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CIVIC RETIREMENT ALLOWANCES.

Quite a number of citizens seem to disapprove the granting of retiring allowances to city officials on their demitting office. Some apparently think it wrong in principle irrespective of the circumstances of the case and the character of the service that has been given. As usual there is a good deal to be said on both sides and it does not do to lay down any hard and fast rule or to condemn the practice arbitrarily as incapable of justification. Everything depends on the actual facts, including the scale of salaries in force. If these are too niggardly to afford more than the mere necessaries of life, a retiring allowance may be not only reasonable but an act of simple justice. On the other hand, when remuneration is generous, the duty of making provision for eventualities may rightly be asked from the recipient.

So far as Toronto is concerned it is undeniable that the salaries of city servants ought to be raised and adjusted on a proper basis. This was advised by the special auditors and it is evidently advisable in the interests of efficiency. Associated with this revision there might well be instituted a pension scheme, to which the officials would contribute along with the city. It is surely desirable that the civic service should be attractive to a good class of young men and in order to be so it must afford opportunity of promotion, recognition of exceptional ability and provision for the decline of life. Meantime under present conditions a retiring honorarium may very well be accorded a deserving official.

TRIBUTE TO JUDGMENT.

Your best citizen is he who has faith in his city and is willing to back his faith with his money.

When J. F. Brown bought the land on Yonge-street, on which his magnificent store stands, and which he has sold at a big advance, his friends laughed at him and told him he would ruin himself. But Brother Brown is a clear-headed citizen, habitually content with his own judgment. In spite of the scoff of his friends he went ahead, bought and built, and continued at business, knowing the good days were at hand. And they have come. To his faith he had added works. He has made a fortune out of his judgment.

We predict even greater success for Mr. Brown. With the keen foresight and excellent business judgment he has already exhibited he bids fair to take rank with merchant princes like Stewart, Field and Eaton.

IN DEEP WATER.

The seafaring man is beset by perils when he comes into port. He is a simple soul and childlike in his confidence. As a rule his trust is abused by those who seek to get his money from him, but, now and then, he falls into trouble by having money thrust upon him.

Captain McGorgle is a deep-water sailor, who has unexpectedly found himself in deep water at the port of Quebec. He was suspended from his command because of presents received from a government contractor who made extensive repairs upon his vessel, the marine survey boat, Le Canadienne. H undertook to explain this transaction to Judge Cassels as follows:

"Being a deep-water sailor," he said, "I had been in the habit of getting presents like that whenever we had work done all over the world."

There is reason to believe that the captain is telling the truth. His attitude towards the investigation is one of mild surprise.

There is a distinction between a gift and a bribe. There is no impropriety in the German emperor distributing $10,000 in tips among the servants at Windsor Castle or in the Chinese emperor sending a gift to President Roosevelt to acknowledge the return of excess indemnity by the United States. The man who tips a sleeping car porter on the I.C.R. has no thought of bribing an employe of the government.

But it would be well for public officials not to dwell upon this distinction. They should hang up a sign, "No Presents."

AS TO CHEAP CABLES.

LONDON, Nov. 11.—(C. A. P.)—The Aberdeen Free Press says Henniker Heaton's appeals may serve a useful enough purpose in stimulating discussion, but they certainly cannot at this particular stage be regarded as within the sphere of practical politics.

The Dundee Advertiser suggests that the British Government buy one of the Atlantic cables and show what can be done with cheap rates.

SORRY FOR THE KAISER.

And Blames His Advisors for Present Plight.

BERLIN, Nov. 11.—The Reichstag was again crowded to-day when the debate on the interview with Emperor William, published in The London Telegraph on Oct. 28, was resumed.

Baron Gamp, Conservative, said he thought that the anger and bitterness shown yesterday by Herr Liebermann Von Sonnenberg, the agrarian and anti-Semite, was no way to treat such a sorrowful subject. It was tragic, he said, that a sovereign with so many admirable qualities should find himself in such a plight. His majesty's trouble ought rather to be ascribed to his responsible advisers, who, "since the time of Bismarck, never have been able to tell his majesty plainly his constitutional duties."

The Reichstag adjourned this afternoon without having concluded the debate on the interpellations concerning the imperial interview.

Emperor Gets Busy.

DONAUESCHINGEN, Baden, Nov. 11.—A telegraphic report of the proceedings in the Reichstag yesterday was telegraphed to Emperor William, who is a guest of Prince Von Fuerstenberg. The last instalment was transmitted to the castle at 9 o'clock yesterday evening. Three hours later the telegraph office was busy for one hour with the sending of despatches from the castle to Berlin.

