

THE DAILY MAIL

NEW BRUNSWICK'S ONLY HOME COMMUNITY PAPER

THE MAIL PUBLISHING COMPANY — J. L. NEVILLE, Managing Editor.

Published every afternoon (except Sunday) at 327-329 Queen Street
Fredericton, N. B.

NOTICE TO SUBSCRIBERS

It is as easy to stop The Daily Mail as it is to start it. Send us a card or letter marked "refused" and your name will be removed from the list of subscribers. All arrears for subscription must accompany the stop request. Subscribers who do not receive their paper regularly will confer a favour on us by notifying us.

FREDERICTON, NEW BRUNSWICK, NOVEMBER 3, 1937

THE COURT TO DECIDE

THE FEDERAL GOVERNMENT'S DECISION to ask a Supreme Court ruling on the right of disallowance, which has been challenged by the Abernethy Government, is a wise step because it brings court procedure into a situation where constitutional provisions were being jeopardized. If the Alberta Premier is prepared to acknowledge the authority of the Supreme Court of Canada and the Privy Council when the meaning of the British North America Act and the Statute of Westminster is in doubt on one point he may eventually acknowledge that the Dominion has certain constitutional rights as well as the Province, and that defiance is not the proper way to determine them.

The Dominion Government manifestly had no doubts about its authority to disallow Alberta legislation, as prompt action was taken when deemed necessary. As has been stated before, the right has been exercised sparingly in recent decades. It has been challenged on several occasions, notably when Sir James Whitney and Attorney-General Foy of Ontario fought attempts to have Hydro legislation disallowed. The Dominion has used discretion in keeping off purely Provincial ground, although its authority to disallow was not limited by the British North America Act. Apparently lapse in the practice has influenced the idea that its continuance was no longer orthodox.

The second question placed before the Supreme Court offers an opening for argument on this point, but probably has more to do with the reasoning that Dominion jurisdiction has been affected by the Statute of Westminster, which changed relation between the Governments of Great Britain and the Dominion.

In expressing the view that the power of disallowance remains effective, the Minister of Justice has recommended reference to the court for the sake of expediency in the public interest. Whatever the decision, it will clear the air of misunderstandings and should improve relations of the Western Province with Ottawa.

NINE-POWER CONFERENCE AT BRUSSELS

ONCE MORE THE UNITED STATES is making its entry on the stage of international policy when an American delegation headed by Norman H. Davis, Ambassador-at-large, takes its place in the nine-power conference on the Far East which opens at Brussels today. For the third time since the World War the United States is abandoning its traditional isolation and offering to co-operate with Europe.

The first occasion was in 1921 when former Secretary of State Henry L. Stimson proposed to England that the two powers should make a joint demarche at Tokio against the invasion of Manchuria by the Japanese army. That offer was bluntly turned down by the former British Foreign Minister, Sir John Simon.

In 1933 Washington intimated its willingness to co-operate in oil sanctions against Italy if the League should decide to take any action. England and France concocted the abortive Hoare-Laval plan for solving the Ethiopian question and sanctions were killed.

Now again in Chicago President Roosevelt has proclaimed America's readiness to co-operate with other nations in an attempt to restore a regime of law and order in a world that seems on the point of being overwhelmed by the forces of anarchy.

There is no doubt that but for President Roosevelt's Chicago speech there would have been no Brussels conference. The President's address instilled Geneva with badly needed courage. So the League Assembly which at one time seemed likely to adjourn till September without doing anything for China suddenly plucked up courage and recommended a conference of signatories of the nine-power pact.

The Japanese are actually right, even though technically wrong, in asserting that Geneva has inspired the calling of the nine-power conference. Technically, this conference is being summoned not by the League, but by the Belgian government. It has been called on the basis of Article VII of the nine-power treaty which stipulates that "the contracting powers agree that whenever a situation arises which in the opinion of any one of them involves the application of the stipulations of the present treaty and renders desirable discussion of such application, there shall be full and frank communication between the contracting powers concerned." Actually, however, the Brussels conference is the outcome of a resolution voted October 6 by the League Assembly stating opening that Japan in engaging in a campaign against China has violated the nine-power treaty.

