

REFUSES TO ENDORSE PRESENT MANAGEMENT OF MIMICO SCHOOL

Controller McCarthy and Alex Lewis Would Not Accept Report of Executive—Changes Contemplated By Provincial Secretary.

Superintendent Ferrier of the Mimico Industrial School, together with all in charge at the institution at Mimico, came in for a scathing denunciation at the hands of Controller McCarthy at the special meeting of the Industrial School Board at the city hall. The meeting was called to consider the report of Dr. Bruce Smith and Commissioner R. C. Harris, into charges vainly made to officials by Mrs. Spain, mother of Wilbert Spain, and later made public by her thru The Sunday World. The investigation followed. Controller McCarthy was backed by School Trustee A. C. Lewis and Aid Ryder in a successful effort to prevent acceptance of report of the executive committee of the board commenting on the findings of the commission and containing a vote of confidence in the superintendent and staff at the school. The motion to accept this, which was fathered by Chairman G. Tower Ferguson and Beverly Jones, secretary of the board, was finally withdrawn in favor of Aid Ryder's motion to have copies of the reports of the commission and executive printed and circulated among the members of the board for discussion at a special meeting to be held at 4 o'clock Wednesday afternoon.

To Discuss Rules.
Mr. Ferguson, who occupied the chair, read the report of the commission, and then the report of the executive. This last report recommended that the rules of the school be forwarded by the superintendent thru the executive to the board for discussion and revision. The report pointed out that the classification advocated by the commission was impossible, owing to the overcrowding which that body had also reported. It recommended that the government be asked for aid to alleviate this overcrowding condition.

Why They Balked.
Under this heading was included the paragraph at which Controller McCarthy, Mr. Lewis and Aid Ryder balked. It read:

"Your executive, with a deep sense of what it believes to be just and right, wishes to place on record its appreciation of, and confidence in, the superintendent and staff of the Victoria Industrial School. From their personal acquaintance with their work gained thru frequent visits to the school, your committee is persuaded that those who serve this board on the official staff are men and women of true purposes and high ideals, and that the service they render is not alone because of the remuneration attached to their position, but it is also because they have in their minds the sincere desire to make good boys and useful men out of those committed to the institution."

To Parole Boys.
The committee's report also suggested that the superintendent be instructed to parole as many boys as could be recommended for parole with a view to reducing the crowding, and that the government be asked to allow the school to establish a waiting list so that only the most urgent cases should be admitted until the school had reached a normal population.
Mr. Ferguson moved the adoption of the report, and Mr. Jones seconded it in a speech in which he declared that while the board and the management had done their honest best with the school, they had to admit that they had failed of their lofty purposes. He said that when the government had done away with Penetang reformatory, which had formerly looked after the older boys of criminal tendencies, Mr. Stratton, the then provincial secretary, had asked the board to take over the inmates. They had done so and eleven to carry on their work. They were given \$10,000 for an additional cottage.

Proved a Failure.
The experiment has proved a failure, said Mr. Jones. "That is all we can say about it. We must now review our steps and let the government look after the boys of the criminal class. We have failed on two grounds. One, we will not mix with water, and we have been swamped, literally swamped. We have done our best, and the result is failure."

A Long Dissertation.
D. McKinnon would not entertain the idea that the school had been a failure and launched upon a lengthy dissertation to back his theory. The chairman reminded him that time was therefore, he shortly berated the discussion, but bitterly berated the committee for finding that a third of the boys at Mimico were possessed of criminal tendencies. He explained how he had been the first to introduce and he believed, with good effect, all the he said he no longer believed in them.

Looks Like Whitewashing.
Mr. Lewis held some say that he thought that the report was a whitewash.

Keep Well This Spring

Many people seem to regard sickness as something that must be endured at one time or another. They have got accustomed to drag themselves about miserably for weeks every spring, with the idea that all this can be well avoided by using a true tonic, such as Dr. Chase's Nerve Food.

