THE TORONTO WORLD

NO. 83 YONGE-STREET, TORONTO.

One Cent Morning Paper.

SUBSCRIPTIONS.

Daily (without Sundays) by the year	$3 00
Daily (without Sundays) by the month	25
Sunday Edition, by the year	2 00
Sunday Edition, by the month	20
Daily (Sunday included) by the year.	5 00
Daily (Sunday included) by the month	45

HAMILTON OFFICE,
No. 5 Arcade, James-street north.
H. E. SAYERS, Agent.

WHOLESALE NEWSDEALERS.
F. W. Beebe, 391 Spadina-avenue.
George Messer, 707 Yonge-street.
Mrs. Moriarty, 1426 Queen west.
H. Ebbage, 655 Dundas.
S. Duggan, 362 King-street east.
G. R. Ezard, 767 Queen-street east.

THE MANITOBA SCHOOLS.

In considering the Manitoba school question a great deal has been said and written as to what might be done: Is it not about time to cry a halt, cease speculating as to the future and ponder over what has been done, and emphasize what may not be done. Well,then, in the first place all that has been done so far is perfectly constitutional. The last step taken by the Dominion Government was to remit the case to Manitoba, as the constitution required. It is now for Manitoba to deal with. She may or she may not enact remedial measures. Remedial legislation does not mean revolutionary legislation, nor does it mean necessarily restorative legislation. Manitoba may restore the separate schools, as they existed under her own legislation before 1890, or she may not. It is probable she will not, as they would conflict with her well-approved system of common schools. It is quite in the power of Manitoba to keep in full force her common schools, and at the same time give to the minority some compensation for the loss the minority sustained, or think they sustained, when their schools,their school lands and their schoolhouses were taken from them by the act of 1890.

Mr. Ewart, in his argument before the Privy Council at Ottawa on behalf of the minority, did not claim that the minority expected to be placed in exactly the same position as they were before 1890, but only asked that remedial measures should be taken to do the minority the justice to which it was entitled.

Mr. McCarthy, for the other side, admitted that there were grievances to be remedied.

It is not surprising, therefore, that there is almost a universal opinion that the escutcheon of Canada ought not to be smirched by refusing to do justice as far as the constitution permits.

The Dominion Goverument can do nothing until the Manitoba Government has made its response to the action of the Dominion Government in laying before them the order of the Privy Council of England. If the Manitoba Government does not enact remedial legislation of some kind, then the matter comes back, not to the Dominion Government, but to the Dominion Parliament.

The Dominion Parliament is not likely to enact any legislation that would trespass on the constitution of Manitoba—that constitution gives that province the sole and exclusive control of her schools.

The Dominion Parliament may enact legislation which will be of a remedial character, but she cannot, without wrenching the constitution, restore to Manitoba separate schools, to be supported by moneys of the state. No good subject would desire this to be done, and it is doubtful if anyone, French or English, expects that anything will be done that is not clearly within the four corners of the constitution.

LAW REFORM.

The Attorney-General's bill now before the Local House is intended to cover the following main points: (1) Appeals; (2) simplifying organization of High Court; (3) agreements between solicitors and clients. In order that a person not a lawyer may understand what is proposed some preliminary explanation is necessary. There are, as most people have painful reasons for knowing, these primary courts in Ontario, Division Court, County Court and High Court. The end and aim of each is the same, debt, interest and costs. There are several stages of appeal. The first one is to three judges of the High Court, sitting together, who form a Divisional Court. The next is to the Court of Appeal for the Province of Ontario. The next is to the Supreme Court at Ottawa. The last is to the Privy Council in England. When A and B go to law and A is defeated, he generally wants to "try again." There is something of the stern joy that warriors feel in a pugnacious litigant, and the idea that the other fellow is doing the crowing is quite enough to make the man who is down want another round. When the time comes to pay for his fun, then he wishes he had left it alone. Until that time comes, the desire grows by what it feeds on, and, besides, there is always the offchance that A may succeed in his turn, and then he can do the crowing. The expense of all the fighting that people have done has made them squeal. The lawyers cannot work for nothing, and as the choice lies between reducing their fees or lessening the opportunities for appeal, the Attorney-General is apparently now trying the effect of the latter plan.

It is intended to stop as many cases at the Divisional Courts as possible. The new bill provides that if A appeals to the Divisional Court and fails there he cannot go any further, but B or any other person affected by the judgment may. Formerly the judge whose decision was in question might and did sit in the Divisional Court, when his judgment was being discussed. This second appearance of the same judge was an outrage. It will now be removed.

