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# The Daily Mail

THE WEATHER.  
Maritime — Moderate to fresh southwest and west winds, showery. Tuesday, westerly winds, fair and moderately warm.

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FREDERICTON, N. B. MONDAY JULY 29 1912

TWO CENTS PER COPY

## A TERRIBLE DISASTER

Many Excursionists Were Drowned at A German Bathing Resort

Landing Stage Collapsed During a Band Concert Throwing Hundreds into the Sea.

Binz, Germany, July 29—A shocking catastrophe causing the death of a large number of German excursionists occurred last evening at this Baltic bathing resort. The landing stage which was crowded to its utmost capacity, during the concert given by the local band collapsed, and threw over a hundred people into the sea. There was a terrible scene of excitement as the people on shore endeavored to rescue the men, women and children, struggling in the water among the wreckage. Twenty-one bodies have been recovered, but it is believed that many more people lost their lives.

The excursionists had come from all parts of Northeastern Prussia to spend the day at the seashore.

### ATTACKED BY SNAKE

Prescott, Ont. July 29—Attacked by a six foot snake, was the experience of the two Misses Hicks and their father Frank Hicks, while bathing at Oxlow Sunday afternoon. While passing under a clump of long grass, which hung over the water, the reptile either fell or jumped into the boat. The women stood up at once while Mr. Hicks attacked the snake with an oar. It struck at him, and the women in their excitement overturned the boat. They managed to reach shore in safety though the Misses Hicks were both in a terribly agitated condition, when they landed after their unpleasant experience.

## THE EMPEROR OF JAPAN DIED TO-DAY

### REPORTED DEAD.

A cable from Tokio this afternoon announces the death of the Emperor of Japan.

Tokio, July 29—The Emperor was still alive at 3 o'clock this afternoon. A bulletin at that hour announced that his condition was unchanged.

The Crown Prince, and the Princess of the Imperial Family, the members of the Cabinet, and Counsellors, remained at the palace throughout the night. The ministers gathered in a room adjoining the sick chamber. The Empress retained her post at the bedside. Her unremitting vigil commands admiration everywhere. Throughout the night diplomats and officials visited the palace.

A great multitude of people gathered in the outside park, praying and crying, the noise of their wooden clogs upon the pebbles in the roadways was audible within the palace itself.

There is some indication of discontent with the attending physicians who are charged with adhering to closely to the convention surrounding the poison of his majesty, but prominent physicians outside the court believe that everything possible has been done since July 19th, though possibly in the earlier stages of the disease, the court physicians who are of the old school hesitated to place too strict injunctions upon the Emperor.

The authorities are urging the people not to neglect their business or the necessary activities of life. As a result, except for the theatres and musical entertainments, the life of the city moves almost normally but there is a very perceptible depression among even the lowest subjects.

The A. F. of L. building trades department is now recruited to its full strength of eligible organizations.

## EMPERESS OF BRITAIN COLLIDES WITH COLLIER

Big C. P. R. Locomotive Ran Into and Sank the Steamer Helvetia off Fame Point in a Heavy Fog—Craft was cut in two but all Hands on Board Were Rescued—Empress Badly Damaged and Forced to Return to Quebec.

Quebec, July 28—During a dense fog the Canadian Pacific Railway steamer Empress of Britain, which left Quebec at 7.15 on Friday evening, collided with the steamer Helvetia, a collier, bound to Quebec and Montreal, at 1.45 p.m. on Saturday evening. The scene of the disaster was between Cape Magdalen and Fame Point. First news of the accident came to Quebec about six o'clock on Saturday evening via wireless, and this was followed by another despatch stating that the Empress was returning to Quebec with her bow badly stove in and her fore compartments filled with water.

As far as can be gathered, the Empress struck the Helvetia amidships, cutting her in two, the injured vessel sinking shortly afterwards. Those on board the Helvetia, however, were all rescued and taken on board the Empress.

