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CRIMINAL CASES CANADA'S AFFAIR, PRIVY COUNCIL GIVES DECISION IN NOTED QUEBEC CASE

LONDON, England, June 11—The judicial committee of His Majesty's Privy Council has delivered two judgments which in effect mean that Canada has the right to bar appeals to the Privy Council in criminal cases and that the Irish Free State has the right to abolish appeal to the Privy Council—the King—in all cases.

Lord Sankey, the Lord Chancellor, delivered the judgments, which followed months of argument before their lordship of the judicial committee on cases of far-reaching constitutional import. The Canadian decision confirms the existing Canadian criminal code, which does not recognize the right of appeal in criminal matters.

Free State Status Outlined

The Irish decision is that the Free State, since passage of the Statute of Westminster, which formally recognizes the right of self-government and the equality of Dominion parliaments with that of the United Kingdom, is entitled to disregard that article of the previous Irish Free State constitution which preserved the right of appeal to the King.

Specifically, the Privy Council first dismissed the petition of the British Coal Corporation of Quebec for court decision which convicted the corporation, along with others, of an illegal combine to maintain prices, and fined the corporation.

Secondly, their lordships dismissed petition for leave to appeal from an Irish Free State decision that was made a test case.

Two Petitions Are Linked

The two petitions were linked together by their lordships as both involved the issue of the right to appeal from self-governing Dominions, one of which, Canada, retains the right of appeal to His Majesty in all other than purely criminal cases. They were argued coincidentally and the judgments were coincident.

Dealing with the petition from the Province of Quebec, their lordships' decision as read by Lord Sankey said: "The appeal, if special leave is granted,

is from the decision of a Canadian court and is to secure a reversal or alteration of the order of the Canadian court. If it is successful its effect will be that the order of the Canadian court will be reformed accordingly.

"The appellant and the respondent in any such appeal must be Canadian subjects or persons who have submitted to the jurisdiction of the Canadian courts. Such appeals (criminal) must be essentially matters of Canadian concern, and the regulation and control of such appeals would thus seem to be a prime element of Canadian sovereignty as appertaining to matters of justice.

"Their lordships see no valid reason since the Statute of Westminster, why the power to regulate or prohibit this type of appeal should not be held to be vested in the Dominion Parliament. Their lordships have been dealing only with the legal position in Canada in regard to this type of appeal in criminal matters.

Civil Cases Not Touched On

"It is here neither necessary nor desirable to touch on the position as regards civil cases. For all these reasons, their lordships are of the opinion the petition for leave to appeal should be dismissed."

The Irish judgment was read first. Lord Sankey reciting that the Irish Treaty reserved the right to Free State citizens of appeal to His Majesty in Council because that right was part of the law practiced and of constitutional usage at that time (1922) governing the relationship of the Crown and the representative of the Crown in Ireland.

Under article 50 of the Irish Constitution which followed upon the treaty, said Lord Sankey, the right of petitioning His Majesty could not be amended by abolishing the right of appeal.

"In December, 1931, the Statute of Westminster was passed as a result of the Imperial Conference in which Irish Free State representative participated. In their Lordship's judgment, the Irish Free State was bound by acts of the Imperial Parliament in the same way as any other of the Dominions.

"The Irish Treaty and the constituent act which followed it," declared the Lord Chancellor, "formed part of the Statute and Law of the United Kingdom, and each of them was a part of the Imperial act. Before the passing of the Statute of Westminster it was not competent for the Irish Free State Parliament to pass an act abrogating the treaty because the Colonial Laws Validity Act forbade a Dominion Legislature to pass an act repugnant to an Imperial Act.

"The effect of the Statute of Westminster was to remove the fetter which lay upon the Irish Free State Legislature by reason of the Colonial Laws Validity Act. That Legislature could now pass acts repugnant to an Imperial (United Kingdom) Act, and TWO—CRIMINAL... asbiff in the case under consideration they have done so."

The foregoing decision disposes of the cases of five Canadian coal companies tried by Mr. Justice Laliberte, at Quebec, in 1933 under the Combines Investigation Act and the Criminal Code, and sentenced to pay fines amounting to \$30,000, for operating a combine in restraint of trade. These were: The Canadian Import Company, the Canadian Import Company, Ltd., S. P. Weaver Coal Company, Limited, The S. P. Weaver Coal Company Limited; and the British Coal Corporation.

