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TUESDAY MORNING, APRIL 16, 1912

PRIMARIES AND PARLIAMENT

The parliamentary system has broken down to some extent in Canada. The government as a rule is immune from discipline by the house, indeed, we have often heard in the past of members of parliament being disciplined by the government. Too many private members sink all sense of personal responsibility, and even much of obligation, to their country in their blind loyalty to the party caucus. The man who attempts to think, speak or act for himself in the house is apt to find a by-partisan combination against him at Ottawa. He is rounded up for branding by the party whip with as little concern for his personal views as the cowboy has for the views of a steer at the end of his harrow. Professional politicians resent the intrusion of any new figure in the parliamentary minuet.

Public bills cannot go through parliament unless taken under the wing of the government. A member desiring legislation knows that it will avail him nothing to convince his fellow-members, irrespective of party, that it will be in the public interest. He would accomplish more if he could bring himself to it, by buttressing his arguments and showing them some partisan advantage.

Certainly conditions must be worse here than at Westminster, but even in the old country there is much complaint of the party system. The Winnipeg Tribune editorially quotes from several recent contributions to periodicals literature on this subject; thus Dudley S. A. Cosby in a recent number of The Westminster Review says:

The line taken by the government is "always that which is believed by the wire-pullers, to be best calculated to gain, or at least not to lose, the party vote at the next election. Numbers of bills are sacrificed at the end of the session because party government is incapable of even considering them." This is how party government is carried on to-day, while a helpless country looks on and wonders why a remedy is, "to make the house of commons really representative of the whole country; and this can only be done through a redistribution and proportional representation bill." Party government "has had its day," the country is sick of it, and would gladly welcome a government that would tackle the great questions of the day in a spirit of fair play to all classes alike.

We have in Canada a widely extended franchise and the scheme of proportional representation awakens no interest. Where the parliamentary system breaks down is in the absence of government by the people. Probably nine-tenths of the voters who go to the polls are compelled to choose between two men, each representing one of the two political parties. But in the selection of these candidates—in choosing the party nominees—they have no voice. If every elector in each party had a vote in the selection of the party candidates the members of parliament would be more representative of the people, more solicitous for their well-being and less subservient to caucus dictation.

The result of the Republican primaries in Illinois and Pennsylvania will be felt far beyond the confines of these states and, indeed, of the United States. It calls into being a new force of omnipotent power, the will of the people. If it once be demonstrated that the people can select their own rulers without assistance from professional politicians, they will exercise the power freely. Then candidates for office will have to stand for something which will appeal to the every-day needs of the country, and the parliamentary system will prove itself, in the words of Sir Wilfrid Laurier, to be "the best system ever devised by the wit of man for the government of men."

A RECREANT TOWNSHIP COUNCIL

York Township holds, and has held, the key to much of Toronto's future. The township surrounds the city and has always been the stamping ground for franchise grabbers. Street railway franchises have been given away by York Township Council which are now a menace to the proper development of the city. The present township council is closely following the footsteps of some of its predecessors. Reeve Watson, assisted by other members of the council, is wilfully disregarding the ratepayers' interests. The Toronto Electric Light Company, and the Interurban Light and Power Company, a subsidiary of the former company, are being allowed to wife the township in the vicinity of the city, with the object of shutting out the benefits that



LEGISLATURE PROROGUED; SPEECH FROM THE THRONE

Lieutenant-Governor Gibson Formally Winds Up Session, and Congratulates the House on the Many Important Measures Enacted—Criticized the Senate.

A brief review of the session's work, completed with congratulatory remarks on the continued prosperity and increased financial resources of the province, as well as expressions of regret at the senate's action in refusing a grant to the R. and N. O. Railway, and the appropriation in aid of provincial highways, marked the speech of Lieut.-Gov. Sir John Gibson yesterday at the prorogation of the legislature.

Promptly at 12 o'clock the lieutenant-governor drove up to the parliament buildings, accompanied by a detachment of the Royal Canadian Dragoons. At the entrance a guard of honor of the Queen's Own Rifles was drawn up to receive the gubernatorial party and the band played the national anthem. A salute of 19 guns was fired by the 8th Field Battery.

