

A Veteran's Story



Mr. Joseph Hemmerich.

Mr. Joseph Hemmerich, an old soldier, 829 E. 14th St., N. Y. City, writes us voluntarily. In 1862, at the battle of Fair Oaks, he was struck with typhoid fever, and after a long struggle in hospitals, lasting several years, was discharged as incurable with Consumption.

Hood's Sarsaparilla

as a general blood purifier and tonic medicine, especially in the treatment of the G. A. H.

HOOD'S PILLS are hand made, and are perfect in composition, proportion and appearance.

COURTS OF PEACE.

Proposal to Discourage Litigation in Canada by a New Method.

It Works Well in Switzerland and Norway.

F. E. Titus, Toronto.

There is a general consciousness of opinion that we have too much litigation. Can it be lessened? By many amendments to our legal system we have had its cost increased, but what is the result? An attempt to lessen the amount. Apparently our legislators are convinced that they have done their duty when they have provided the means by which litigants can wage their warfare assisted by all the modern machinery of law. Yet is there not a better way? Is it possible to devise some method by which legal strife may be prevented and quarrels settled before they have resulted in loss of means and the incurring of life-long animosities? The genius of our race should not find this difficult; or, if difficult, it should not stand dismayed by the task. In these days, when nations are learning that it is wiser to settle differences amicably instead of resorting to the stern decision of war, individual men may be expected to greet with pleasure any proposition which looks towards a peaceful relation of their individual disputes.

THE CAUSE OF LITIGATION.

The large amount of money expended in the futurity of law suits, the time wasted by the litigants in supervising their cases, extracting their own advisers and agents, procuring witnesses and other evidence; together with the time and energy devoted to the preparation and conduct of this civil warfare of other people by the intelligent body of men who constitute the legal profession, the judges and other officers of the courts, as well as the large amount of money paid out of the public funds for the equipment and maintenance of the buildings, offices and courts, all constitute a very severe drain upon the wealth and well-being of the community.

THE MORAL INJURY.

When we turn from the financial to the moral side of the question of loss, reasons as much stronger as the moral must ever be. More important than the more material, force themselves upon us for our consideration. From some trifling dispute or misunderstanding, which, if the parties could have been brought face to face in a friendly way, might have been explained and arisen family or neighborhood feuds, have estranged relatives and friends and led to life-long hatred and moral deterioration. So often does one man emerge from a lawsuit without some lowering of his moral tone, some loss of self-respect. Personal advantage is placed in the scales against the truth without a bias, color or shade, as though he were entirely disinterested. The temptation to deviate from the straight path is too often too strong. Some shade of meaning favorable to his own supposed interest will be given. As every such departure, however slight, loosens the moral fibre, renders the man less manly, less able to resist temptation of every kind, and makes further descent easier, the certainty of moral injury makes it a serious factor.

THE CAUSE OF LITIGATION.

Being satisfied that the situation is wrong, we should find a remedy. But first let us consider some of the causes tending to produce an undue amount of litigation; namely, of questions which could be as well, if not better, determined in some other way, involving less expense and less injury.

Why have we so much litigation? One reason is because our whole legal system is so constructed that by it litigation is encouraged when it should be discouraged. His own vanity, his hope and his fears are all potent forces in preventing the litigant, or prospective litigant, from approaching with a view to settlement, the opposing party.

From the inception to the end of an action the aggrieved and the oppressor find themselves surrounded by those whose interests are served by a continuation of the strife.

Litigation benefits the lawyer, the division court clerk and his bailiff, the sheriff and his assistants.

We find among these men many who are moved by nobler impulses than that of selfish interest, and such prevent or shorten litigation; but there must be something utterly wrong in a system which continually tempts any man or class of men to foment strife.

THE TRUE OBJECT OF LEGAL MACHINERY.

The object of the existence of legal machinery should be to settle differences between people as cheaply, expeditiously and fairly as possible. From the bottom to the top of the system it should in every part be so arranged as to accomplish these objects.

In this paper I propose to deal with one place where our legal system fails in some of these respects. That failure is at the very beginning of trouble whose difficulties have not yet assumed the large proportions to which they afterwards often grow, and where, consequently, they could

be settled far more easily than afterwards, with less expense and less ill-feeling between the parties.