The case was appealed through the Appeal Court of the Province of

NEXT CHINESE GOVT. WILL BE 'MADE IN JAPAN'

Tokio Leaders Avowed Chiang Must Go—Hold Him Responsible For Anti-Japanese Boycott and Blocking Expansionist Plans.

The next Chinese government may be labelled: "Made in Japan." Dispatches from Tokio, Shanghai, Peiping and Tientsin make it clear that after five years of strife with the Chinese the Japanese are ready to achieve their long cherished demolition of the Kuomintang, or Chinese nationalist party, which is also the government.

Chiang Must Go

For the first time since hostilities began five years ago the Japanese are out in the open in avowed denunciation of Generalissimo Chiang Kai-Shek the warrior who has ruled that part of China amenable to the Nanking government since 1927.

"Chiang must go," numerous important Japanese leaders told me before I sailed from the Orient, says a correspondent. They accused him of pretending to play ball and not doing it. Now Dai Nippon is moving troops inside the great wall, intent on liquidating the generalissimo and with him the Kuomintang.

Japan holds the Kuomintang responsible for the anti-Japanese boycott and all other Chinese activities which have blocked her economic expansionist plans except in those areas occupied by her armies.

Chiang Kai-Shek the Japanese argue, could have called off the boycott at any time. They claim he was so busy mending his own political and military fences that he wouldn't work with Japan.

By rattling massing troops Japan already has started the disintegration of the Kuomintang government. Gen. Yu Hsueh-Chung, governor of Hopei province, in which Peiping and Tientsin are located, has gone.

If Generalissimo Chiang and the "Soong family dynasty," into which he married, also goes there will be an end to Kuomintang rule in China, the only approximate rule the country has known since the Manchus were dethroned.

In place of Chiang's regime there appears destined a Chinese government supported by Japanese bayonets. It would be a government giving Japan control of China inside the great wall without having to effect a permanent and costly military occupation.

It would agree to recognition of Manchukuo and possibly inclusion of eastern inner Mongolia and north China between the great wall and the Yellow River in the empire which Japan carved out of Manchuria and over which the Emperor Kang Teh rules by the will of Tokio.

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Quebec to the Supreme Court of Canada judgment being upheld in each instance. Leave to appeal to the Privy Council was then sought.

Five other coal companies similarly convicted and fined who have come to be known as "the second group," have their case still pending in appeal at Quebec. These are: The Scotch Anthracite Coal Company, Limited; Hartt & Adair Coal Company, Limited; Mongeau & Robert Cie, Ltd; The Montreal Coke and Manufacturing Company, Limited, and Elias Rogers Company Limited.

Ottawa Circles Are Satisfied

OTTAWA, Ont., June 11—Decision of the Privy Council against application of the British Coal Corporation of Quebec for leave to appeal from a conviction under the criminal code confirms the section of the code re-enacted in the statutes for 1932-33, forbidding such appeals. News of the judgment was received here today with considerable satisfaction among officials of the department of justice.

The action was the first test of the re-enacted section of the criminal code. Previous efforts to set up such a barrier to the taking of criminal cases to the King were defeated by Privy Council judgments.

NEW 'BRAIN WASH' CURBS PARALYSIS

ATLANTIC CITY, N. J., June 11—A brain wash which straightens out some of the most cruel and twisting human deformities was demonstrated today at the scientific exposition of the joint meeting of the American Medical Association and the Canadian Medical Association.

There also was a new antiseptic, developed at the Ford Hospital, far more powerful than anything now in medical use for human tissues.

The brain wash has been used on, and cured cases of infantile paralysis, St. Vitus dance, sleeping sickness, syphilitic meningitis and tuberculosis meningitis.

It has relieved, but not cured, locomotor ataxia. All these are brain troubles, in which some part of the brain, or central nervous system, becomes inflamed due to infection. Paralysis of various kinds is the commonest result of these brain infections.

