

TO ADVERTISERS.

To insure prompt change of ads copy must be in this office not later than 8 a. m. on the day they are to appear.

The Daily Mail

THE WEATHER.

Maritime — Gales south to northwest, rain, clearing during Friday, and colder.

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FREDERICTON, N. B. THURSDAY FEBRUARY 22 1912

TWO CENTS PER COPY

GEORGE BERNARD SHAW DISCUSSES HOME RULE

Declares that a Little More Protestantism is Wanted on Both Sides of the Channel--Craven Terror of Poor Old Rome is not Protestantism--The one Force Rome Cannot Face is Democracy--Advocates the Establishment of the Roman Catholic Church in Ireland

London, Feb. 22.—The latest contributor to the Home Rule controversy is George Bernard Shaw, who suggests that what is wanted on both sides of the Channel is a little more Protestantism.

"This craven terror of poor old Rome, of a Pope who is less free personally, than any atheist and less powerful than the meanest surgeon is not Protestantism," he says. "It is cowardice. That is the unvariable symptom and penalty of want of faith. There is one force and one only, that Rome cannot face, and that force is democracy. There is only one chance for priestly tyranny under Home Rule, and that is the chance of Protestants insisting that the Irish parliament shall be denied power to set the Roman House in order."

"The most pressing need of Ireland today," proclaims the dramatist "is the establishment of the Roman Catholic Church. At present the priests levy taxation without audit or responsibility, and their charges for official services at marriage, funerals, etc., would make an English farmer gasp. This taxation should be levied by the Irish parliament, which should pay priests and regulate the charges."

"Besides controlling ecclesiastical patronage, factory acts should be applied resolutely to the convent workshops and the like, and an inspector of education, should exact as high a standard at convent schools as from lay ones."

"If Orangemen would open their minds to these contemporary facts

and practical probabilities and clear their imagination of thumb screws and stakes, and faggots, and puns on the rack, we should soon have Irish Protestants asking the government to make Roman Catholic Church establishment a feature of the Home Rule bill, while the priesthood would be resisting Home Rule, and clinging with all its might to its present irresponsible power and richness."

PROPOSED FAST LINE

London, Feb. 22.—During the present year, parliament will be asked to authorize the conservation of a railway and harbor at Galway, with a view to the establishment of a Galway-Halifax route, by which it is claimed that the Atlantic passage could be completed in from two and a half to three and three quarter days. The bill is a non-contentious one, and hopes are expressed that these works may be begun early next year.

London, Feb. 22.—The announcement from Montreal that a company supported by a powerful group of British capitalists and Canadian Railroad men had been formed to operate a line of four day boats between Great Britain and Halifax was received here with patriotic joy. The London Times confirms the report that six 24-knot vessels will be built for the purpose of sending western and Asiatic traffic via Canada instead of via the United States. It is expected the vessels will be subsidized by the government and for defence of Atlantic trade routes in time of war.

QUEBEC ADOPTS MEDICAL RECIPROCITY

Quebec, Feb. 21.—The bill enacting medical reciprocity between the different provinces of Canada was reconsidered today before the legislative committee of the legislative assembly and again adopted unanimously. It is agreed that this reciprocity may be repealed whenever any province wants it.

AMBASSADOR JUSSEURAND AS ORATOR

Chicago, Feb. 22.—Ambassador Jusseurand, the French representative at Washington, was the Washington's birthday orator at exercises held in the Auditorium this morning under the auspices of the Union League Club. The ambassador took for his subject "What France was for Washington, What Washington was for France." At a meeting of all nationalities this afternoon, also under the auspices of the Union League Club, Jacob Rifs, the New York sociologist spoke on "The City and its Duty to its People."

CENTRAL KANSAS TEACHERS

Hutchinson, Feb. 22.—The members of the Central Kansas Teachers' Association gathered in this city today to take part in what promises to be one of the most profitable annual meetings in the history of the organization. The sessions will continue two days and will have as speakers Dr. Edward C. Elliott of the University of Wisconsin, Prof. E. L. Holton of Kansas and a number of other educators of wide reputation.