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This food cure supplies the elements from which pure, rich blood is formed. The nervous system is nourished back to health and vigor and new energy and vitality is felt in every part of the body.

thought that the board should not accept the report of the committee endorsing the action of the management until after the matter had been fully discussed. He thought that their report did not go deeply enough into the matter and he feared that if it was accepted the matter would be allowed to settle back into the rut. "We can't worry about hurting people's feelings," he said. "It's going to look as if we were whitewashing." He said that they might well consider whether they had the proper location for the school and said that they should strive to get nearer to the original aim of the founders. "It has always appeared to me," he said, "that there was too much of the prison about the school, too much fear on the part of the boys. We have not the best and most advanced methods and ideas will do, and we must have the biggest, best and broadest kind of man in charge, irrespective of the cost."

Spoke With Hesitation.
Controller McCarthy rose to move that a sub-committee be appointed to confer with the government. He declared that he much appreciated the work of the founders of the school, and said that he spoke with hesitation and regret in passing censure. He said that he recognized that the government had imposed upon the school by turning over its older criminal boys and that the city had imposed bread-and-butter police curbs. He said that he for one would undertake his part in making the city take charge of and care for its feeble-minded in the proper and most advanced method.

Could Not Endorse.
"Now is the time the members of the board," he continued, "must consider the whole question broadly, and not the feelings of any individuals or individuals. I couldn't for a moment vote to accept the report of the committee, endorsing, as it does, the management. I want to say right here and right now that unclean conditions in dining-room and dormitory is not a management that this board can endorse in the year 1912. It is not in keeping with the best thought of the world over. That kind of treatment will produce wrecks and criminals, and this board must not endorse such a management. You can't endorse the management of a school which is dirty. The report of the commission does not censure anybody, but we cannot let it go that way. I think that on the other hand we should go right to the bottom and clean out the place from the start."

Changes Coming.
He told of visiting men in Kingston Penitentiary who had been handcuffed to buyos in Mimico, and whom he had, had been broken there. "I have in my mind from the tenor of the report of the commission that the government is contemplating changes at the school, and if we do not do something, the government will."

Honest and Sincere.
Mr. Ferguson rose to say that he took the responsibility of saying that the men and women at the school were honest and sincere and that the acceptance of the report of the committee need not burk further discussion. "I don't think there is any excuse or explanation that can be accepted for those who allowed these things to occur," declared Controller McCarthy, after rehearsing the findings of the commission. "We should even appear to endorse it," he concluded, emphatically.

Get More Facts.

Mr. Beverly Jones said that in the light of some of the board, it would be unwise to appear to push the matter thru. Mr. Ferguson said that rather than have it appear that the original motion was being pressed in the face of the opposition, that it might be withdrawn, and that the secretary should enter on his minutes that the adjourn to further consider the matter and to have the facts before it at the next meeting.

FARMER FOUND DEAD
Andrew McKinley of Manvers Subsequently to Heart Failure.

KEENE, May 16.—(Special.)—Andrew McKinley of Manvers was found dead on the farm of Mr. G. Tripp, where he had been at work the day previous. He went to work as usual with Mr. Tripp, who runs a sawmill, and was last seen about 4 o'clock, peeling poles. He did not return at night, and search being instituted the following morning, his dead body was found at the place where he had been working. Heart failure is supposed to have been the cause of death. He was 65 years of age and unmarried.

ROGATION SERVICE.
At St. Albans Cathedral, the special rogation service authorized by the diocese, was held in the cathedral chapel on Wednesday, the eve of Ascension Day. This has been a distinctive feature of the cathedral use ever since the consecration of the present bishop of the diocese, who feels that the place where he has been working, and around for the autumn thanksgiving services of harvest, blessings, which are dependent on the Divine answer to our rogation prayers.

USED A SPADE.
CONCORD, May 16.—(Special.)—Andrew Moffat, an inmate of the county house of refuge, was brought before Police Magistrate Rogers here, charged with assaulting the superintendent, Mr. McMillan, with a spade. He was found guilty and sentenced to one month in jail.