TO MAKE TAX PROHIBITIVE.

Hon. Frank Oliver Says Chinese and Hindoos Must Stay Out.

NELSON, Nov. 11.—Speaking last night Hon. Frank Oliver declared that if the five hundred dollars head tax would not exclude the Chinese, the government would raise it as fast as the Chinamen's wages had lately been raised.

Similarly Hindoos, who, altho they were British subjects, were not to be admitted unless they had two hundred dollars.

This was meant to be prohibitive, and if the amount was not sufficient to be prohibitive it would be made so.

IN THE LAW COURTS

IN THE HIGH COURT.

Osgoode Hall, Nov. 11, 1908.

Announcements.

Motions set down for single court for Thursday, 12th inst., at 10 a.m.:
1. Re Farmer and Reid.
2. Pitt v. Warren.
3. Re Solicitors.
4. Gareau v. Gareau.
5 and 6. Whytock v. Whytock.
7. Re Solicitor.
8. Re Denison and Foster.

Peremptory list for divisional court, for Thursday, 12th inst.:
1. Bradley v. Sinclair.
2. Morgan v. McFee.
3. Chapman v. C. N. R.
4. Gates v. Seagram.
5. Utterson v. Petrie.
6. Re Bensley Estate.

Peremptory list for court of appeal, for Thursday, 12th inst.:
1. Bagnall v. Durham.
2. Canadian Fairbanks v. London Machine Tool Co.
3. C. P. R. v. Brown and Toronto.
4. Rex v. Cook.

Master's Chambers.

Before Cartwright, Master.

Cantin v. Gallagher.—Motion to strike out certain parts of the statement of defence as being scandalous, etc. H. C. Macdonald, for the motion; Z. Gallagher, for defendant, contra. Judgment (B.). Nothing is scandalous which is relevant, not even allegations of dishonesty and outrageous conduct (Odgers). The defence should be amended by striking out those parts of paragraph two as indicated on the motion. Paragraph five is not so objectionable as to require excision. Order accordingly. Costs in the cause as success has been divided.

Crawford v. Township of Osgoode.—Motion for further particulars of claim. J. C. Sherry, for defendant, moving; W. E. Middleton, K. C., for plaintiff, contra. Judgment (B.). So far as the alleged contract between the plaintiffs and defendants is concerned, defendants are entitled to the particulars demanded both as to paragraph three and paragraph five of claim. The defendants are also entitled to have the names of their officers or servants whom the plaintiffs allege to have made such contracts, as that is necessary to enable defendants to consider if they had authority to do so. Such particulars to be provided in two weeks, and the defendants to have eight days thereafter to plead. Costs of this motion to defendants in the cause.

Re Lot 6 in 9th Concession Tay.—A. D. Armour, for present owners of lot, moved to vacate certificates of lis pendens registered against the lot in 1857 and 1867. No one contra. Order made.

Vinroth v. Barnes.—G. H. Sedgwick, for defendants, the Credit Foncier Franco-Canadian, moved on notice for an order dismissing the action and vacating certificate of lis pendens without costs. No one contra. Order made.

Bank of Nova Scotia v. Booth.—T. B. McQuesten, for judgment creditors, moved for leave to serve attaching order herein on local manager or other agent or servant of garnishees. No one contra. Order made.

Light Brothers v. Ontario Nickel Co.—J. F. Edgar, for defendants, moved to set aside writ and service thereof. G. Grant, for plaintiff, contra. Order made validating service and extending time for appearance until Dec. 1. Costs of motion to defendant in any event.

Forth v. Forth.—T. N. Phelan, for plaintiff, moved for interim alimony and disbursements. A. R. Hassard, for defendant, contra. Reserved.

Kelly v. London and Western Trust Co.—A. R. Cochrane, for defendants, moved for security for costs. No one contra. Order made, but not to issue until 12th inst.

Marshall v. Bethune.—C. C. Robinson, for plaintiff, moved for leave to issue writ for service out of the jurisdiction and for service with it of statement of claim. Order made.

O'Brien v. Michigan Central Railway.—E. C. Cattanach, for defendants, moved to strike case off list and to stay proceedings perpetualy on ground of settlement. T. N. Phelan, for plaintiff, contra. Reserved.

Pickering v. Maxwell.—J. E. Jones, for defendant, moved for costs of an apparently abandoned motion for judgment. T. N. Phelan, for plaintiff, contra. Motion for judgment dismissed. Costs of motion to be in the cause, except those of proceedings between June 1 and Nov. 1, which are to be to the defendant in any event.