Captain Murray immediately gave orders to have his ship brought back to Quebec, and assistance was despatched to her, the wrecking steamer Lord Strathcona being despatched at once, while the Canadian Pacific tug Cruiser, which was in Montreal, was also hastened to the scene, passing through here this morning to help Empress.

### CUT HELVETIA IN TWO.

Late news showed that Captain Murray was proceeding through the dense fog cautiously, when suddenly and without warning the Helvetia was seen, but too late to avoid collision, the Empress plunging into the Helvetia and, it is said, cutting her in two. Successful efforts were at once made to rescue the captain and officers of the sinking vessel, a few moments after which she sank.

The occurrence naturally created consternation on the Empress but this was soon quieted and Captain Murray had an investigation made as to the damage which his ship had sustained. He then wired news of the

disaster to the Canadian Pacific Railway authorities and ordered his vessel to return to Quebec.

The Britain had 730 passengers. The progress of the vessel back to port is being accomplished very slowly, the vessel being impeded in its passage by the wreckage which hands over its bows. At 1.15 this afternoon the ship reached Father Point, where she was still at 5 o'clock.

The Allan steamer Pretorian was standing by, to which some of the passengers and the mails were being transferred. The Empress expected to again get under way shortly before 7 o'clock. She is traveling under her own steam and as she is making but eight knots an hour, she is not expected to reach Quebec before tomorrow morning at a late hour.

The steamer Helvetia, which sank after the collision, was bringing a cargo of 8,000 tons of coal from Sydney. The skipper of the Helvetia was Captain Connell.

### VESSEL AND CARGO INSURED.

Halifax, July 28—A Sydney despatch says the Helvetia had 7,500 tons of coal on board. The steamer was built at Sunderland about a year ago. The captain's wife and niece were on board. Capt. Connell and First Officer Wilson are well known here. It is understood the ship and cargo were insured. All on board except the officers and the two ladies were Chinamen.

Mr. Henri Bourassa, writing in his paper Le Devoir says:

"Mr. Borden should know that all participation in imperial naval affairs is distasteful to French-Canadians and that if he has forgotten we have only to remind him of the vote in Drummond-Arthabaska—where the bye-election was fought 'On the Naval Question.' "A FRESH DOSE OF THE DRUMMOND-ARTHABASKA MEDICINE," concludes Mr. Bourassa, "MIGHT HAVE A SALUTARY EFFECT."

## BARRY WON FROM AUSTRALIAN SCUTTLE

London, July 29—Ernest Barry, the English champion scuttler today defeated Richard Arnst of Australia, in a race over the Thames course, for the sculling championship of the world. This was the first time in sixteen years that the world's sculling championship has been competed on the Thames.

Richard Arnst, the holder of the title, started the race with the prestige of a previous victory over his opponent, Ernest Barry, whom he had defeated on the Zambesi in Aug. 1910. Barry claimed at the time that he was not in condition and that he had been anxious ever since for another attempt to defeat the world's champion, and for the chance of bringing the title back to England, where it had not been held by an Englishman since 1876. The contrast between the rivals, both in action and physique could scarcely have been greater. Arnst, standing six feet, one inch, is so finely proportioned that he did not look the height, nor did he seem to be carrying his announced weight of 200 pounds.

Barry is more lighter in form, but was muscled in a manner which proved that he was equally strong. In style Arnst seemed to have superior thrusting powers, but Barry showed better form. The race was for a purse of \$5,000 and the championship cup which had been held for several years by Arnst.

The average wage received by bricklayers in England is \$9.72 per week for fifty-two and a half hours. The bricklayers in Germany receive \$7.50 per week and are required to work 59 hours.