Although we have many courts for the carrying on of litigation, we have no court organized for the purpose of settling differences by reconciling the parties, and thus preventing the strife which is carried on in every court of law.

COURTS OF CONCILIATION.

To meet the deficiency I suggest that within every municipality there should be selected a number of commissioners sufficient to perform the duties which I have presently indicated. These commissioners should be selected, not for their technical knowledge of law, although that should not be an objection, but particularly with a view to their intelligence, good common sense, natural sense of fairness and justice and for their ability as peace-makers, each of those commissioners with his clerk to form a court of conciliation.

METHOD OF PROCEDURE.

Before any civil action could be brought the parties should be compelled to take the following or similar proceedings: The party complaining, should in writing, in plain, simple, everyday language, as he would recite his grievances to his friend, state his cause of complaint and what he wishes the other party (the defendant) to do or refrain from doing, and requesting that the defendant be required to meet him in the court of conciliation. Upon this (in duplicate) being delivered to the commissioner he should write the summons of the court, fixing the day of hearing of the complaint and cause the same to be delivered to the defendant, at the same time notifying the plaintiff of the time and place of meeting. The parties to the controversy are to attend in person, and no other person is to be permitted to attend on behalf of either of them, except when the same is rendered necessary by the sickness, infancy, insanity or other sufficient reason or disability of the party of which the commissioner is to be the judge; and in no case is any lawyer to be permitted to attend on behalf of any other person.

If a party fail to appear without good excuse he should be compelled to pay the costs of any subsequent proceedings in a court of law, even though he should win the case, and no action of the class mentioned should be permitted to be brought in the courts of law until after the same had been brought before the court of conciliation.

The parties having thus been brought before the commissioner, they should there state their grievances, it being the duty of the commissioner to endeavor to reconcile their differences and bring about a settlement between the parties.

The proceedings before the commissioner should be strictly private and without prejudice to subsequent litigation, and the information there obtained and the admissions there made should not be available for any purpose whatsoever in any subsequent proceedings.

PROCEEDINGS STRICTLY PRIVATE.

The commissioner in endeavoring to reconcile the parties should not be fettered by legal fictions or technicalities, but should endeavor to do that which seems to him right as between man and man. The parties in their own language state their respective sides of the case. Everything which would assist the commissioner in arriving at the merits could be brought before him. A commissioner of intelligence would be able, oftentimes better than is possible in a court of law, to sift out the true from the false, and, having learned what is the real matter in dispute, he can urge each to sacrifice some portion of that which he considers his rights in order to come to a friendly settlement. The heavy expense of litigation; the uncertainty as to the result; the worry, anxiety and loss of time involved in its prosecution; the bitter feelings which are likely to be engendered might thus be avoided, and in their place would be the absolute certainty that the two parties considered jointly must be in a much more favorable condition if the dispute between them has been settled upon the spot. Even he who wins a lawsuit pays too dearly for his victory. All these things can, by one who possesses the confidence of both parties, be presented in such a strong light that the folly of litigation will be perceived by the parties. Then a suggestion to each as to where he can yield a point without serious injury to what he considers his rights, and a final suggestion to meet each other half way will nearly always result in immediate settlement.

JUDGMENT TO BE FINAL.

If the settlement is reached a certificate to that effect should be forthwith signed, a copy given to each, and either party enforces it in the same manner as other judgments of courts, it to be final and conclusive.

In the event of a failure to settle, the commissioner should give his certificate to the one who makes the fairest offer, and if subsequent litigation is undertaken and the opposite party does not, in its event, secure a more favorable result than that thus made, he should be compelled to pay the whole costs of both parties to the litigation. The fear of such a result would be a strong incentive to peace.

OBJECTIONS CONSIDERED.

Whenever there is suggested a radical change for the better, whether in things political, social or economical, there are always to be heard voices declaring that, however desirable such a change or such an object is in the one view may be, the proposition is utterly unfeasible, impracticable, and will never be accomplished. Utopia is the word which to them settles the whole question, and consider the reform and the reformer to be forgotten.

