

# THE DAILY MAIL

NEW BRUNSWICK'S ONLY HOME COMMUNITY PAPER  
THE MAIL PUBLISHING COMPANY — J. L. NEVILLE, Managing Editor.

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FREDERICTON, WEDNESDAY, APRIL 7, 1937.

## Eyes on Fredericton

Speaking of our civic mixup, the Sackville Tribune says:  
"The City of Fredericton seems to be much wrought up over the rejection by the Municipalities Committee of a Bill to abolish the Police Commission of the City of Fredericton. Seven of the members composing the City Council wanted the Police Commission Act repealed. The mayor and three aldermen opposed the change. The Gleaner was against making any change. The Mail warmly supported the Bill. Opinion seems to be sharply divided. Some contending that at least two-thirds of Fredericton people want a change, while others say that full three-quarters of the ratepayers are satisfied with the way in which the Police Commission functions. The Municipalities Committee rejected the Bill and refused to reconsider. Seven aldermen who sponsored the Bill resigned in a body and the civic fat is in the fire. If a civic election is held and the seven men are returned by acclamation, then the conclusion will be that the people of Fredericton want to abolish the Police Commission, in which event the verdict will be that the Municipalities Committee made a bad mistake. Time alone will tell.

Off hand I am opposed to government by commission for the reason that the people who pay do not have the say. Commissions very often work all right and then again they don't work at all. Once established a commission is like a belladonna plaster—it sticks till it is pulled off.

The rejection of the Police Commission Bill was in no sense a political or government matter, so nothing can be hung on the Dysart Administration for the results which may or may not follow."

The above is about correct, except that the editor of the Tribune will find that three-quarters of the ratepayers ARE NOT in favour of the Police Commission. As soon as the civic elections are called the resigning aldermen will be returned either by acclamation, or by a large majority, against whoever may come out in favour of the Police Commission being retained.

## The I. O. D. E.

The Daily Mail joins with all our citizens in extending a welcome to our city to the Daughters of the Empire assembled here today in convention. May their visit be both a pleasant and a profitable one.

The Order is composed of many excellent women.

Fredericton, as the cradle of the Order, has always taken an active interest in the welfare of the organization. It was here that the first chapter was organized by the late Mrs. John Black. Several of the ladies who were charter members of the first chapter are still with us, whilst others have passed to the Great Beyond.

Here's best wishes to the Order and to the delegates assembled here today.

## A Capable Official

The Daily Mail does not agree with the letter published in our paper on Monday regarding E. C. Armstrong, relief officer, and his duties. In our opinion it would be hard to find anyone who could fill the duties in as efficient a manner as does Mr. Armstrong. The position is a difficult one, and one that requires tact, and even then the official cannot be expected to suit everybody who comes looking for a handout.

We believe that if any man can handle the situation it is Mr. Armstrong. He is a kindly gentleman and one who can be depended upon to do the right thing.

## Ismitis Infects Minorities

The stern measures taken by the South African Government to curb Nazi activities in Southwest Africa focus attention upon the political sabotage nazism and the other "isms" are attempting through racial minorities in the democratic countries. If the decree prohibiting all but British subjects from participating in public activities and membership in political organizations seems the negation of the democratic principles of free speech and privilege of assembly, it is no more impressive than German activities demand.

There will be some, of course, who argue that it is; but to do so is to attempt to place an erroneous interpretation of free speech above the liberty of free government. Any argument that the Nazi activities are the result of flaws in the system of government cannot be applied in this case. Southwest Africa, a former German colony, is a mandated territory under the jurisdiction of South Africa. In it is a minority of naturalized and non-naturalized Germans, who, until the present, shared equal status with the English and Dutch citizens in educational privileges and all phases of self-government.

In the past three years they have so misused their citizenship that the Dutch and English people banded together to seek incorporation as a fifth Province of the Union of South Africa in an effort to ensure their freedom. A Royal Commission investigation, for political and constitutional reasons, advised against this, holding it would not be a solution of the minority trouble. Deportation of Nazi agitators and suppression of military youth movements did little to stamp out the agitation, which is pledged to returning the colony to German control. It is not difficult to see how and why the Nazi sympathizers have forfeited their privileges.

There is a lesson and a warning in Southwest Africa for most democracies. It would not be difficult, under certain circumstances—a serious division between English and Dutch—to turn it into a little Spain; much less difficult to make it a rebellious Danzig. Yet what has happened in Southwest Africa is taking place in lesser degree in half a dozen other countries. It was not long ago that German nationalism asserted itself in the West and demanded the right to employ its own language in community schools. We know how simple it would be to imbue other minorities with the spirit of communism, and to set them agitating for similar "liberties."

Canada may look complacently on such movements. But she cannot ignore the warning. For her mere existence underscores a point repeated in these columns many times. It is particularly topical because of the revival of the immigration question. It is that this Dominion can, and must, ensure its future against political disunity by maintaining a population preponderantly British.

## SNAPSHOTS

City Council is through tonight at midnight. Perhaps the Police Commission will carry on all the business until the new council is elected.

