandolins reduced to ..... \$5.87  
\$2 Violin Bows reduced to ..... .98  
\$2 Music Rolls reduced to ..... .98  
\$2 Mandolin Cases reduced to ..... .98  
25c Harmonicas reduced to ..... .14  
\$5 Autoharps reduced to ..... \$2.28  
\$4 Metronomes reduced to ..... \$1.87  
\$3 Metronomes reduced to ..... \$1.57  
Violin Strings .... 3c. Guitar Strings .... 3c  
\$3 Piano Dusters reduced to ..... \$1.27  
\$3.50 Piano Drapes at only ..... \$1.19  
75 Talking Machine Records only ..... .50  
One fine \$50 Glass Upright Show-case only ..... \$23.00

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from the Hydro-Electric Commission not being made a party to the action, they will have to blame Whitney.

Lieutenant Inspector Boon, of Bothwell, the oldest one in the province, after thirty-three years' service, is retiring of his own motion to give way to B. W. Wilson, one of the stalwart Tory politicians of Kent. The public is now asked to accept the long survival of Boon as a disproof that Whitney resorted to the spoils system! It is indeed the exception that is said to prove the rule.

The St. John Sun, after a careful analysis of the Victorian Railway Commission's report, finds that, even after the recent reductions, railway rates are about three times as high as the International rates, and cost of operation is about the same. The power to levy such rates is, of course, due to the Government monopoly of the railways. But that is hardly a recommendation of Government ownership to the people.

Hamilton has had a great ally in the bringing of industries to the city in the Cataract Power Company, which has spent much money in the work. In this helping the city it was, of course, helping itself too. But it might just as profitably to itself have exerted its efforts in behalf of other places. The Council's action now looks very much like a notice to it that it prefers not to have its assistance in building up Hamilton.

There is a pretty general feeling among the intelligent people of the United States, and it finds voice in the Central Law Journal, to the effect that the legislators of California and Nevada are "making the nation ridiculous in the eyes of the world" by their anti-Japanese bills. Not even State Legislatures can override the treaty-making powers of the Federal Government. It is just another case of the British Columbia Bowser-Japanese demagoguery.

"This court doth further declare that at the present time THE WATER SUPPLY of the city of Hamilton IS INADEQUATE FOR FIRE PURPOSES."—Judgment of Justice Anglin in the suit of Barton vs. Hamilton.

And after having proved that by evidence on oath, the Mayor and some of the aldermen would expose the property of the city to prolonged peril by delay-

ing, for probably a year or two, the installation of the pumps, with the object of forwarding the Hydro-Electric scheme. Are these men sworn to Hamilton's service?

The Toronto Telegram is so devoted to the anti-Liberal element of British Columbia that it cannot bear to think of them being condemned for the forgery of the R. L. Borden telegram. It carries its partisanship so far as to ask: "Would not R. L. Borden have proved himself a bigger man and a truer leader if he had accepted responsibility for the despatch as it was given to the British Columbia public?" What a high-principled "independent" journal can do for an unprincipled lot of political scallawags is thus illustrated.

On Jan. 4 55 Ontario municipalities voted on local option. In twenty-one cases the by-law was carried by a three-fifths vote; in thirteen cases there was a majority against the by-law, and in twenty-one cases there was a majority in its favor, but under the three-fifths required. Had the three-fifths clause not handicapped the temperance people, the by-law would have been carried in thirteen. As it was, the result of the voting is to cut off fifty-seven licenses. If the Government efficiently enforces the law, the gain made will be a great step forward in the interests of sobriety.

## OUR EXCHANGES

Making Fun of John. (Galt Reporter.)

A man by the name of John Patterson, of Hamilton, says he is really doing it in electric railway building. All aboard for Hamilton!

When Half Seas Over. (Toronto Star.)

By all means put the cab tariff up in the cabs. The sensible persons who are the chief patrons of the after-midnight deep-sea going hacks won't be able to read them anyway.

Poor Stewart. (Guelph Mercury.)

Stewart the maniac is to go to Hamilton Asylum. Ambitious City people will

be interested in knowing that log rooms are to be used to preclude all possibility of his escaping again.

Can't Stand Frills. (Kingston Whig.)

The School Board of Hamilton is advised by the press to pull with the City Council so that the greatest economy may be practised. The city is not in a position this year for any financial experiments.

Tired of Life. (Toronto News.)

Every day or two the newspapers chronicle the suicide of some man who despaired because he could not find work. In London the Salvation Army conducts a bureau devoted to the rescue of such unfortunates. There is room for an agency of this kind in Toronto just now.

One Friend. (Toronto Mail and Empire.)

At the opening of the Legislature a strange situation will be reviewed. The former Attorney-General in the Ross Government will play the part of sovereign to the public men who fought him when he was in political life. To these gentlemen he will have to give his confidence, and from his former colleague, the Opposition leader, he will have to withhold his approval. But the task will not be very difficult, for Lieutenant-Governor Gibson and Sir James Whitney were always good friends. They differed politically, but were personally on excellent terms.