## BONAR LAW IN FAVOR OF A PREFERENCE

London, July 29—"Among the important reforms to which the Unionist party is committed," said Bonar Law, at the Unionist mass meeting at Blenheim, "One is the providing of a preference in the overseas markets. Canada and Australia are both urging on us, the adoption of this policy. Both want reciprocal treatment within the Empire, in peace as well as in war. 'If, he continued, 'the reciprocity election had gone the other way, our share in Canadian trade would only have amounted to a share of American trade. From that danger, however, we have been saved in spite of our government, by the true instinct of the Canadian people. The danger has gone for the moment, but it will recur if we persist in refusing the boon which has been held out to us. And it is a boon. Canada has much to offer, and she has many suitors. If we refuse them, her gifts will be eagerly accepted by other nations, which are not so blind."

## MAJOR LEONARD'S MOTHER IS DEAD

St. Catharines, Ont., July 29—Mrs. Elizabeth Leonard, mother of Major R. W. Leonard, chairman of the National Transcontinental Railway is dead, aged 87 years.

E. J. Brais, general secretary of the Journeymen Tailors' Union of America has been nominated for Congress from the Seventeenth Illinois district on the Socialist ticket.

## TO WELCOME CANADIANS

Pres. Fallieres Will Receive Premier Borden and Colleagues in Paris

Franco--Amerique Will Tender the Visitors a Banquet on Tuesday Night--Good Words From the Press.

Paris, July 29—President Fallieres specially returned to Paris today from Nancy where he is spending a vacation to receive Mr. Borden and the Canadian ministers, at the Elysee notwithstanding the sudden death of M. Ramondon, secretary to the president and the confusion arising therefrom.

The banquet to be tendered Tuesday night by the Franco-Amerique will be notable on account of the presence of Premier Poincare and the regent of the Bank of France. Addresses will be delivered by M. Poincare, Mr. Borden, and the other Canadian ministers.

The visitors have been accorded a warm welcome by the press and Leslie says:

"England cannot have the sympathy of the French Canadians in this undertaking, (referring to imperial defense). The greater love French Canadians have for France the more freely will they contribute to the supremacy of the British Navy. When the day of battle comes, and British warships, given by Canada are engaged in the North Sea, French Canadians will be protecting not only the honor and interest of England but the Glory and Security of France."

Paris, July 29—The British Chamber of Commerce of Paris today gave a luncheon in honor of the Canadian statesmen now visiting this city.

Hon. Robt. L. Borden, Canadian premier, Hon. C. J. Doherty, Canadian minister of justice, and Hon. J. D. Hazen, Canadian minister of marine and fisheries, all voiced the hope that their mission would have the effect of strengthening the influence of the friendly agreement existing between France and the British empire.

## DOCK STRIKERS ARE IN REVOLT

Refused to Obey the Manifesto of Leaders to end Strike

Claim They Have Been Betrayed and Displayed Uglier Temper than Heretofore--More Police on Duty.

London, July 29—The refusal of the dock workers in London to obey the manifesto issued by the strike leaders, on Saturday, declaring the strike at an end, after it had lasted ten weeks, was given practical effect today, when very few of the men returned to work. It has been announced that all the agreements between employers and men which had existed before the strike, began would generally continue in force but the strikers are generally of the opinion that their leaders have betrayed them into an unconditional surrender and they are unwilling to agree to such a step.

A new spirit seems to have entered into the men and today it was observed that most of them displayed a much more ugly temper than hitherto. On this account an even stronger force of police than usual was stationed at the dock gates to protect the non-Unionists, who have continued at work throughout the strike.

These men appeared in their usual numbers and as they entered the gates, were regarded sullenly by a large number of the strikers the secretary of the strike committee this morning, said that the strike will probably be resumed. Several of the unions involved to meet today to discuss the situation, and it is expected that most of them will vote for a continuance of the strike.

Coal miners in New Zealand have procured an increase of pay and a six-hour day. British labor statistics show that in fifteen years the cost of living has increased 25 per cent. One in seven of all the children in the United States between ten and fourteen are working for wages.