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Ontario Would Upset B. N. A. Act Question Grave, Say Law Lords

Province's Contentions in Incorporated Companies Case Meant Limitation of Power of Self-Government—For 35 Years Real Situation Has Been Misunderstood in Canada.

LONDON, May 16.—(C. A. P.)—The lord chancellor, in delivering the privy council judgment in the incorporated companies' case between Ontario and the Dominion, described the case as most important. Speaking of the British North America Act, he said there could be no doubt that under this the powers distributed between the Dominion on the one hand and the provinces on the other, cover the whole area of self-government within the whole area of Canada. It would be subversive of the entire scheme and policy of the act to assume that any point of internal self-government was withheld from Canada. Numerous points have arisen and may hereafter arise upon these provisions of the act which draw a dividing line between what belongs to the Dominion or to the province respectively.

Very Grave Contentions.
On behalf of the province it is argued, indeed, that the Dominion Act authorizing questions to be asked of the supreme court is an invasion of provincial rights, but not because the power of asking such questions belongs exclusively to the province. The real ground is far wider. It is no less than

when the supreme court was established it had, and has, jurisdiction to hear appeals from the provincial courts.

Court of Appeal Judicial Body.
But of any power to ask the court for its opinion there is no word in the act. The province by counsel maintain that when the court of appeal from all the provincial courts is authorized to be set up, that carries with it an implied condition that the court of appeal shall be in truth a judicial body according to the conception of the judicial character obtaining in civilized countries, especially obtaining in Britain, to whose constitution the constitution of Canada is intended to be similar.

The counsel for the province say that to place the duty of answering questions such as the Canadian act under consideration does require the court to answer in a judicial character or of public confidence in it or with free access to an unbiased tribunal of appeal to which litigants in the provincial courts are of right entitled.

The argument in truth arraigns the lawfulness of so treating a court upon the ground that a court liable to be so treated ceases to be such a judiciary as the constitution provides for. The argument on behalf of the provinces was presented substantially as just stated, the not in the identical words, but however presented, no argument which falls short of this could claim serious attention. If notwithstanding the lawfulness of a judiciary within the meaning of the British North America Act then there is no ground for saying that the impugned Canadian act is ultra vires.

Provinces' Inconsistency.
"Great weight ought to be attached to another significant circumstance. Nearly all the provinces have themselves passed provincial laws requiring their own courts to answer ques-

tions not in litigation, in terms somewhat similar to the Dominion act, which they impugn."

"If it be said, as it was said, that section 101 of the North America Act forbids this being done by the Dominion parliament, that argument cannot apply to the provincial legislatures, because section 101 does not apply to the provinces either. Then these provincial acts are valid, while a similar act passed by the Dominion is invalid, which seems very strange, for provincial acts, as well as that of the Dominion, are ultra vires upon the general ground already dwelt upon that a court of justice ceases in effect to be a court of justice when such duty is laid upon it."

A Sudden Revelation.
"Certainly it is remarkable that for thirty-five years this point of view has apparently escaped notice in Canadian and a contrary view, now said to menace the very essence of justice, has been tranquilly acted upon without question by the legislatures of the Dominion and provinces, by the courts in Canada, and by the judicial committee established by the North America Act as the present constitution of Canada."

It is difficult to resist the conclusion that the point now raised never would have been raised had it not been for the nature of the questions which have been put to the supreme court.

Can't Interfere With Parliament.
What in substance their lordships are asked to do is to say that the Canadian Parliament ought not to pass laws like this because it may be said to declare the law invalid because. It ought not to have been passed. Their lordships would be departing from their legitimate province if they entertained the argument of the appellants. They would really be pronouncing upon the policy of the Canadian Parliament, which is exclusively

MORE BIG BROTHERS

Commissioner J. E. Starr of the juvenile court spoke to a crowded and enthusiastic meeting of the Riverside Business Men's Association in Broadview-avenue last night. Here again he established the beginning of a "Big Brothers' Club," which is being organized in wards. He explained the workings of the children's court and told incidents of the good which it might do and of the evils which it was designed to correct.