The American government has officially gone on record as approving this resolution. Nevertheless, despite the fact that President Roosevelt spoke about putting the aggressor state "in quarantine" in his Chicago speech, it is not likely that either the American government or the other powers represented at Brussels will propose any aggressive action against the Japanese. First of all because the President in the same speech emphasized the desire of the United States for peace and its anxiety to keep out of any future war. This is incompatible with the policy of imposing an embargo on exports to Japan.

Furthermore, neither England nor France would favor an aggressive policy against Japan. They are too much preoccupied by the situation in the Mediterranean and Central Europe to want to become entangled in a conflict in the Far East now. Lastly, there is the sad experience of economic sanctions employed by the League against Italy in 1935. Although adopted by fifty-odd nations, they failed signally to halt Italy's march of conquest in Ethiopia. If economic sanctions failed against a poor country like Italy, they are not likely to succeed against Japan which now has all the natural resources of Manchuria at its command.

This seems to leave an offer of mediation to the two parties as about the only thing the Brussels conference can do. And it is not likely Japan is in a mood to accept mediation at the present time. The military clique is in the saddle and they are intent on "bringing China to her knees." The last thing they want is interference from outside powers.

The suggestion made this morning by the Italian delegate that direct intercourse between the two parties be established is likely to have some weight at the conference.

Snapshots

Alderman McCaughey wanted the consideration of the police commission abolition resolution postponed so that he could get more information on it. Almost any school boy in Fredericton who has followed the question could give Ald. McCaughey any information that he requires.

There is something funny when an Alderman has heard the police commission matter discussed for over a year and then wants "more information." The Daily Mail is willing to give Alderman McCaughey all the information that he wants—and then some more.

Then Alderman McCaughey says "We would like a better method of getting rid of the commission." What the Alderman meant by this no person seems to know except that it probably meant "B. S."

The only way to abolish the police commission is through the legal channels which the people used last year. If there were any other method the police commission would have been off the roost long ago.

Mayor Kitchen in addressing the Municipalities Committee of the Legislature last winter had to confess in public that he could not get one citizen to come with him to the Legislature and help him kill the Bill to abolish the Police Commission of which he himself was a member. The Aldermen who were there seeking to abolish the Commission had a room full of supporters from the citizens of Fredericton. And yet the committee of the Legislature pulled a boner and slapped the representatives at the Council, in the face. There was a nigger in the woodpile then but it cannot be worked again.

A subscriber wants to know if, there is no money directly or indirectly, in being on the Police Commission, why its members are so anxious to hang on, especially when they are aware that the people don't want them.

Ald. McCaughey had better keep away from the Police Commission question on which he confesses that after a year he wants more information, and devote his attention as Chairman of the Roads and Streets Committee to subways. In this respect there is a lovely one and a monument down at the corner of Brunswick Street and University Avenue.

The acting Minister of Labor today issues a statement that the Minto miners have a right to work without interference. Just what the Daily Mail contended in an editorial yesterday. "Great minds run in the same direction."

NINE-POWER

(Continued from Page One)

Sweden, Norway, Bolivia and Mexico adherents to the pact; and Soviet Russia, especially invited.

Throughout yesterday crowded hotels of this capital of Belgium buzzed with conversation, gossip and speculation. Foreign Secretary Eden of the United Kingdom talked with Norman Davis, head of the United States delegation, for two hours. Later in the day Mr. Davis conferred with Dr. Wellington-Koo, Chinese delegate.

In the afternoon representatives of the British dominions, except for the Irish Free State, conferred with Mr. Eden and Dominions Secretary Malcolm MacDonald. Senator Raoul Dandurand is chief of the Canadian group here.