## Privy Council Hands Down Decision in Marriage Case

Judgement of Supreme Court of Canada is Upheld on all Material Points--The Lancaster Bill is Held to be Ultra Vires of the Canadian Parliament--The Various Provincial Legislatures Have Exclusive Powers to make Laws Relating to Marriage.

(Canadian Press.)

London, July 29—Judgment was rendered today by the judicial committee of the Privy Council in the test case submitted to their consideration by the Dominion government on the marriage question. The holding of the law lords is substantially to sustain the Supreme Court's decision in its lead points.

The Lancaster bill, seeking to impose uniform marriage laws on all provinces, is declared ultra vires and the narrow limits within which Dominion legislatures must work, when approaching the marriage question, are defined. Lord Haldane said that in Their Lordship's opinion, there was no reason why they consider to be a natural construction of the words, "solemnization of marriage" having regard to the law existing in Canada when the B. N. A. Act was passed should not prevail. This conclusion disposed of the question. Their Lordships averted answering the questions relating to the validity of a marriage of two Catholics before a Protestant, holding that such a point could be decided according to the broad constitutional interpretation they had laid down when such a case came before the courts in Canada.

The Lord Chancellor, Lord Haldane, opened by reciting in full the questions submitted by the government of Canada to the Supreme Court and also the answers thereto. The decision of those questions, said the Lord Chancellor, turns on the construction to be placed on sections 91 and 32 of the British North America Act of 1857. Section 91 enacts that the parliament of the Dominion may make laws for the peace order and good government of Canada, in

relation to all matters not coming within the classes of subjects by the act assigned exclusively to the legislatures of the province and for greater certainty and not so as to restrict the generality of the foregoing.

The terms of the section declare that notwithstanding anything in the act exclusive of the legislative authority of parliament, the Dominion extends to all matters coming within the classes of subjects enumerated.

One of these is marriage and divorce, section twenty-one continued the Lord Chancellor, enacts that in each province the legislature may exclusively make laws in relation to matters coming within the classes of subjects enumerated in this section. Among these is the solemnization of marriages in the provinces. The enumeration also includes inter-Alia, civil rights and generally matters morally, local or at a private nature in provinces.

Lord Haldane continued that in the course of the argument submitted, it became apparent that the real controversy between the parties, was as to whether all questions relating to the validity of a contract of marriage, including the conditions of that validity, were within the exclusive jurisdiction conferred on the Dominion parliament by section 91. If this is so, then the provincial power extends only to the directory regulations of the formalities by which the contract is to be authenticated and does not extend to any question of validity.

This was the view contended by one set of counsel, while other counsel contended that the power conferred by section 92 to deal with the

solemnization of marriage within a province but cut down the effect of the words in section 91 and effected a distribution of powers under which the legislature of the province had the executive capacity to determine by whom the marriage ceremony might be performed and to make the officiation of the proper person a condition of the validity of marriage.

If the latter view be taken, it is clear how the questions must be answered, for it was agreed between counsel that the bill referred to in the first question was intended to enable a person with any authority to perform it validly, whatever the religious faith of those married by him might be.

On the footing indicated the bill would therefore, be ultra vires of the Dominion parliament. The third question would also be disposed of for the parliament of Canada would in the events indicated in the question have no authority. The second question, consequently, becomes not only unimportant but superfluous.

Notwithstanding the able argument addressed to them Their Lordships have arrived at the conclusion that the prediction of the Dominion parliament does not on a true construction of sections 91 and 92, cover the whole field of validity, they consider that the provision in section 92 conferring on the provincial legislature exclusive power to make laws relating to the solemnization of marriage in a province operated by way of exception to the powers conferred as regards marriage by section 91, and enables the provincial legislature to enact any conditions as to the solemnization which may affect the validity of the contract.

## I. C. R. EMPLOYE KILLED ON G. T. P.

Moncton, July 28—Charles M. Steeves, a well known employee of the I. C. R., was the victim of a fatal accident on the Grand Trunk Pacific Saturday evening.