WASHINGTON STATUS FOR MEXICO

City of Mexico, Feb. 22.—Washington's birthday was observed here by the unveiling of the statue of George Washington, the centennial gift from the American Colony to the Mexican government. The statue is of heroic size, executed in bronze was a design by Pompeo Coppini, the San Antonio sculptor.

OLYMPIC GAMES AT STOCKHOLM

Plans for Canadian Representation are Taking Definite Shape

Athletic Team will Sail from Montreal on June 15--Will Train in Crystal Palace Grounds, London

Toronto, Ont., Feb. 22.—The plans for the representation of Canada at the Olympic games at Stockholm this summer has taken definite shape, as the result of the meeting of the Canadian Olympic Committee. Chairman James G. Merriek presided and the other members present were R. Herbert Brown of Montreal, R. Tasker Steele of Hamilton, Rev. Dr. D. Bruce McDonald of Toronto, and Secretary N. H. Crow. The Canadian Association of Amateur Orsmen, have charge of the rowing section, and will carry out the trials as previously announced. All the Canadians except possibly the trap shooters will leave Montreal by the White Star Dominion Liner Teutonic Saturday, June 15, for Liverpool. The athletic team will stay at Upper Norwood, London, training at the Crystal Palace Grounds. They will reach Stockholm about July 2, a couple of days before the competition.

Rowing, athletics, swimming and possibly trap shooting will cover the representation of the country in the Olympic competitions. Only in such branches of sport as there is reasonable expectations of success in a world competition will Canada be pitted against the nations.

The Dominion Rifle Association having disapproved of sending any of the Blisley team, the Canadian shooters will be represented by the Canadian Rifle Association.

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Judge Charbonneau Says Hebert Marriage is Legal

Important Decision Handed Down at Montreal Today in the Famous Ne Temere Marriage Case--Held that an Officer Authorized to Solemnize Marriages Can Marry any Two Persons Regardless of Their Religious Belief--Mrs. Hebert's Children Held to be Legitimate and Born in Wedlock--Ne Temere Decree has no Effect against Civil Law

Montreal, Q., Feb. 22.—Mr. Justice Charbonneau gave judgment this morning in the famous Hebert marriage case in favor of the wife. He practically holds that any officer authorized to solemnize marriage can marry any two persons who observe the ordinary formalities, including a marriage license, no matter what their religion may be. The judge holds that the Ne Temere decree has no effect as against Civil Code which, he holds authorized all persons who are allowed to keep registers of civil status to marry parties.

As to the marriage between Marie Emma Cloutier and Eugene Hebert, solemnized by the Rev. Wm. Timberlake, a Methodist minister authorized to keep a register of civil status on July fourteenth 1908, he held that it was performed legally. He upholds Madame Hebert's opposition to the judgment declaring the marriage illegal rendered by Justice Laurendeau by default he finds that the withdrawal of the husband from the suit by filing of a desistment of suit, did not prevent the wife from seeking to establish her civil status by bringing evidence to prove that her marriage was legal and her children legitimate. He holds her children as legitimate and born in wedlock.

The entire case for the wife was placed before the court several months ago, the judge reserving the right not to adjudicate upon the merits of the question of marriage, providing he found that as a matter of procedure and practice it was illegal to hear evidence in a cause after the party bringing suit had withdrawn.

Attorneys for the husband claimed that when they asked their withdrawal that ended the case, they desisted from the suit and the lady won. There could be no hearing of evidence after that. When the judge admitted the evidence under reserve, they abruptly left the court room and the case for the husband, that is, that the marriage of a Catholic not performed by a priest is illegal, was never presented to the court.

Both were Catholics and born into the faith, Mrs. Hebert in Fall River, Mass., in 1883, and Mr. Hebert in St. Valentine, Que., in 1860.