"Canada's purpose in the conference is to co-operate with other signatories to the Nine-Power Treaty in an effort to end hostilities in the Far East," Senator Dandurand said. "We are meeting in accordance with Article 7 of the Nine-Power Treaty which provides full discussion between the signatories when a situation arises making such discussion desirable."

The conversations were similar in scope to gatherings of representatives of the British Commonwealth of Nations regularly held at Geneva during sittings of the League of Nations Assembly.

The position of the Irish Free State which is not attending the conference differs from that of the other dominions regarding the Nine-Power Treaty which guaranteed the territorial integrity of China.

At the time of the Washington Conference of 1922 the Free State, not actually come into being, did not sign the treaty whereas the other dominions signed it with the United Kingdom.

The British delegation has a double objective in the conference. Britain seeks first of all a peaceful solution seeks first of all a peaceful solution. Secondly, she is endeavoring to re-establish the closest possible co-operation with the United States.

To those ends any talk of possible sanctions against Japan goes into the background.

THE POLICE COMMISSION

(Continued from Page One)

SEEKING RE-ELECTION ON THIS QUESTION. The vote at the City Council last evening was practically the same as on the previous occasions except that Alderman Ross who is strongly in favor of abolishing the Police Commission was absent. His vote had been present would have been more in favor of the abolishment. The seat formerly occupied by Ex-Alderman T. Earle Doohan was of course vacant.

As a result of the resolution last evening a bill aiming at Abolishing the Police Commission will be prepared and again submitted to the Legislature and it is to be hoped that this time there will be no funny business such as postponing the bill from day to day and that the Municipalities Committee of the Legislature will consider the wishes expressed on several occasions by the representatives of the citizens and that the bill will be recommended to the House where it can be discussed in the open and it is hoped also that the bill will have the support of the members of the Legislature especially of those who represent the citizens of Fredericton in the House.

In regard to Alderman Doohan, that gentleman as was stated last evening acted in good faith when he came to Fredericton in October and took part in the deliberations of the City Council of which body he still believed that he was a member. Alderman Doohan who found it necessary for domestic reasons to leave this city gave Fredericton good service during the time that he was at the Council Board. He gave of his time freely not only to the City Council but to the Board of Trade and to all community affairs which stood for the best interests of the city. He had no axe to grind and he served the city without fear or favor. In the retirement of Alderman Doohan from the Council Board and in his removal from the City, Fredericton loses a good Alderman and a good citizen.

COUNCIL AGAIN

(Continued from Page One)

who voted in favor of abolishing the Police Commission were Aldermen Forbes, Crewdson, Hagerman, McKnight and McMillan. Those who opposed the abolishing the commission were Aldermen McCaughey, Mundie and Olts. In accordance with the motion passed last night the City Solicitor will be instructed to take whatever steps necessary to bring about the abolishment of the Police Commission and endeavour to have all the powers now enjoyed by the commission transferred to the Administration of Justice Committee of the City Council. The Attorney General's department will be requested to investigate the possibility of placing all Police Magistrates in New Brunswick on a flat salary basis. The fees at present received by these officials to go to the respective departments over which they have control.

This action came as a surprise to several members of the Council, who had not realized that when Mr. Doohan took part in the last Council meeting, he was doing so illegally, even though unintentionally, since according to the City Chapter, a member of the Council cannot remove his residence from the city and still remain an alderman or mayor.

Opposing to the repassing of the void motions came principally from Ald. David McCaughey, who stated that the members of the Council were "acting like school boys". He moved that the motion concerning the abolishment of the Police Commission be shelved until a later date for a more thorough investigation. Seconded by Ald. Delmas Olts, the motion was defeated, five to three. Ald. B. R. Ross was absent, while one seat in the body is now vacant, Queen's Ward now being represented by only Ald. R. A. McMillan, since Mr. Doohan's removal to Boston, Mass.