I have no doubt that by many, who limit possibilities by their own achievements, and whose dogmatism upon this as upon other questions is equaled only by their ignorance of events, such expressions will be made with reference to the reform here proposed.

HAS EXISTED IN NORWAY FOR ONE HUNDRED YEARS.

Yet such a system as I have outlined has been in existence in Norway for nearly a century. Its workings and results are, in the Atlantic Monthly, portrayed by Nicolay Grendel. To an excellent article I am indebted for the most of the suggestions I have here made.

HOW THEY WORK IN NORWAY.

I make the following extracts from his article: "In Norway every city, every village containing at least twenty families, and every parish constitutes a separate 'district of conciliation.' The district is small, in order to make it as easy as possible for the parties to attend the courts, as personal attendance is the main feature of the proceedings. The court, or commission, as the statute styles it, is made up of two members, one

of whom acts as chairman and clerk. These officials are chosen for a term of three years at a special election, by the voters of the district from among three men nominated by the city or parish council. Only men above 25 years of age are eligible, and the law expressly provides that only 'good' men may be placed in nomination. The court meets at a certain place, day and hour, every week in the cities and every month in the country districts. It is not public. The proceedings are carried on with closed doors and the contents are bound to secrecy. Nothing of what transpires is permitted to reach the outside world. Admissions or concessions made by one party cannot be used against him by the adversary if the case should come up for trial in the regular courts. But a party willing to settle before the commissioners is entitled to a certificate to that effect.

"Before this informal tribunal all parties to civil or private cases must appear. Failure to answer in person—except in specially presented cases when a representative, other than a lawyer, is allowed—is punished by the obligation to pay all costs of the formal trial subsequent, whatever be its decision. A fee of 25 cents charged the plaintiff for issuing the summons, and a second of 50 cents in case of conciliation, are all the costs possible.

"The office of the commissioner has come to be one of great honor, and the best men in the country are selected, nor have the courts been allowed to come into 'politics.' The influence of the court of conciliation is brought to bear upon a legal controversy while it is yet possible to bridge the chasm by peaceable means. The injured party made up his mind to seek redress, but before he can rush into court he must pass through the gates of peace."

The writer says that 75 out of every 100 cases are peaceably adjusted in these courts in Norway it is regarded as one of the corner stones of the national system of justice, and it is not an exaggeration to say that any attempt to abolish it would provoke a revolution.

ALSO IN SWITZERLAND.

The same method of settling their differences is also in force in Switzerland. Before any action can be brought in the courts of law there, it is necessary for both litigants to appear before a functionary known as the "Juge de Paix," who is elected and is always one of the wealthiest citizens of the community. Each case states his side of the case, and the duty of the "Juge" is to endeavor to reconcile the differences. As the only persons permitted to be present are the "Juge" and the litigants, in nearly every case this effort is successful.

THE MORAL GAIN.

Although the benefits are great, regarded from a financial point of view, yet a result more important, and one of greater value, is that which may flow from the saving of time, money and energy wasted in the pursuit of our fellow-men in the courts of law, will be the gradually increasing recognition of the rights of others, a growing ability in the individual to see both sides of a question, and, resulting from this, a fairness of mind which must tend eventually to render not only courts of law, but even courts of conciliation, unnecessary.

I can imagine few grander objects, few more far-reaching reforms than this which tends to broaden the mind, and which rests upon the basis of love and conciliation, a marked contrast to our courts of law, of causing as they do, feelings of revenge and bitter enmity. Upon the intellect, courts of law produce cunning, sharpness; courts of conciliation produce wisdom, breadth.

In a litigious people there must be a disposition and the seeds of national decay; while on the other hand, a people who have developed the practice of singing, particularly for courts of law, have in that character a better safeguard against national death than is to be found in more engines of war.

LONDON VS. OSCODE.

Lively Game of Football Booked for Saturday—Turfs Tipped and Other Sporting News.

FOOTBALL.

The Ottawa College and Ottawa City football teams played for the city championship Wednesday, the college winning by 16 points to 2.

The final match for the Rugby championship will be played at London Saturday between London's first and Oscode second. W. H. Hunting, referee.