The lieutenant-governor was escorted to the throne in the legislative chamber by Sir James Whitney, with Major Shanley, A.D.C.; Gen. Cotton and several other officers of the local militia. After Col. Delamere, the assistant clerk, had read over the list of bills, 161 in all, that were passed during the session, the lieutenant-governor gave the royal assent to their becoming law. He then read the following:

Speech from the Throne
In bringing to a conclusion the session of the legislative assembly in which you have just been engaged, I am very glad to express to you my thanks for the many measures of an important and public nature which you have enacted to promote the welfare and prosperity of this province.

Several of these measures give promise of a new era in the extension and development of Ontario. The first of these, assenting to an extension of the jurisdiction of the parliament of Canada, will add more than 146,000 square miles to the area of this province. At the same time an arrangement has been made whereby we acquire access to and an important portion of an ocean port on Hudson Bay. I observe that provision has been made without any loss of time for the exploration of this new territory, the preliminary steps to be taken by a commissioner during the coming summer.

Developing the Province

Another feature of your legislation pointing to the development of the province is the act authorizing a loan of \$5,000,000 to be expended in the opening up of what is known as New of Northern Ontario, which contains the great play belt, the construction of roads and bridges and the advancement of colonization and settlement. An important step has been taken by the measure providing for the operation of the federal and provincial governments for the encouragement and improvement of agriculture. From this we may confidently expect most desirable results.

Regretted Senate's Action

"The action of the senate of Canada."

In refusing the grant of a subsidy to the Timiskaming and Northern Ontario Railway, as well as the appropriation in aid of provincial highways, are matters regretted by the lieutenant-governor.

"By repeating the grant of \$1,000,000 for good roads, you have ensured the continuation and extension of this highly necessary undertaking, which is being more and more appreciated in the older parts of the province. Great progress has been made in the revision of the statutes, and the completion of this important work is confidently expected during the present year.

Public Health Act

"A decided advance has been made in regard to the protection of the public health by the act establishing district medical health officers, who will exercise thorough supervision over the public health in their respective districts."

"In view of the dangers arising from careless and inefficient electrical installations, it has been deemed advisable to empower the hydro-electric commission to control such matters in the interest of public safety. Provision has been made for the extension of the work of the commission and for the proper regulation of the industry."

Amendments have been made to the Liquor License Act to render more effective the administration of the law, and also to prevent evasions by the storage of intoxicating liquor in districts under local option. Legislative provision has been made for the establishment of municipalities of industrial farms for the treatment of certain classes of criminals, notably inmates, now confined in the jails and lock-ups throughout the province. A number of other useful measures have been adopted, and I congratulate you on the continued prosperity and increase of the financial resources of the province. I desire to thank you for the adequate appropriations you have made for the public service, which will be expended with a due regard for efficiency and economy. Many have expressed to me their thanks for the services you have rendered to the public, and I join with you in the hope that the blessing of Almighty God will continue to rest upon our country and upon our people."

ANGLO-CHINESE MISSION BOARD

Bishop Farthing of Montreal, Bishop Williams of Huron, and the Bishop of Toronto were in attendance at the Anglo-Chinese Mission Board Executive meeting, when the elections will take place of a Canadian bishop for the diocese in Japan, established by Canadian missionaries.

The board will meet on Thursday, when the elections will take place of a Canadian bishop for the diocese in Japan, established by Canadian missionaries.

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At Osgoode Hall

ANNOUNCEMENTS.
April 16, 1912.
Motions set down for single court for Wednesday, 17th inst., at 11 a.m.:
1—Kreller v. Von Neubronn.
2—Re Port Hope B. and M. Co.
3—Re Delaney and Argue.

Peremptory list for divisional court for Wednesday, 17th inst., at 11 a.m.:
1—Cain v. Pearce, Cain v. Pearce et al. Bouter v. Pearce, McGrath v. Pearce, McMillan v. Pearce.
2—Rex v. Pembler.

Peremptory list for court of appeal for Wednesday, 17th inst., at 11 a.m.:
1—Smith v. Hamilton Bridge Co. (to be continued).
2—Mann v. Fitzgerald.
3—Bateman v. Middlesex.
4—Ottawa Wine Vaults Co. v. McGuire.
5—King v. Northern Navigation Co.

Master's Chambers

Before Cartwright, K.C., Master.
Inglis v. Laidler—H. C. Fowler, for plaintiff. Motion by plaintiff for leave to issue a writ against a defendant in Edmonton, Alta., and for service of same there. Order made.