Bartram v. Berry Co.—J. B. Bartram, for plaintiff, moved for judgment under C. R. 603. E. P. Brown, for defendant, asked adjournment. Motion stands until 13th inst., peremptorily.

Devlin v. Pickard.—W. M. Hall, for defendant, moved for particulars of claim before delivery of defence. T. N. Phelan, for plaintiff, contra. Order made for particulars of damage. Defendant to have a week thereafter to plead. Costs in the cause.

Single Court.

Before Riddell, J.

Re Read Estate.—G. A. Cruise (St. Catharines), for executors, moved for construction of will. No one contra. Reserved.

Re McPhee Estate.—C. W. Thompson, for widow and adult children of Archibald McPhee, moved under the Devolution of Estates Act for order authorizing sale of land. F. W. Harcourt, K.C., for infants. Order authorizing sale of lot in question for $1890. Costs out of fund.

Wahu v. Wahu.—G. H. Kilmer, K.C., for plaintiff, moved for judgment on F. D. J. H. Spence for defendant. Judgment for plaintiff for $2500 and interest from January, 1904, as found by report and costs of all proceedings.

McKelvey v. Kidney.—W. J. Elliott, for plaintiff, moved to continue injunction. No one contra. Injunction continued to trial.

Farquhar v. West Toronto.—W. C. Mackay, for plaintiff, moved to continue injunction. A. J. Anderson (West Toronto) for defendant. Enlarged for one week.

Home Bank v. Wet Process.—A. E. Knox, for plaintiff, moved for leave to proceed against receiver, the company having gone into liquidation. T. D. Delamere, K.C., for the company. W. E. Middleton, K.C., for Rogers. H. C. Macdonald for Kingsley. Order made giving leave to proceed against receiver.

Levinsky v. Gurofsky.—N. G. Heyd, for plaintiff, moved for injunction. A. A. Bond, for defendant, asked enlargement. Enlarged for one week. Plaintiff and defendant or their solicitors to attend sale and enlarge it for a week.

Husband v. Calvin.—G. Grant, for plaintiff, on motion to continue injunction stated that parties had agreed to a week's enlargement. Enlarged one week, injunction continued meantime.

Polson v. Baggs.—A. A. Bond, for plaintiff, moved to continue injunction. F. D. Byers, for defendant, E. D. Baggs, asked enlargement to examine plaintiff. Enlarged for one week, injunction continued meantime. Leave to examine and to move to dissolve injunction in or within one week. All material to be filed to-day.

James Henderson Scott(Walkerton) presented his patent as a King's counsel and was called within the bar.

Before Mr. Justice Britton.

Weir v. Kenny.—R. C. H. Cassels, for plaintiff, moved ex-parte for an injunction. Injunction granted restraining the five defendants from cutting up and carrying away the timber upon E 1-2 lot 4, in 12th concession of Logan, which fell during the year 1908, until the 19th inst., with leave to file further material in meantime.

Trial.

Before Teetzel, J.

Ing Kong v. Archibald.—Judgment (B.)—A supplementary judgment on the question of costs merely. For the reason given in Arscott v. Lilley, 14 A. R. 283, that where a special privilege as to costs is expressly conferred by statute upon certain individual litigants the general jurisdiction of the court or judge over costs does not extend to deprive such litigants of their special privilege, I am bound to direct that this action shall be dismissed with costs to the defendants to be taxed as between solicitor and client. If leave to appeal from this ruling is necessary, I grant it to the plaintiffs.

W. E. Raney, K.C., for plaintiffs.
F. R. Mackelcan for defendants.

Divisional Court.

Before Anglin, J.; Clute, J.; Riddell, J.

Re Burk Estate.—Judgment (B.) on appeal (heard yesterday) by Ida Maria Hall and Samuel J. Hall from order of Teetzel, J. (12 O.W.R. 527), declaring construction of will of Harvey W. Burk. The court agreed with the interpretation of Teetzel, J., and dismissed the appeal with costs. H. E. Rose, K.C., for appellants. W. N. Tilley for the testator's widow.

Re McNaughton v. Hay.—A. G. F. Lawrence, for defendants, Hay & Co., appealed from order of Britton, J., 12 O.W.R. 858, dismissing a motion for prohibition to the fourth division court in the County of Oxford, to prohibit further proceedings in an action for the recovery of the price of 129 bushels of wheat, the alleged shortage in a car of wheat purchased by plaintiff from defendants. The appellants contended that the whole cause of action did not arise within the territory of the fourth division court, that the account involved was beyond the jurisdiction of any division court, etc. R. C. H. Cassels, for plaintiff, contra. Appeal dismissed with costs.