It will not be in every case that a person affected by a judgment of a Divisional Court can appeal to the Court of Appeal. It will be limited to very special cases. If it is a money question, the amount in controversy must exceed $1000. In all cases leave to appeal must be obtained. These provisions are all in the direction of making appeals harder to get.

Hitherto, before a man could appeal he had to give security that if he failed in his appeal he would pay the costs of the appeal. This guarantee for good faith was most salutary. It is now proposed to do away with it. After this no security for costs is to be demanded. We think this is a mistake. If a man insists on appealing he should pay if he fails, and the other man who has the judgment in his favor should not be lightly exposed to danger of further proceedings. We would like to see the present practice of security for costs of appeals continued.

Hitherto, again, if a man wanted to go to the Court of Appeal, he had to have his appeal books printed. After this printed appeal books are not to be necessary. We agree entirely with this change. It is necessary and will do good.

In order that the business which may come before the Court of Appeal hereafter may be more quickly disposed of than it has heretofore been, it is now proposed to let the court sit in two divisions. There are four judges in the Court of Appeal, and they are to get two judges of the High Court to help them to form the divisions. The judgment of this divisional appeal court is to be the judgment of the court, that is, the judgment of part of the court is to be the judgment of the whole court. We cannot think this proposal satisfactory. If a man goes to appeal he wants the whole court to decide, not a part. What is really wanted is for the court itself to get a "move on," and have a law passed that no judge shall sit in any court after he has been there fifteen years, and no judge shall be appointed older than forty-five. The part of the bill dealing with the proposed divisional courts of appeal we consider absurd.

There are certain other minor matters of appeal which are also provided for by transferring them from the Court of Appeal to the High Court, not necessary to repeat here.

On the whole the part of the bill relating to appeals is unsatisfactory. It carries out no policy. Either restrict appeals or extend them. Do not, as this bill does, take away with one hand, while you give with the other. We believe that those whohave been complaining have not really understood what they were complaining about, and therefore the redress offered is as unsettled as the complaint. What the ordinary citizen wanted was something that neither Sir Oliver Mowat nor any other man can give him, and that is law for nothing. Cheap law is bad law. If you want it good you must pay for it. The Attorney-General would have been wiser to stand to his guns and let the grumblers understand that they were like children crying for the moon.

As to the second point, the organization of the High Court, there are to be monthly sittings of the Divisional Courts, and there are some other clauses which are too technical to interest an ordinary individual. We have space only to refer to them.

The last point, namely, agreements between solicitors and clients, directly touches every man. After this bill becomes law a solicitor may say to his client: "I will take up your claim for so much (a lump sum)." The client may or may not have independent advice when he makes the agreement. It will stand good in law. One difficulty appears at once. Competition exists between lawyers like everyone else. Solicitor A proposes to take B's case for $500. Solicitor C goes one better, and says he will take the case for $400.

This provision we deem one of the best features of the bill. The present system of remunerating solicitors is a direct inducement to prolong litigation, to avoid settlements, to burden a suit with endless detail and endless expense. The community will approve of a change which to some extent gives litigants the benefit of competition. Competition prevails in most businesses, and no business needs it more than the profession of law. People who have not been there before have little idea of the costs of litigation. If they were given to understand at the outset that going to law would cost them a certain specified amount they would have a certainty by which they could measure their resources. Whatever may be the result of the bill we trust this feature of it will become law.

On the whole the bill does not give us that genuine law reform which the people want and which one day we hope they will receive. The bill is a step in the right direction, but not a very big step.

In Honor of Bismarck.

At the meeting of the German Lutheran Church Young People's Association, the 80th anniversary of the "Iron Chancellor" was recognized by the passing of a resolution congratulating the greatest German of two centuries on his birthday, and expressing the hope that he may be spared for many years to come to receive the homage not only of his fellow-citizens, but also of his countrymen in Canada and their descendants. Germans in every part of Canada have fitly honored their country's greatest son, and the young Germans of Toronto glory equally with their fellow-countryman in the "Fatherland," in the wonderful achievements of Bismarck. Mr. W. H. Seyler, in glowing terms, paid tribute to the great Chancellor's worth and abilities, and the resolution proposed by him and seconded by Miss Otto will be forwarded to Friedrichsruhe.