A party composed of Steeves, William Allanach, Levi Randall, Ben Randall, John McKee, and the Allen Steeves, left the city Saturday afternoon on a gasoline trolley up the G. T. P. to spend Sunday. Between four and five miles out from the city they met a gravel train on a curve. They saw the train in time to stop and get one end of the car off the track. While the others stepped back out of the harm's way Charles Steeves tried to get the other end of the car off and was thus engaged when struck by the car.

The unfortunate man was struck in the back of the head and his skull fractured. He was rushed to Moncton and taken to the hospital but died a few minutes after reaching there. He was forty-six years of age and leaves a wife and two children. He was a member of Samuel Steeves, of George Road and had been a machinist in the I. C. R. shops for twelve years. None of the rest of the party was injured, having got clear of the track before the train struck the trolley, which was smashed up.

It is said that the party had been warned that there was a train on the road and were on the lookout for it but they met the train on a sharp curve and failed to hear the approach of danger.

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## CHARGED WITH MURDER ON HIGH SEAS

Detroit, July 26—If he is convicted of killing Immigration Inspector H. G. Herbert, the Canadian government officer, whom he shot down yesterday on the Windsor ferry boat Excelsior, William A. Ferguson will pay with his life, and Michigan probably will see its first hanging since capital punishment was abolished by the state many years ago.

This information became known today when a warrant charging Ferguson with murder on the high seas was issued by the United States government after a consultation between Federal and State officers.

The crime of the murder on the high seas is punishable only by death, and the sentencing Judge has no alternative except to fix hanging as the penalty, according to a statement issued by the United States District Attorney's office this afternoon.

The warrant for Ferguson was sworn to by Detective James Cotter, of the Detroit Police Force. Ferguson was officially arrested tonight and will be arraigned before U. S. Commissioner Hurd tomorrow.

## CHURCHILL INVITED TO VISIT CANADA

Ottawa, July 29—It is stated in official circles here that a pressing invitation has been extended to Hon. Winston Churchill, first lord of the admiralty, to visit Canada during the next session of the Canadian parliament, in order that he may lend the weight of his advice to the government in connection with Canada's temporary and permanent naval policy.

Should Mr. Churchill consent to come, it is improbable that he will arrive before January owing to the stress of work in the British House during November, when the home rule debate is expected to be at its hottest.

San Francisco's labor temple will cost \$100,000

## NEW BRUNSWICK GIRL ABDUCTED BY CIRCUS

Lewiston, Me., July 28—A remarkable story of a young girl's abduction and adventures with a circus and her final discovery and restoration to her family came to light today in the case of Miss Lucie Legere, who for two years has worked in one of the mills.

Miss Legere is the daughter of Joseph D. Legere of Paquetville, Gloucester County, N. B. Her mother died when she was two days old and she was reared by her grandmother. According to her story, when she was five years old she was at her grandmother's when some strangers rode up near the garden to speak to her.

A few days later she went to sleep in the garden and when she woke up she found herself in a box in a wagon. She began to cry and the box was opened and she was taken out. Later, she claims, her hair was cut off and she was taken to a circus where she was compelled to work as a snake charmer.

At the age of eleven she was taken from the circus to West Derry, N. H., where a Mr. and Mrs. Blanchard, relatives by marriage, were living. Following trouble in the family she became separated from them.

She will return to her father at Paquetville, N. B.

## DOUBLE DROWNING AT BEAUMARIS, ONT

Beaumaris, Ont., July 29—A double drowning accident occurred Saturday afternoon near Beaumaris when Captain Beaumont, of the vessel Alport, and his ten year old nephew, Jack, eldest son of George Beaumont of Toronto, both were drowned.

The little fellow fell overboard at the gangway and the captain jumped in after him.

Europe's oldest sovereign is the Emperor of Austria, born in 1830; the youngest the King of Spain, born in 1830.