Re Township of Maidstone and Co. of Essex.—A. H. Clarke, K.C., for the county corporation, appealed from order of judge of county court of Essex under section 617 A. of the Municipal Act, declaring that two bridges in the township, known as "the base line bridge" and "the Tecumseh bridge," should be in part maintained by the county, being of the length required by the enactment referred to. The appellants contended that neither of the bridges, when the length is properly computed, comes within the statute. The question was as to the nature and character of the approaches to the bridges, and whether they should be included in estimating the length of the bridges. J. H. Rodd (Windsor) for the township corporation, opposed appeal. Reserved.

Downing v. Mooring.—H. H. Dewart, K. C., for defendant, appealed from judgment of district court of Thunder Bay in favor of the plaintiff, in an action for the price of two carloads of hay. The judge at the trial allowed the plaintiff to amend by setting up an alternative cause of action, viz., that the plaintiff sold the hay as agent, and upon this cause of action the plaintiff succeeded. The defendant contended that the amendment should not have been allowed and that there was not sufficient evidence to justify a finding in favor of plaintiff. C. A. Moss, for defendant, contra. Appeal dismissed with costs.

Gliddon v. Yarmouth School Trustees (sec. 17).—C. St. Clair Leitch, (St. Thomas), for defendants, appealed from judgment of second division court in County of Elgin, in favor of plaintiff, a teacher, for the recovery of $219 in an action for salary. T. W. Crothers, K.C., (St. Thomas), for plaintiff, contra. Held that the agreement entered into at a special meeting of the school trustees was valid; that sub-section 4 of section 81 of the Public Schools Act applied, and the plaintiff was entitled to salary proportioned to the number of days he had taught, and also to the penalty prescribed by subsection 6, that is, to salary, until the amount should be paid, which did not mean only until the commencement of the action, but until judgment. Appeal dismissed with costs.

Court of Appeal.

Before Moss C. J., Osler J., Garrow J., Maclaren J., Meredith J.:

Carroll v. Erie County and Provincial Natural Gas Co.—F. J. Dunbar, for ——, moved to postpone hearing of appeal owing to illness of counsel. Glyn Osler, for ——, consented. Case ordered to stand off the list for 10 days, or until the registrar is notified of counsel's recovery.

Rudd v. Town of Arnprior.—G. F. Henderson, K.C., for plaintiff, appellant. Glyn Osler and J. E. Thompson, (Arnprior), for defendants, respondents. This action was for damages to plaintiff's property by flooding, alleged to have been caused by the negligence of the defendant, causing the collapse and bulging of lower part of south wall of plaintiff's factory, and was tried before Anglin J. at Ottawa in November, 1907. Parties appealed to a divisional court, which slightly varied the trial judgment and otherwise dismissed appeal and cross appeal. Both parties now appeal to this court. Reserved.

Writs Issued.

The following writs have been issued at Osgoode Hall:

John Bothwick Grant and Louisa Grant, of Vancouver, against the Manufacturers' Life Insurance Company for payment of the proportionate share of the accumulated surplus on the special assurance fund under the provisions of a certain policy of insurance issued by the Temperance and General Life Insurance Company upon the life of the plaintiff, J. B. Grant, and for damages for non-compliance with the provisions of the said policy.

The Proctor & Gamble Company of Cincinnati against the Canadian Oil Company, Limited, for $1,438.75 for goods sold and delivered.

Anson McKim, of McKim & Company, against Oscar Dixel, Joseph Hardoastle, for $3,188.58, claimed to be due by them as co-partners in the Cobalt-Nipigon Syndicate, under a judgment.

Robert Darling & Company of Toronto against Murray Bros., Niagara Falls, for $7,847.46, alleged to be due for goods received, and promissory notes.

Wm. Marshall of Toronto has entered action against John L. Bethune of Montreal for $100,000 damages for alleged assault, alleged false arrest and alleged malicious prosecution.

F. W. Clisdell of Toronto as liquidator of the Wilbur Iron Ore Company has issued a writ against Kingston and Pembroke Railway for $742.24, alleged to be due on 153 odd tons of coal, alleged to have been converted by the defendants to their own use.

A. L. Comfer, known in business as The Empire Oil Works of Oil City, Pa., has entered suit against the Canadian Oil Companies of Toronto for $1254.28, alleged to be due for goods delivered.

Aemilius Jarvis & Company are suing W. H. Thompson & Son of Toronto for $574.93, alleged to be due as a balance on a business transaction dating from June, 1906.