

SAYS LIQUOR EXPORT TAX IS ULTRA VIRES

IMPORTANT CASE BEFORE THE COURT

Counsel for the Export Company Says that the Act Interferes with Commerce.

The Appellate Division of the Supreme Court resumed its session again yesterday afternoon when the case of the King vs. Earl Ashe was taken up. Mr. Lambert of Sackville appeared for the defendant and continued the argument. The Attorney General, J. P. Byrne, appeared for the Crown. The court will consider.

Lemuel Allen Gilbert, of Campbellton was called, sworn, and enrolled on attorney on the motion of Mr. Mullin, K. C. Mr. Gilbert is at present principal of the Campbellton High School and will continue to fill that position for the coming year.

The case of the King vs. Hon. J. E. Hetherington, provincial Secretary Treasurer ex parte Security Export Company, Ltd., was considered. Dr. F. R. Taylor, K. C. in support of the rule for an order nisi to quash warrant under Liquor Exporters' Taxation Act, asked that Mr. A. Geoffrin of the Quebec Bar be allowed to act as counsel. The courtesy of the court was extended to Mr. Geoffrin. Dr. Taylor took the ground that the Act was ultra vires the Province of New Brunswick in that it imposes indirect taxation, and is opposed to the British North American Act as it interferes with trade and Commerce. The Attorney General, contra, took preliminary objections in that the Writ was not directed to proper persons.

The Appellate Division of the Supreme Court continued its session today, and this morning the case of the King vs. Hon. J. E. Hetherington, Provincial Secretary Treasurer, continued to occupy the attention of the court. The court will consider the preliminary objection raised by the Attorney General yesterday in respect to improper service of the writ and will give judgment in the whole matter. The Attorney General proceeded with the argument against an order nisi to quash warrant issued under the Act and was still engaged when court rose at 1 p. m.

CITY AFFAIRS

Funeral To-morrow.

The funeral of the late Mrs. Elizabeth Barry will take place Thursday morning with High Mass of Requiem at St. Anthony's Church, Devon at nine-thirty o'clock.

Remanded To Jail.

The female protectionist appeared before the Magistrate this morning and was remanded to the Country Goal for three days pending investigations.

Can Solemnize Marriage.

Notice is given in this week's Royal Gazette that Rev. H. S. Mullin (Reformed Baptist) of Perth, Victoria County, has been registered to solemnize marriages in the province.

Motored From Newport.

Messrs H. J. Jones and C. L. Spooner of Newport, N. I., arrived here yesterday having made the trip by automobile. They put up at the Barker House and left for home this morning by way of Houton. Mr. Jones is an old time sportsman and has made a number of trips to this province after big game.

Pears in the Market.

Mr. John Camber of Kingsclear, who is one of the largest fruit growers in York County, had some fine pears in the market this morning. Some of the pears were of the Clapp's Favorite variety and he disposed of them at four and five cents each. Mr. Camber has twelve pear trees and expects to have about five barrels of fruit this season. His crop of apples and plums will also be large.

New Company Incorporated.

Letters patent were issued on September the 9th to Oscar Ring Barrister at Law, Hugh Havelock McLean, Barrister at Law and Thomas Louis McGloan, Barrister at Law, all of St. John incorporating them under the name of "J. T. O'Brien and Co., Ltd." and authorizing them to carry on a business of buying and selling real estate building houses and to transact all kinds of agency business and to sell insurance. The capital stock is placed at \$9000.

APPLICANTS FOR LICENSES TO SCALE LUMBER

EXAMINATIONS GOING ON TODAY

Under Act of the Assembly All Scalers are Now Requested to Take Out Licences.

The Provincial examinations for N. B. Scalers licenses are being held in the city today, and there are some fourteen applicants. This morning Mr. Richard McFadgen, Chief Scaler for the New Brunswick Railway Company and Mr. A. T. Murchie, Chief Scaler for the Province, took the candidates to Fraser's Mill below the city and scaling of logs was done. This afternoon examinations were written in the Parliament Buildings. Under the Act these examinations are held in July and September and oftener if necessary and the new Scalers' Act passed at the last session of the Legislature requires all scalers on Crown Lands whether employed by the Government or by private companies to have licenses.

List of Candidates

Those taking the examinations are: George A. Harper, R. B. McBeth, and E. J. Gillis of Campbellton in the employ of the Richards Manufacturing Co., John Farren in the employ of the Shives Co., at Campbellton, W. P. Burns, in the employ of the N. B. Railway Co., John Crotty and Herb A. McCabe in the employ of the Nashwaak Pulp and Paper Co., Harry A. Pearson of the Dalhousie Lumber Co., Gordon Hovey of the firm of Danial Lynch and Sons, Leonard J. Harrington, of Blackville, John R. McAloun Madawaska Pulp and Paper Co., and Abraham Vanderbeck, M. L. A. of the Snowball Co., besides four or five others.

TIMBER BERTH BROUGHT \$505 PER SQUARE MILE

WAS KNOCKED DOWN TO LUTHER B. SMITH

A McAdam Junction Man Who Bid \$25 per Mile will Protest the Sale.

A number of timber licenses to expire on the first of August 1923, but subject to renewal to August 1st 1922 for the purpose of cutting all classes of lumber were disposed of this morning at the Crown Land Office. Six lots in all were put up and all with the exception of one went at the upset price of \$20 per mile. All the applicants bid in the land Luther B. Smith securing one tract of 9 and 1-2 miles on the Parish of Dunbarton, Charlotte County up to \$505 per mile, the highest price ever paid for a timber license in the memory of the oldest officials at the local Crown Land office.

The lots were as follows:—

No. 16 of the Bay du Vin River, 4 square miles to Bernard J. Cook at \$20 per sq. mile

A Record Price.

No. 17 in Parish of Dunbarton, Charlotte County, 8 1-2 square miles to L. B. Smith at \$505 per square mile. In regard to this lot a dispute arose. Charles Anderson of McAdam Junction bid \$25 it is said following Mr. Smith's bid at the upset price \$20 and it is alleged that Col. Loggie who was acting as auctioneer knocked the lot down to him at that price. Mr. Smith objected on the ground that he had not heard the auctioneer and asked that the lot be put up again. This was done and then the Bonnie Lumber Company took a

(Continued On Page 5)

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Green Tomatoes by pck. bush, or bbl. Green Gage, Fancy Blue and Damson Plums, Rrawford Peaches and Bartlett Pears arriving again Thursday. Pickling Cucumbers, Cucumbers, G. B. Corn, White Pickling Onions, Ordinary Onions, Green Peppers, etc.

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