BIG CROWD PRESENT.

Montreal, Q., Feb. 22.—There was a tremendous crowd in the court room when the judge appeared on the bench while the corridors leading to the court were blocked with reporters and lawyers.

The judgment took His Lordship over an hour to read.

After a long review of the facts of the case, Judge Charbonneau went into its merits and said that the plaintiff did not ask by his action that the marriage be annulled as to the marriage tie, but simply that the episcopal decree declaring the nullity be recognized by the court and that consequently the marriage be annulled as to its civil effects. The learned judge then quoted articles of the code to show that no had faith on the part of the defendant being established, the marriage should not be annulled as to its civil effects. Commenting on the episcopal decree, which was maintained by the first judgment, His Lordship said:

"It must be noted that the annulling of marriage is the exercise of judicial power, whether such exercise be called a decree or a judgment is to the same effect. Judicial power is a part of public authority and can be conferred only by the law which entrusts the functions therefore to a certain class of citizens acting ex officio or by the crown, according to certain laws enacted by the legislative power to that effect. This authority is not here given in the code nor in the laws proceeding it as far back as the conquest."

"As all judicial authority disappeared with the change of allegiance it would be useless to go beyond the session to see what was the jurisdiction of the bishops in such matters, or what was the officiality under the old French law."

CIVIL LAW INDEPENDENT.

After stating that this question is now hardly contested and referring to judgments of the court of review rendered in the same sense, the learned judge quotes the following summary of the principles governing the matter as laid down by Justice Cozneau in a case of La Rue vs. Brugges.

THE HEBERT CASE.

Montreal, Feb. 22.—March 9, action to annul marriage entered. March 23, judgment annulling marriage rendered by default by Judge Laurendeau. April 25, wife files opposition to judgment, received by Mr. Justice Weir. Nov. 17, husband desists from suit. December 12, trial. December 22, taken en deliberes by Mr. Justice Charbonneau.

dered in the same sense, the learned judge quotes the following summary of the principles governing the matter as laid down by Justice Cozneau in a case of La Rue vs. Brugges. "This marriage, or if you prefer it, this contract, has no other existence but that given it by the Human Law civil justice adjudicates as to its validity. The action of the civil courts as to said marriage is perfectly independent of all other authorities, even religious authorities."

NO LEGAL VALUE

The learned judge then remarked as follows: That the decree has heretofore, no legal value whatever. It would not even be of any use as proof of one of the judicial facts needed to establish a case, not being in the form of a document to which that the first part of the Laurendeau judgment confirming the ecclesiastical decree under oath by an expert in the matter. We should therefore conclude that the first part of the Laurendeau judgment of the ecclesiastical decree was unfounded in law and that the second part concerning the civil effect of the marriage was unfounded as to facts, as there was no proof of that faith and was also unfounded in law since the marriage had not been

INSPECTOR HOCKIN FISHWAY EXPERT

Examination of Dams at Marysville and Stanley is now well Under Way

Fisheries Inspector R. Hockin of Pictou arrived in the city last night and today accompanied by Inspector H. E. Harrison went to Marysville to inspect the dam preparatory to having a fishway installed. This evening the inspectors will leave by I.C.R. for Stanley where it is intended to install another fishway.

Inspector Hockin is an expert in the matter of fishways and himself invented a fishway which received most commendable notice at the St. Louis exposition. Several fishways built under his direction are now in use. It is considered highly feasible to put fishways in the dams on the Nashwaak and make it possible for salmon to reach the upper waters.

MICHIGAN SWEEP BY BLIZZARD

Detroit, Mich., Feb. 22.—The worst blizzard experienced in Michigan in years was responsible yesterday for the death of at least one person and the injury of twenty-five others, as the result of collisions between trains or street cars during the blinding snow storms. Steam and electric railway traffic is paralyzed in all directions. Several trains are buried in snow drifts and others are running from five to eight hours behind time.