Burns' Steamship Booking Office

As the season for excursion travel is now here, those wishing berths engaged should apply as soon as possible, as the steamers are fast filling up. Plans of the different Atlantic and Southern SS. lines may be consulted. Best available berths and all information given by applying to Chas. E. Burns, Tourist Headquarters, 77 Yonge-street, Toronto,third door above King-street.

In the East End.

Yesterday evening at 7.15 the firemen from Bolton-avenue were called to a small blaze in Hamilton-street. No damage was done.

The plate glass window of Mr. Simpson, 732 Queen-street east, was broken in a scuffle between some youths at 1.30 a.m. yesterday. No arrest has been made. The damage is considerable.

HANLAN LOSES HIS SUIT.

Judgment Given in Favor of the City With Costs in the Island Shooting Gallery Case.

John Hanlan's suit against the city was concluded yesterday, and dismissed with costs. In giving judgment Mr. Justice MacMahon went over the whole ground. The Island was granted by the Crown to the city in June, 1867.

In 1878 a plan was prepared by Mr. Unwin for the city and registered. It showed a roadway 66 feet wide at the north end, and a wider one to the southward, laid out after an interview with Edward and John Hanlan. In 1869 the city granted to John Hanlan, sr., a lease of lot 83 (about two acres). This expired in 1890. On the death of Mr. Hanlan there had been a partition among his family. In September, 1892, the city renewed the old lease of his portion to the plaintiff, John Hanlan, who, in November, 1893, sublet to the Hanlan Ferry Company. The plan attached to the sub-lease showed the roadway. As to the shooting galleries, a small moveable one had been put up in 1877. After two seasons a larger wooden one was erected, which stood till about 1884. It was then moved and a smaller one put up a short distance away, and remained there until 1890 or 1891. For two years there was no gallery, but in May, 1893, John Hanlan began the erection on the original site of the present gallery. He was notified by the city that he was encroaching on the road allowance, and then signed an agreement to remove the structure at 48 hours' notice if it was allowed to remain that season. In the spring of 1894 Hanlan was required by the city to remove the gallery, but refused to do so, and obtained an injunction to restrain the city from pulling it down. Although the road was not made, sidewalks were laid down in all directions, which answered the public requirements. Hanlan had himself promoted the laying down of the sidewalks. The judge found there was a highway, and in any event the land was vested in the city and not leased to Hanlan. The annual license granted by the city only permitted a gallery on the plaintiff's own land. The city's title had been fully made out, and the judge did not think an injunction would have been granted if all the facts had been fully brought out. The city's case was argued by Mr. Biggar, Q.C. A stay was granted at the request of plaintiff's counsel.

In the McGaffin case the other witnesses called were: James McGaffin, sr., William Vincent, Thomas Clegg, William Tomlin, Thomas Tinning, Charles Millard and Major Sankey. Mr. John Macgregor was plaintiff's counsel and W. Fullerton, Q.C. (the City Counsel), represented the city. There were many points of law in the case, and judgment was reserved.

Death of Mr. William Thom.

The citizens of Quebec generally will join with us in the hearty regret with which we record the death of Mr. William Thom yesterday afternoon at the age of 72. He had been teaching in the Commercial Academy, which he had founded and made prosperous, when he was struck down, shortly after 3 p.m., and in less than half an hour, before a doctor could be summoned, had closed a long and useful life. His health previously had not been such as to excite apprehensions, and he had attended the administrations in St. Andrew's Church, of which he was an elder, the evening before. He leaves a widow and a family of grown-up children. The academy which he founded and supervised to the last has so grown up amongst us that it has become almost an institution of the city, and is a household word, synonymous with sound practical commercial education. Its scholars are spread throughout the Dominion and the States, and many a successful merchant of the old generation and rising business men of the present owes much of his success in life to the talent for communicating instruction of the deceased gentleman.—Quebec Chronicle.

Six Days' Special Meetings.

The leading officers of the Salvation Army have arranged a series of special revival meetings, to be conducted in most of the city barracks during the next few days. Commandant Booth leads each meeting, and will be assisted by Headquarters' staff officers. The staff band will be in attendance at each service. These are the dates and places: Yorkville, Sunday and Monday, April 7 and 8; Lisgar-street, Tuesday, 9th; Riverside, Wednesday, 10th; Richmond-street, Thursday, 11th; Temple, Friday, 12th (at 3 and 7.30 p. m.).