The new deal started when Alderman Ivan McKnight made a new motion authorizing the City Solicitor to take whatever steps may be deemed necessary to bring about the abolishment of the Fredericton Police Commission, and that the present powers of the Police Commission be vested in the administration of Justice Committee of the City Council. The motion was seconded by Ald. R. H. McMillan.

Mayor Kitchen

When told by His Worship that this was a motion invalidated by Ald. Doohan's connection with it. Ald. David McCaughey said that the Council should stop acting like school boys and get together to formulate a better method of getting rid of the commission than the continued hammering away at that body from the same angle.

"I won't support it (the motion) at all under the present conditions," he said. He moved an amendment that the motion be shelved until such time as the matter could be more fully investigated. Ald. Delmas Olts seconded the amendment motion. "If they have abolished Police Commission in other cities, surely they must have made some improvement," Ald. McCaughey added.

Amendment Defeated

Aldermen McCaughey, Olts and Mundie were the only ones to vote for the amendment, and it therefore was not carried.

The motion was carried.

Alderman Crewdson

Alderman Crewdson then moved that the Attorney General Department be requested to investigate the possibility of placing the principal Police Magistrates of New Brunswick on a flat salary basis and that the fees received by the Police Magistrates be returned to their respective departments.

Alderman Ivan McKnight was ap-

UNITED MINE

(Continued from Page One)

"At the very outset the union officials declared that they did not want any investigation by the Fair Wage Board, the only existing body under the Law of this Province vested with power to deal with the question of wages and working conditions which was set up by the Legislature to handle such matters in a New Brunswick way. On the contrary, the union officials have insisted that the jurisdiction over these matters must be handed over to the United Mine Workers of America Union, which will settle the terms and conditions upon which the people of New Brunswick shall be permitted to work or to employ others to work."

"When the Fair Wage Board was directed to investigate the coal industry and the conditions of employment at Minto every effort was made by those directing the strike to defeat the work of the Board and prevent it functioning."

At the moment the entire coal industry of this Province is threatened, and men who have spent their lives working in this industry and building up homes in the community affected are being pressed to remain idle or give up their work while destitution and want face them and their families.

"This is a condition which the Government does not propose to countenance. We intend to protect to the utmost those men who are now working, as well as any others at Minto who may wish to return to work. Law and order will be maintained, and every protection given to them. This is a free country where the right of one man to work is as sacred as the right of his neighbor to strike. Any illegal interference with the miners in their efforts to earn a livelihood will be prosecuted to the limit."

"The Fair Wage Board will continue its investigation. The fundamental purpose of this Board is to see that those working in the coal mining or any other industry are employed under proper working conditions, and are paid the wages that the industry will stand. The Board's inquiry will extend to all phases of the coal industry. When its Report is submitted action will be taken to see that the operators carry out its orders and recommendations, and adequate measures will be adopted to place this industry on a proper footing."

pointed Chairman of the Administration of Justice committee formerly headed by Alderman T. Earle Doohan who has removed from the city.

The motion concerning the matter of granting one hundred thousand dollars to the Victoria Hospital and guaranteeing one hundred and fifty thousand more which had been passed at a previous meeting was repassed last night owing to the fact that Alderman Doohan had been the seconder and that he was not qualified to sit at the Council the motion was irregular.

Alderman Forbes emphasized the fact that when Alderman Doohan had attended the October meeting of the City Council that he had done so in good faith believing at the time that he was still a member of the Council. He stated that Alderman Doohan was the last man in the world to occupy a seat at the Council Board when he was not qualified to do so. He referred to the fact that for many years Alderman Doohan has given the city good service and that he was a conscientious and painstaking Alderman and a good citizen. Alderman Doohan had served the city he said without any consideration of his own personal interests and often at times which meant sacrifices to his own business. On motion the meeting adjourned.

Capitol

NOW PLAYING

Here come two of the boys with different ideas about the same girl — and she has ideas of her own!