Kearns v. Kearns—L. V. O'Connor (Lindsay) for plaintiff. Motion by plaintiff for an order striking out paragraphs 7, 8, 9 and 10, and part of 12 of statement of defence. Reserved.

Macdonell v. Timiskaming—R. H. Parmenter, for defendants. Motion by defendants on consent for an order dismissing action and counter claim without costs. Order made.

Bartlett v. Bartlett—J. D. Falconbridge, for garnishee. M. L. Gordon, for judgment creditors. Motion by garnishee for an order discharging at James' liability. Order discharged. Question of the referee's allowance to defendant for his services. I think he is not an express trustee and cannot be allowed anything for his services in the result is that both appeal and cross-appeal succeed to the extent indicated, and as surpluses is allowed there should be no costs.

Scott v. Rae—O. H. King, for defendant. J. G. Smith, for plaintiff. Motion by defendant on consent for an order dismissing action for want of prosecution. At request of plaintiff, motion enlarged until 19th inst.

Rogers v. Porcupine—L. S. Fairly, for plaintiff. No one for motion. Motion for an order setting aside default judgment. Motion dismissed with costs.

Rogers v. Wood—L. S. Fairly, for plaintiff. C. Henderson, for defendants. Motion by plaintiff for judgment under C. R. 603. Motion enlarged until 18th inst., with liberty to put in further material.

Re St. Ignace—Stewart (Hodgins & Co.) for defendants. Motion by defendants on consent for an order setting aside default judgment and allowing defendant to enter an appearance. Order made.

Steadman v. McBrien—D. I. Grant, for plaintiff. Stewart (Hodgins & Co.) for defendant. Motion by plaintiff for judgment. Judgment for plaintiff for \$30.38 damages and costs fixed at \$30.

Re Solicitor—J. D. Falconbridge, for client. F. Arnold, K.C., for solicitor. Motion by client for an order for delivery and taxation of bill of costs. Reserved.

Day v. City of Toronto—H. Howitt, for defendants. C. A. Thomson, for plaintiff. Motion by defendants before pleading for particulars of statement of claim so as to show whence came the waters which in paragraph 4 are spoken of as "formerly went to pass the plaintiff's premises."

Judgment: Under the special facts of this case, it seems to be in the interests of both parties to have the ground of plaintiff's claim made more specific. This must be done by amendment of Statement of defence which will be delivered in 24 hours thereafter.

Judges' Chambers

Before Riddell, J.
Rex et al. Martin v. Roberts; Rex et al. Martin v. Rymal. J. G. Farmer, K.C., for Robert; A. M. Lewis (Hamilton) for Rymal. W. A. H. Duff, K.C., for Robert. An application by way of defence of Rymal was made to the county judge at Hamilton to unseat Robert's counsel, and Rymal, deputy reeve of Barton Township, on the ground that having since their election dispossessed of the property on which they qualified at the election they were no longer qualified to sit. The county

O'KEEFE'S

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Order made.

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Reserved.

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Motion by defendants on consent for an order dismissing action and counter claim without costs.

Order made.

Bartlett v. Bartlett—J. D. Falconbridge, for garnishee.

M. L. Gordon, for judgment creditors.

Motion by garnishee for an order discharging at James' liability.

Order discharged.

Question of the referee's allowance to defendant for his services.

I think he is not an express trustee and cannot be allowed anything for his services in the result is that both appeal and cross-appeal succeed to the extent indicated, and as surpluses is allowed there should be no costs.

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J. G. Smith, for plaintiff.

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Motion enlarged until 18th inst., with liberty to put in further material.

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Motion by plaintiff for judgment.

Judgment for plaintiff for \$30.38 damages and costs fixed at \$30.

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F. Arnold, K.C., for solicitor.

Motion by client for an order for delivery and taxation of bill of costs.

Reserved.

Day v. City of Toronto—H. Howitt, for defendants.

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Motion by defendants before pleading for particulars of statement of claim so as to show whence came the waters which in paragraph 4 are spoken of as "formerly went to pass the plaintiff's premises."

Judgment: Under the special facts of this case, it seems to be in the interests of both parties to have the ground of plaintiff's claim made more specific.

This must be done by amendment of Statement of defence which will be delivered in 24 hours thereafter.

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W. A. H. Duff, K.C., for Robert.