Reason Should Rule. (Toronto Globe.)

Any newspaper in these days exposes itself to furious and unreasonable attacks and to charges of bad faith and sinister motives if it discusses with fairness the affairs of any corporation. But plan duties should not be shirked on that account. Chasing shadows and confusing facts will not remedy evils. It is not by issuing stock but by over-charging shippers and passengers that a railway imposes on the public. This new departure by the Government will make it impossible for the C. P. R. to again postpone the day of regulation by stock issues. The Government and the press and the Railway Board can also make it clear that any large capitalization which does not represent actual investments is no excuse for proportionately large profits.

A Lesson from "Shacktown." (Toronto Telegram.)

A woman sits up all night with a neighbor's sick child, hurries back in the winter's dawn to get her husband's breakfast, and then goes out to wash all day to help keep the house going. This homely drama of unselfish toil does not revolve around the silk-clad

central figure of a problem play. One of the many "Shacktowns" that engulf Toronto is the one dominated by a heroine of the loving heart and kindly hand.

Every little community of newcomers to Canada is full of such heroines. A few Canadians get close to the real life of Shacktown, and learn how ready people who have little are to help the unfortunates who have less. These Canadians have come up against "nobilities" of conduct that proclaim the worth of English immigrants, and silence cheap sneers at "Cockneys."

Cupid and a Cake. (Canadian Courier.)

It is generally admitted that the Hamilton girls are as bright and lovable as any may be found in this broad and prosperous Dominion. They are a happy blending of the lively and helpful, and the visitor is likely to discover that their gaieties are usually associated with some cause to help distressed humanity. Their dances are not altogether remote from donations, and Hamiltonians are the most cheerful givers that ever the sun shone on.

Now it happened that the Daughters of the Empire in that city on the bay held a Feast of Blossoms last spring which gladdened the eyes and incidentally filled the coffers of the deserving. Among those who happened to attend the festivities was a young man from the "States," who straightway forsook his republican principles and surrendered unconditionally to a Daughter of the Empire, who annexed his heart with-out causing any international complications. The progress of this interesting bit of Canadian invasion reached a climax last month when the Hamilton maiden became the wife of the man from Iowa.

The newspapers have published entertaining paragraphs on the wedding cake provided for this event. A friend of the bridegroom insisted on having it ordered in Chicago, and according to the press of that thriving western town, the stately structure was six feet eight inches high, five feet in diameter at its base, and weighed three hundred pounds. Reflect upon three hundred pounds of wedding cake! The very thought of such richness is enough to bring on an attack of indigestion. Hamilton was duly impressed with this lovely cake, and gave it an elaborate description.

Those who know the bonnie bride hope that she may not forget old friends in her new home, and that she may remain a Daughter of the Empire, although a wife in the Republic.

The Provincial Workmen's Association of Nova Scotia complain the United Mine Workers' Organization are trying to disorganize their union.

Thos. Boon, license inspector for East Kent for 33 years, has been succeeded by B. W. Wilson.

## NEW BOOKS.

Additions to Public Libraries During One Week.

Books received at main library during week ending February 13th: Comrades, Dixon, 18272. Mystery of Morimore Strange, Marchmont, 18269. The Interrupted Kiss, Marsh, 18273. Araminta, Smith, 18271. The Waters of Jordan, Vachell, 18274. The Bishop and the Boogerman, Harris, M2120. Lincoln's Love Story, Atkinson, 973.71A. The Making of Canada, Bradley, 971.583. Women, etc., Harvey, 396H4. Known to the Police, Holmes, 38513. Florence and the Cities of Northern Tuscany, Hutton, 914.56H4. The Death of Lincoln, etc., Laughlin, 973.71L2. Life of Abraham Lincoln for Boys and Girls, Moores, 973.71M. No Refuge but in Truth, Smith, 29487. Paris, the Beautiful, Whiting, 914.43W3. Life of Abraham Lincoln, Whitlock, 973.71W. The Knack of It, some essays in optimism, Loomis, 2041. Singer Building, a History of its Construction, etc.

Books received at branch library during week ending February 13th: Comrades of Delicia, Correll, 11033. Comrades, Correll, 11034. The Mighty Atom, Correll, 11035. Boy, Correll, 11035. Comrades, Dixon, 11037. Flames, Hichens, 11038. My Lost Self, Marchmont, 11039. Araminta, Smith, 11040. Waters of Jordan, Vachell, 11032. Electrical Measurements, Anthony, 537A. Leaf and Teardrop, Burroughs, 2141. The Alps in Nature and History, Coolidge, 914.94C. Practical Bridge, Elwell, 785.1E. Aids to Engineer's Exams, Hawkins, 621.11. Insect Stories, Kellogg, 595.7. The Wintertree, Kennedy, 822K. In a New Century, Martin, 204M. How to Understand Electrical Works, Oaken, 621.30. St. Nicholas, 045. India Through All the Ages, Steel, 9548. The Great Victorian Age, Sygne, 9008.

Mr. T. M. Bayne, for eleven years manager of the Walker House, Toronto, is dead.

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