Victor McLaglen
Preston Foster
Ida Lupino

in a rollicking roaring romance

"SEA DEVILS"

With Donald Woods

A roaring, rollicking romance packed with wise-cracks, drama and thrills . . . afloat and ashore.

Shows: 3:00; 7:15 and 9:15
Mat. 10 & 20; Evg. 15 & 25
PLUS TAX

Here THURS., FRI and SAT.

BRIAN DONLEVY and FRANCES DRAKE in
"MIDNIGHT TAXI"

—ADDED ATTRACTION—

The Jones Family
In The Comedy Hit!
"Off To The Races"

DIED

WILMOT—At Burton, Nov. 2, 1937. Miss Elizabeth Black Wilmot, daughter of the late Hon. R. D. Wilmot, former Lieutenant Governor of New Brunswick, aged ninety years. Funeral Thursday afternoon from the residence of R. D. W. Hubbard at Burton, Service at St. John's Church, Oromocto, at 2:30 o'clock with Rev. H. T. Buckland officiating. Interment at St. John's Cemetery, Oromocto.

Classified Ads

RATE: 25 words 25 cents per insertion. Each additional word 1/2 cent.

LOST—In city, short time ago, lady's plain gold bracelet, valued as keepsake. Finder please leave at The Daily Mail office. Reward.

PRINTING

All Kinds of Commercial and Fancy
Printing Promptly Done At
THE DAILY MAIL OFFICE

All Work Guaranteed To Give Satisfaction
Or No Charge Will Be Made.
Phone Us At No. 67 and We Will Send For
the Job and Deliver It To You.

The Mail Publishing Co.

Three Good Reasons For Leaving Your Estate In Trust

A wife and two children are three of the best reasons for leaving your estate in trust.

There is nothing mysterious about a trust. It's simply a practical arrangement to provide experienced and conservative management for the property you leave. It's an arrangement which gives to your wife and children all the benefits from your property and relieves them of the burdens, the dangers and the liabilities of management.

In managing trust funds this intuition makes no pretense of being infallible. But, it can and does do many things which most individuals are unable to do to minimize the risks of investment. In this connection it may be of interest that this Company supervises the investments of a number of corporations and endowed institutions.

THE

Central Trust Company of Canada

Head Office—MONCTON, N. B.

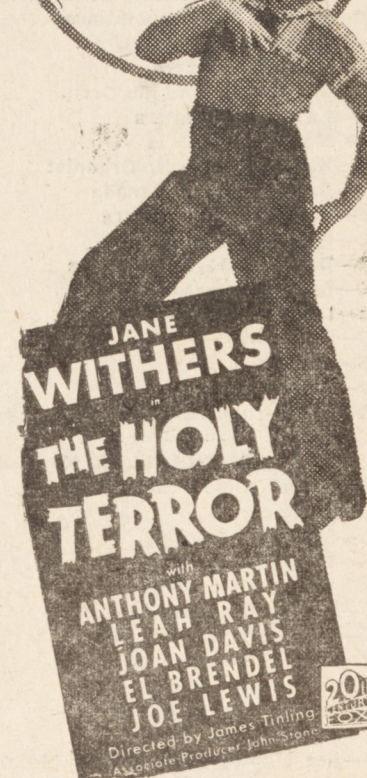
Branches—Fredericton, N. B. Woodstock, N. B.,
Saint John, N. B.

GAIETY

NOW PLAYING

SHE DRIVES THE NAVY DAFFY
SHE'LL PUT YOU IN STITCHES!

"Ginger" Jane
runs wild in the
speediest, gay-
est fun-fest of her
madcap career!



JANE
WITHERS
THE HOLY
TERROR
ANTHONY MARTIN
LEAH RAY
JOAN DAVIS
EL BRENDEN
JOE LEWIS

Directed by James Tilling

Associate Producer: Johnstone

90 MINUTES

Shows 2:30; 7:15 and 9:20

Here Friday and Saturday

GARY COOPER

GEORGE RAFT

"SOULS AT SEA"

—WITH—

FRANCES DEE