The wash is plain salt and water. It is the method of use rather than the "medicine" which gets the results. The demonstration was made by George M. Retan, M.D., associate professor of pediatrics, Syracuse University college of medicine.

The salt solution is injected into a vein. At the same time a hollow needle is inserted into the spinal cord to draw off fluid.

The salt water dilutes the blood, which washes the inflamed areas, in these cases the brain. The washing carries off waste which passes from the brain down the spinal cord to be drawn off through the needle.

The waste matter thus washed from the brain has been chemically analyzed so that its volume is known. What it carries along with it that gives the relief from the brain diseases mentioned is not yet known.

More technically speaking, the salt solution lowers the osmotic pressure in the blood. This pressure is the force which causes food from the blood to pass through the walls of the cells forming body tissues.

Works Two Ways

It works both ways. Waste products in the cells use the same pressure to pass out and into the blood for excretion from the body. When the osmotic pressure is lowered the cleaning out of the waste is speeded.

Dr. Retan finds that inflamed areas of the body anywhere throw off their waste during this kind of washing faster than healthy cells.

Hence the treatment reaches directly, and selectively, to the brain itself to wash those ills which cause inflammation by that organ.

Six cases of human infantile paralysis have been treated at Syracuse. Four were caught before paralysis had appeared. All recovered completely without a sign of paralysis. Two were treated after paralysis had started. One died. The other, a girl with paralyzed throat, paralyzed face and difficulty in breathing, had partial relief within an hour after the washing started.

Three of these washings, of about three and a half hours each, removed the paralysis and she recovered completely.

The new antiseptic reported from the Ford Hospital is described as a "medical miracle—an unexpected potency arising from putting two weak antiseptics together.

One is tannic acid, its rating as an antiseptic one. The other is hexyresorcinol, its antiseptic rating 46. But together they rate 240 to 250 (which means that many times stronger than carbolic acid).

The highest power antiseptic now in general use rates 200. There are still more powerful antiseptics, but they can not be used on human tissues, because they are too poisonous. This one is harmless.

The new antiseptic was discovered during a search for something to reduce the death from burns. The work was exhibited here by R. D. McClure, M.D.; C. I. Allen, M.D.; and F. W. Hartman, M.D., of the Ford Hospital, Detroit.

There is always this about serving as Premier of France: It will probably be over in time to keep a previous appointment.

Daily Mail advertisements bring results.

Of Interest to Women

FOR JUNE

Sparkling Eyes

(By Betty Webster)

If you want to have eyes which sparkle, as do those in the well-known song, you must give them the care that they need. First and foremost then it is absolutely important to avoid all unnecessary strain. Precious as our sight is to most of us, it is a sad fact to think of the way our eyes are overworked and ill-treated every day of our lives.

The care of the eyes should begin right away in the morning when they should be bathed in clear, cold water, for not only does this make the eyes bright, it also strengthens them, while tightening up the muscles around the eyes. Quite an easy lotion to make is a boracic lotion which can be used for bathing the eyes once a day. It seems rather absurd to say so, but there are any number of people who, although they have glasses, seldom especially should realise that by refusing to wear the glasses which they need they are adding considerably to those tiny lines and wrinkles which appear round the eyes, and are aggravated greatly by any undue strain.

The reason why many women object to glasses is the fact that they are considered unbecoming with practically any hat. This may be a fact, yet personally I have found that by wearing glasses continually while at work I can dispense with them outside, and instead use a lorgnette! These, by the way, are becoming very fashionable since the Duchess of York has been seen using them on several occasions.

Physical jerks are necessary for the eyes as well as the rest of us, for many grownups do not use their eye muscles sufficiently, and these are apt to become very fixed and stiff. Just as an experiment try a few eye exercises every night and morning, rolling your eyes round and round and quickly from side to side.

After a few weeks of this you may be pleasantly surprised to find that your sight is improving a good deal; this is due to the fact that each muscle

cle which has been brought into play by the exercises is taking up its fair share of the work of the eye, instead of, as previously happened, leaving it all to the main muscles.

If reading in bed is one of the luxuries you appreciate, it will not hurt you so long as you have a light which enables you to read comfortably without having to look crossways at your book, thereby causing undue strain on one eye. A bed light fixed just above your bed behind you will give the best light for this purpose.