One passenger was killed, and several were hurt near Vicksburg, when a freight train crashed into a stalled passenger train on the Grand Rapids and Indian Road.

annulled or declared null by the religious authority which was not competent or by the court of whom this had not been asked. This would justify the setting aside of the judgment and the dismissal of the action. However, as above mentioned, the demand of the defendant opposant and of the Tiersse opposant to declare the marriage valid force the court to decide on the whole merits of the case, notwithstanding the insufficiency of the conclusions of the declarations."

Then came the main point at issue and the judge said:

"The question in this case is to know whether two Catholics procuring a license from the crown, which dispenses with previous publications such as banns, can validly be married by the minister of a Protestant sect or must be united in dispensation by the Catholic religious authorities. In a word is the respected jurisdiction or concurrent jurisdiction of all officers authorized to keep the civil registers and can the crown license dispense with the publication of banns for Catholics as well as the other religious denominations. Before going over the articles of the code concerning the matter, it may be well to make a distinction as regards the functions performed by the priest or minister in connection with the marriage. Cassau in one of his pleadings indicates the three elements of marriage.

"Marriage," he says, "owes its institution to nature, its perfection to law and its holiness to religion." What essentially constitutes marriage has the consent of a man or woman to unite together.

Such facts as may constitute clandestine, or to certain irregularities which would strictly disqualify the officer, leaves with him, nevertheless, the color of office, and the defect authority which would prevent one of the concerns from asking for nullity against the other, having contracted in good faith, but such direction cannot be extended so far as to deprive

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EXPLOSIVE CO.'S PLANT WIPED OUT BY FIRE

Wallaceburg, Ont., Feb. 22.—The Dominion Carlite Explosive Company's plant here was almost completely destroyed by fire last night. The loss and cause are unknown. Twenty-five men are out of employment.

D. A. Gordon, M.P., is president of the company.

MODERN DANCES TABOO

Niagara Falls, Feb. 21.—The "Turkey Trot," "Bunny Hug," and "Grizzly Bear," were officially tabooed by the Elks at their ball here. They refused to permit the latest dances.

NEW YORK CELEBRATES

New York, Feb. 22.—Throughout Greater New York today a myriad of flags were displayed in commemoration of the birth of George Washington. All the exchanges, banks and other financial institutions were closed and numerous social and benevolent societies contributed, by the holding of public meetings and exercises to the celebration of the holiday.

THROWN FROM SLEIGH

Mrs. James Davidson of Gibson was badly shaken up but not seriously hurt by being thrown from a sleigh Tuesday afternoon. Her horse was frightened by a motor car.

Mr. T. G. Murphy of Fraserville, P.Q., arrived in the city last night. Mr. G. P. Burchill of Nelson, returned home last evening.

ANGLO-GERMAN RELATIONS WILL BE MORE CORDIAL

German Paper Publishes Highly Optimistic Story on the Recent Visit to Berlin of Lord Haldane--Result of the Conference more Favorable than Either Side Dared to Hope--Baron Von Stumm of the German Foreign Office will Shortly Return Haldane's Visit

Berlin, Feb. 21.—A highly optimistic account of the recent visit of Viscount Haldane, British secretary of war, to Berlin and of the Anglo-German negotiations given today in an article published in the Lokal Anzeiger which is attributed to a diplomatic correspondent and which there is reason to believe is authoritative. The result of the conversations between Viscount Haldane and the German ministers is declared to have been more favorable than either side dared to hope. The world has for a long time had no such reason for looking forward confidently to a peaceful future.

The credit of putting an end to the diplomatic tension between the two countries is ascribed personally to King George, who realized that the atmosphere was without doubt capable of being cleared up by frank discussion between the two countries, and he took steps toward this end before his departure for India. He found the subject ripe for discussion upon his return to England and Viscount Haldane then started for Berlin after receiving an unmistakable intimation that his visit would be acceptable.

The aim of the present negotiations appears to be the drafting of a sort of protocol giving the views of both parties on all great questions of world politics which will serve as a guide in their future relations.