An application by way of defence of Rymal was made to the county judge at Hamilton to unseat Robert's counsel, and Rymal, deputy reeve of Barton Township, on the ground that having since their election dispossessed of the property on which they qualified at the election they were no longer qualified to sit. The county

judge set the election aside, and the present applications are by way of appeal from the order of the county judge. It having been made to appear that Roberts also holds mortgages for over \$4000, the judgment pronounced yesterday is varied so as to allow both Rymal and Roberts to make a proper declaration within ten days and if they do their appeal will be allowed, but without costs here or below. If the declaration be not made by either within ten days the appeal of that one will be dismissed with costs.

Before Middleton, J.

Rex v. Harrison—G. P. Deacon for defendant. D. L. McCarthy, K.C., for private prosecutor. Motion by defendant for an order quashing a conviction made under the act for the protection of game. Reserved.

Re McElvitt, "supposed lunatic"—J. Arnold, K.C., for petitioner. E. J. Hearn, K.C., for respondent. A petition for a declaration of lunacy. Enlarged until 19th inst. at request of petitioner.

Mercur v. Corbett—H. E. Rose, K.C., for plaintiff. I. S. Fairly for defendant. Motion by plaintiff for an order raising stay of execution. Order granted, but execution stayed for three days. Security to be given or money paid into court. Leave to apply, etc.

Re Dale-Trimble v. Stewart—H. S. White for plaintiff. W. N. Ferguson, K.C., and W. S. Morphy (Brampton) for defendant. F. W. Harcourt, K.C., for plaintiff. Motion by plaintiff for an order for partition or sale of lands. Order made. Reference to master at \$20 each.

Single Court

Before Middleton, J.

Livingston v. Livingston—J. F. Holmuth, K.C., and J. H. Moss, K.C., for defendant. W. Nesbitt, K.C., H. S. K.C., and W. A. Cameron for plaintiff. An appeal by defendant from a cross-appeal by plaintiff from the certificate of George Kappela, K.C., an official referee, of Dec. 1, 1910. The defendant appealed from findings numbered respectively 2, 4 and 5 and the plaintiff from findings numbered seven.

Judgment: I find myself unable to agree with the referee in any of the findings. I find that James Livingston was the real purchaser of the oil business, but cannot agree with the referee's finding that he attributed sequences the referee has attributed to this finding. I think the property sold for its full value and this ends James' liability. As to the propriety of the referee's allowance to defendant for his services, I think he is not an express trustee and cannot be allowed anything for his services in the result is that both appeal and cross-appeal succeed to the extent indicated, and as surpluses is allowed there should be no costs.

Divisional Court

Before Meredith, C.J.; Textel, J.

McKenzie v. Fillet—W. Mulock for plaintiff. F. E. Hodgins, K.C., for defendant. An appeal by plaintiff from the judgment of the master of June 23, 1911. This was an action to recover \$5130.83, claimed as balance due by defendant for the erection of a barn in the Township of York. The plaintiff claimed \$10,130.83 and had received \$5000 on account. The order appealed from was made on appeal from master's report and reduced the amount allowed to plaintiff by the master to \$5130.83. Judgment: The master's report was correct, but in order that if possible the litigation may not be further prolonged, we think it would be better if the parties would adopt the suggestion that \$800 be fixed as the full price of all the work on the terms mentioned by the chancellor. Riddell, J. dismisses and would allow the appeal and restore the report of the master with costs.

Before Falconbridge, C.J.; Britton, J.

Corea v. McClary—G. S. Gibbons (London) for defendants. E. W. M. Plock for plaintiff. An appeal by defendants from the judgment of Meredith, C.J., of Feb. 11, 1912. An action claiming \$1200 damages for the loss of three fingers cut off in a stamping and pressing machine in defendant's factory alleged to have been caused by defendant's negligence. At trial judgment was given for plaintiff for \$700 and costs. Judgment: The defendants' counsel saying he would be satisfied with a new trial, we think that relief should be granted. Costs of the appeal to be to the defendants in any event. Costs of the last trial to be in the case, unless otherwise ordered by the trial judge.

Alexander v. Herman—J. G. Smith for defendant. An appeal by plaintiff from the judgment of Latchford, J., of Feb. 22, 1912. At request of defendant appeal stands over until May sitting, pending settlement.