Household Hints

A collar button in the box is worth two under the bureau.

A stitch in time is sometimes better than a whole spool of thread in the sewing machine drawer.

A little wax on the iron saves wear and tear on the temper.

The first dandelion on the lawn is the forerunner of an army of banners. Kill one fly in the spring and you kill tens of thousands.

A johnnycake for supper is better than it sounds. Serve it with fresh maple syrup and listen to the peans of praise.

Synthetic syrup is only fortieth cousin to the real backwoods brand. They have never even met.

Plymouth Rock eggs blush when you look at them. A strictly new-laid egg has a bloom like a plum but it gets rubbed off in transit.

Look a fish in the eye when you go to buy. If he gives you a sullen, sunken look, pass him by.

Do not despise the lowly prune. Prunes combined with raisins and tucked into a pie crust topped off with whipped cream make something to dream about.

A robin sings just as well in the rain as when the sun is shining.

Enjoy every minute of this spring. It's the only one we'll get this year.

It is wise to have the heels of all your daytime shoes the same height. Then you are not dead tired after an hour's wearing of your best shoes.

WOMAN, 80, GETS COLLEGE DEGREE

CLAREMONT Calif., June 11—Today was graduation day for Mrs. Lillian H. Gist, 80, and the springingly great-grandmother was as flustered as Claremont College's youngest co-ed over getting her Master of Arts degree.

"To keep up with my sons, and three of them have Masters' degrees. Mrs. Gist attended six seminars in the history of philosophy, Greek archaeology, Roman history and literature and

Latin without missing a day, and topped it off by typing her own 28,000 word thesis.

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Notice Of Intention To Expropriate

To Joseph H. Myshraill of the City of Fredericton, in the County of York: TAKE NOTICE that the City of Fredericton intends to expropriate from the you the lands and premises described as follows:

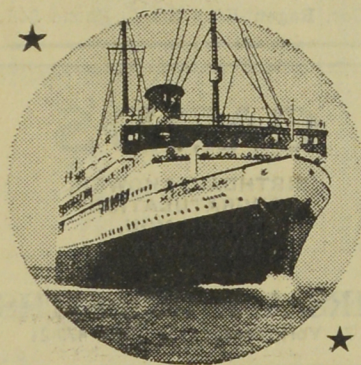
"ALL that certain lot, piece or parcel of land situate, lying and being in the City of Fredericton, in the County of York and Province of New Brunswick, described as follows: BEGINNING at a point where the northeasterly side line of Beaverbrook Street meets the northwesterly side line of the lands of the said Joseph H. Myshraill; thence southeasterly in a straight line in prolongation of said northeasterly side line of Beaverbrook Street ninety-seven (97) feet or to the southeasterly side line of said Joseph H. Myshraill's lands; thence southwesterly along the said southeasterly side line of said Joseph H. Myshraill's lot sixty-six (66) feet to the southwesterly side line of Beaverbrook Street prolonged and thence northwesterly to the point on the northwesterly side line of said Joseph H. Myshraill's lot where the southeasterly side line of Beaverbrook Street meets the same and thence northeasterly along the northwesterly side line of said Myshraill's lot to the place of beginning, as shown on a map of the proposed extension of Beaverbrook Street prepared by John A. MacKay, City Engineer of Fredericton, and dated December 1st A. D. 1934, the same being part of the land conveyed by Albert J. Gregory, Sole Executor and Trustee under the Last Will and Testament of Charles Scully to the said Joseph H. Myshraill by Deed dated the Seventeenth day of July A.D. 1912 and registered in the office of the Registrar of Deeds for the County of York in Book 211, page 253."

The estimated value of the said lands and premises so to be expropriated is One Hundred Fifty Dollars (\$150.00).

Such expropriation will be made after the expiration of one month from the service upon you of this Notice or from the first publication of this Notice in The Daily Mail whichever last happens.

DATED this TWENTY-NINTH day of MAY A. D. 1935.

Fred I. Haviland
City Clerk of the City of Fredericton.



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* Apply any Canadian National or Canadian Pacific Railways office, or Reed's Point Wharf, Saint John.

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