

## INTERESTING TO AUTOMOBILISTS.

"If the automobile in question came upon the deceased under circumstances calculated to produce fright or terror, and such fright or terror was produced thereby, and this caused an error of judgment by which the boy ran in front of the automobile, it was not contributory negligence."

This was said to a jury in the Supreme Court in New York City a few days ago by Judge Freedman in the closing of the trial of the action brought by Frank H. Thies, who had sued Edward R. Thomas, former president of the Seventh National Bank, and a son of General Samuel Thomas, a millionaire, for \$25,000 damages for the death of his seven-year-old son, Henry Thies, by being run down by the automobile known as the "White Ghost" on last Lincoln's Birthday. This is said to be the first suit resulting from an automobile accident where damages have been recovered in that city. The jury placed the value of the boy's life at \$3,125, which evidently was a compromise verdict.

In his charge to the jury Judge Freedman, in instructing them as to the law applicable to automobiles and other points in the case, said:

Being or playing upon the street is not of itself contributory negligence in such a child, but whether it was or not in this case, in the condition of the street in question at the time, it is for you to say. So a mere error of judgment on the part of deceased was not of itself contributory negligence. If the automobile in question came upon the deceased under circumstances calculated to produce fright or terror and such fright or terror was produced thereby, and this caused an error of judgment by which the boy ran in front of the automobile, it was not contributory negligence.

It is claimed by the plaintiff that the automobile at the time was run at an excessive speed. But that is not the most important point. The mere rate of speed, whether high or low, lawful or unlawful, is immaterial unless it entered into the cause of the accident. In the case at bar there is not even any evidence showing what the lawful rate of speed is for an automobile.

No owner or operator of an automobile is exempt from liability for a collision in a public street by simply showing that at the time of the accident he did not run at a rate of speed exceeding the limit allowed by law or the ordinances. On the contrary, no matter how great the rate of speed may be which the law and the ordinances permit, as a general rule—although in this case there is no evidence—he still remains bound to anticipate that he may meet persons at any point in a public street, and he must keep a proper lookout for them and keep his machine under such control as will enable him to avoid a collision with another person also using proper care and caution. If necessary, he must slow up and even stop. No blowing of a horn or of a whistle, nor the ringing of a bell or gong, without an attempt at slower speed, is sufficient if the circumstances at a given point demand that the speed should be slackened or the machine be stopped and such a course is practicable, or, in the exercise of ordinary care and caution, proportionate to the circumstances, should have been practicable.

The true test is that he must use all the care and caution which a careful and prudent driver would have exercised under the same circumstances.

## EDITORIAL NOTES.

God save the King! On Thursday of next week—June 26—His Most Gracious Majesty Edward VII. will be a crowned King of the United Kingdom of Great Britain and Ireland, and of all the British Possessions beyond the Seas, including Canada; and on that day there will be a general suspension of business in all lands over which the British flag floats. In the congratulations and rejoicings which the occasion will call forth, Canadian manufacturers, and Canadians generally will

participate with great enthusiasm, for the British Empire is based essentially upon the confidence and good will of all the people. In offering His Majesty their most cordial congratulations, we will all remember that under the just and beneficent rule of the English Monarchy, the British Empire has acquired an annual trade of \$8,000,000,000, a revenue of \$1,500,000,000; that its people have increased to the number of 400,000,000; and that its territory has extended until it covers 12,000,000 square miles; and will with one accord cry, God Save the King!

The American Blacksmith, of Buffalo, N. Y., publishes a letter received by it from Rev. Robert Collyer, in which that well known and well beloved old gentleman tells somewhat of his early life. He was bound apprentice to a blacksmith at Ilkley, in Yorkshire, England, in 1838, when he was fourteen years of age, and he served his time to a day until he was twenty-one. The terms were his keep, with shirts and leather aprons, his family finding him in clothes. Seeing no chance in England for bettering his condition, in 1850 he emigrated to the United States, where, in 1859, after having worked at the anvil for twenty-one years, he retired from that occupation and became a minister. It was soon after the great fire in Chicago, in 1871, that the students of Cornell University offered Mr. Collyer a thousand dollars if he would forge a horse shoe for them. The shoe was duly made and paid for, and in his letter he says that he was then quite ready to make a hundred more on the same terms. If the translation from being a blacksmith to a celebrated divine was easy, the further transition from preacher to poet was also easy, as witness the poem, The King and the Blacksmith, written by him, which we reproduce in another page.

During the recent election campaign in Toronto, a Mr. J. P. Murray, speaking at a noonday business men's meeting, while evidently suffering from acute indigestion, charged the occupants of the Ministers' offices in the Parliament buildings with being a crowd who a little while ago had been annexationists, unrestricted reciprocityists, and dear knows what not. According to the reports of the meeting made in the daily papers, Mr. Murray had no faith in the Ministers. Their business methods were bad, their patriotism was bad, and their loyalty was bad. There is not a school in the city, he is reported to have said, where a child can be taught to write, and that the teachers cannot talk English and therefore do not know how to teach English. He also had a grievance against the law in which injustice is done to the capitalist because it does not permit him to vote wherever he may own property. There are many men in Toronto, who have capital invested in the business districts, who are not permitted to vote there because their residences are in the flowery suburbs. The laboring man, however, is all right, because his labor is his capital, and he can vote where his capital is invested. Mr. Murray does not seem to be a believer in the political theory that a man should have only one vote.

With respect to the import trade from Jamaica, the Committee of Agriculture and Commerce of that island, which was appointed to confer with the Canadian Manufacturers' Association, reports that it has come to the conclusion that with a fast fortnightly direct steamship service all the bananas consumed in Canada, which amount to something like 600,000 bunches annually, might be supplied by Jamaica. At present, too,