The protocol will contain mutual loyal assurances as to the peaceful and friendly motives of each nation

and clarify the wishes and plans of both parties, so that conflicts between their respective interests will be rendered avoidable in the future by timely discussion.

ARTICLE NOT AUTHORITATIVE.

Berlin, Feb. 21.—Hopes for the establishment of more amicable relations between Germany and Great Britain, based on the recent visit to Berlin of Viscount Haldane, the British secretary of war, have not been permitted to reach too great a height. The Lokal Anzeiger this afternoon published a highly optimistic article concerning the new accord, and as Lokal Anzeiger frequently is the mouth piece of the government it was generally assumed that the article had some authoritative foundation.

The German foreign office however, issued a statement this evening that the article in question had no official base, and added: "These assertions are based solely on conjecture, and are therefore only circulated to awake false hopes or false fears."

London, Feb. 22.—Baron Von Stumm director of the political department of the German foreign office will visit London soon in an effort to create a better understanding between Great Britain and Germany just as Lord Haldane visited Berlin on a similar errand.

The Baron, who is known to have pro-English sympathy will have a cordial reception from the British government.

MAY BUY COAL FROM THE U.S.

British Admiralty is Preparing to Cope with the Strike Situation

Steamers Already Chartered to Load at Newport News--U.S. Railways Cannot Handle Big Shipments

London, Feb. 22.—A sensation has been caused in Welsh coal trade by the statement that the British admiralty has arranged for supplies of American coal to be delivered at Gibraltar of Gibraltair of Gibraltair.

The steamers Eleanor and Teespool have been chartered in London in the last few days about 17,000 tons of coal at Norfolk, Va., or Newport News early in March. It is understood that the admiralty wishes to reserve what Welsh coal is available.

New York, Feb. 22.—The United States will not be able to rush any enormous quantity of coal to Britain should a strike occur there. The railroads could not handle huge shipments in addition to the regular supplies. If a strike of American bituminous and anthracite miners appears inevitable, very stiff prices would be demanded for whatever consignments were wanted by British interests. Already the British government has placed several steamships under charter to load American coal in case of a strike abroad, but these vessels cannot well be placed for loading at American ports before the middle of March. They would have to make the trip across and this would take from twelve to twenty days. Coal shippers interviewed here could not say positively that the order for coal for the British admiralty had been placed a great many of foreign interests have been consulted

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N. S. LEGISLATURE FORMALLY OPENED

Halifax, Feb. 22.—The first annual session of the new legislature of Nova Scotia was formally opened by Lieutenant Governor McGregor this afternoon. His Honor was attended by the usual guard of honor. The address in reply to the speech from the throne was moved by Mr. J. L. Ralston of Cumberland and seconded by Mr. Donald McLennan of Inverness.

ROOSEVELT SAYS HIS HAT IS IN THE RING

Cleveland, Ohio, Feb. 22.—During the brief stay of Col. Roosevelt in Cleveland, W. F. Eirick, well known locally in politics greeted the former president, whom he knew so well.

"I want a direct answer, Colonel," said Mr. Eirick, "all your friends want to know, and want to know now, whether you are going to be a candidate."

"My hat is in the ring," replied Col. Roosevelt, "you will have my answer Monday."

CANADIAN SKATERS MADE GOOD SHOWING

Syracuse, N. Y., Feb. 22.—In the preliminary heats of the Eastern Indoor Championship held under the auspices of the International Skating Union, in the Syracuse Arena last night, R. M. McLean, of Chicago won every heat he competed in, easily carrying off the honors. Bush, the one-armed skater, of Vancouver, and Kaad of Chicago, qualified for most of the finals.

Champion Wheller of Montreal got into the finals of the 440 yard dash.

PENNSYLVANIA Y.M.C.A.

Bradford, Feb. 22.—The Pennsylvania Young Men's Christian Association began its annual convention here today with delegates in attendance from all parts of the State.