The final match in the junior championship resting between Hamilton and Varsity will be played at Hamilton Saturday.

THE 9 U.P.

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There are now 26 pacers in the 2-10 list. Nancy Hanks earned \$17,557 this year. She will probably never be started in another race.

ATLETICS.

MAY FIGHT IS MONACO.

THE CONFESSORS ARE ARBITRATORS.

In addition to their powers as peace-makers the commissioners might be given the power to act as arbitrators. If the parties fail to agree, the commissioner should act as arbitrator in the matter; or, if the case is one for the recovery of a debt, it could be submitted to their decision in the capacity of a judge, the decision in either case to be final, which now attaches awards and to judgments.

THE BATTLE CREEK WRECK.

Examination Postponed—Mrs. Evelyn Aitch, of Edwardsburg, identified.

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S. & J.

FASHIONABLE ATTIRE

within the reach of everybody. All during the season our big stock of Mantles has been the most stylish, the most elegant, the most sought after. What was the largest stock of Fall and Winter Wraps ever brought to London has been so much reduced that we were compelled to repeat our order. One case came to hand last week. Another came in yesterday. These are our finest. They are absolutely incomparable in quality, trimmings and fineness.



COMFORTABLE

to look at and comfortable to wear. Beside, they fit the form so gracefully that they are the subject of remark on all sides. Where one has been sold it in many cases has been the means of selling several. And this is the way the large assortment has distributed itself among our numerous patrons. Do not allow the balance to pass out without procuring one. Such an opportunity to buy first-class garments, fashionably made, at so very low prices, should appeal to every one who desires to economize. The enormity of our business enables us to purchase cheaply in large quantities, and this advantageous factor is in part handed over to our friends. We do the Mantle business for Western Ontario. We have the stock, the trade and the conveniences. Our prices are right. They tell every time.

SMALLMAN & INGRAM,

147 & 149 Dundas St.

FOR AMATEUR SINGERS.

The Advantage of Singing Over Other Accomplishments—Mistakes to be Avoided.

Good singing has a great advantage over other accomplishments. It gives the greatest amount of pleasure to others, and, as a rule, is a never failing source of delight to the singer. It is also an exercise which is beneficial to the lungs, and has been proved beyond all doubt that many persons with weak chests have been permanently strengthened by a careful and judicious use of the vocal organs. We may here observe that the practice of singing, particularly in the case of young children, should be insisted upon by parents, as, although there may be no evidence of any disease of the lungs in them, yet by the daily practice of vocal exercises their lungs are invigorated and rendered healthier, and many chest complaints which might have developed in the course of time are thus ward off.

It is a great mistake for women who wish to become good singers to indulge in the pernicious habit of tight lacing. It is a matter of fact that nothing can be more injurious to the respiratory organs than to compress them into a more limited space than nature has already provided for them. The practice of tight lacing makes it utterly impossible for the singer to inflate the lungs to their fullest extent, which is absolutely necessary for the proper development of the voice. The Housewife, authority for the foregoing, has the following to say concerning the selection of a song:

"In the choice of a song the student should be guided by the sentiment contained in the words and the beauty of the music. Due regard, however, must be paid to the compass and capabilities of her voice, and she must be careful to avoid all nervous habits, such as heaving time with the hands or feet, moving backward and forward, etc., but she must acquire an easy and natural attitude."

In conclusion, we would impress upon students to avoid all eccentricity of style and contortion of the features when singing. The latter may be overcome by practicing in front of a looking glass, which will have the effect of correcting all tendencies to such bad habits.

Give Holloway's Corn Cure a trial. It removed ten corns from one pair of feet without any pain. What it has done once it will do again.

Callahan says that the reason why stolen knives are sweet is because they are syrup-titious.

The Mexicans do not use ice, but nevertheless there is no country where a man can get a glass of cool, sweet water quicker than in Mexico. The water jars are made of a porous pottery which allows the water to seep through the material and evaporate and evaporate keeps it always cool. It is not cold like our ice water but it is all the better on that account as a man can drink twice as much and never feel in the least injured, no matter how large his draughts.