The President of the Rubbie Brigade has written a letter to The Daily Mail denying that they are patronizing the A and B Club House. Club whiskey and Club sandwiches are more in their line and not the A and B. It appears that the rubbies are duly organized and have a president and secretary. The password is said to be "Lend us a dime." The rubbies promise to do all kinds of things to "our old rag" and ourselves, if we don't shut up. Eh, what!

The City Council did not seem to have much faith in the advice of its city solicitors. They seemed to think that one man's guess was as good as another's.

Citizens will watch the next move in the tangle with interest.

The Sackville Tribune does not believe in commissions where the citizens have to pay the bills but have no say. Most people will agree with the Tribune. Why elect people to transact the business and then have the business carried on behind closed doors by people who are not responsible to the electors, and who ignore the duly elected representatives. Hider Government, which we poke fun at, is the very same thing.

The radio people have explained all of their sound effects except the sound of sugar in the announcer's voice.

## Classified Ads

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

TO LET—An apartment of four or five bright sunny rooms, furnished. Apply 346 Brunswick St.

FOR SALE—Late model "Victor" combination photograph and radio at bargain price. Typewriters for sale or for rent, rental machines being in perfect condition. Locke & Co., 313 Queen St.

WANTED—By May 1st, small furnished apartment. No children. Write in care of Daily Mail "X."

WOMEN WANTED to weave and hand stitch light leather table runners. Good pay. Experience unnecessary. Write Dept. 118, Leather Crafts, Bay St., Toronto.

## How mother helps to PREVENT MANY COLDS



At That First Sniffle  
—or sneeze—signs that a cold may be coming on...



Quick! A Few Drops  
of Vicks Va-tro-nol up each nostril



It S-p-r-e-a-d-s  
Its scientific medication swiftly spreads through nose and upper throat—where 3 out of 4 colds start

Mother relies on Va-tro-nol for help in preventing her own colds, too. She can feel the tingle as this scientific medication spreads through the trouble zone in her nose and upper throat. Va-tro-nol is specially prepared to stimulate Nature's defenses in this area. Used in time, Va-tro-nol helps to prevent many colds. . . and to throw off head colds in the early stages.

Quickly relieves "Stuffy Head"

## VICKS VA-TRO-NOL

Mother's Look in your Va-tro-nol package for full details of Vicks Plan—a practical home guide to greater freedom from colds. In city tests among 17,353 people, this Plan cut sickness from colds more than half!

Follow Vicks Plan for Better Control of Colds

## No Council

(Continued from Page One)

nounced the date on which he would call for an election, he refused to specify the date on which he contemplates holding the election. His refusal to divulge the latter information brought a storm of protest from the retiring aldermen who demanded that the election be held "as early as possible." The mayor's assurance was that the election would be held "as soon as possible."

### Report Read

Following the transaction of routine business, the important matter relative to the present civic "crisis" was introduced by city clerk F. Haviland, who read the report of City Solicitor P. J. Hughes, K.C., who made an exhaustive study of the problem. The eight-page document presented a careful survey relative to constitutional law in connection with the situation. It was found by Mr. Hughes that the present problem facing the city was unprecedented in British or Canadian law. No statutory provisions had been made to meet such a situation and it is conjectured regarding what procedure may be followed by the council. (The report is published in detail in another page of today's edition of The Daily Mail.)

There were two possible solutions suggested by Mr. Hughes. The first was as follows: (it referred to section 33 of the Act 1859) "In all meetings of the city council six members with the Mayor or chairman shall constitute a court for the transaction of business; and a majority of members present shall determine the questions and matters submitted for consideration; the city clerk shall keep a minute of the proceedings in which he shall enter the names of the members present at the opening or during the continuance of such meeting; and persons whose names have been entered shall be deemed to be present until the meeting shall be adjourned or dissolved by the presiding officer and the rules, orders, regulations, enactments and decisions of such meeting shall be legal notwithstanding some of the members may have withdrawn thereafter previous to such adjournment; at any adjournment meeting six members of the council with the mayor or chairman must be present at the commencement of the said adjourned meeting."

Continuing, the report said: "Once you have a valid meeting with a proper quorum the city clerk can record the names of the persons present. Then the statute provides that 'The persons whose names have been so entered shall be deemed to be present until the meeting shall be adjourned or dissolved by the presiding officer.'"

### "Midnight Meeting"

Mr. Hughes then pointed out, in his report, that it may be therefore that if the council were to meet on April 7 at some time before midnight and a quorum were then present the city clerk could record the names as required by the statute and then the resigning aldermen could withdraw and the council continue in session until after midnight. At midnight the resignation would become effective. As the section says that all "rules, orders, regulations, enactments and decisions of such meeting shall be legal notwithstanding some of the members may have withdrawn thereafter." The meeting might still continue to function, declare the seats vacant for the date for the election. The report further showed that "the intention of the section must be that a meeting which has been properly constituted shall continue valid to its close notwithstanding there has ceased to be present the required members to constitute a quorum at the beginning of the meeting. I think a court might reasonably interpret the section so as to enable the course which I have suggested to be followed. I see no other course which offers any other solution within the terms of the said charter."

"If this course can be adopted and an election thus ordered and held it will enable the vacancies to be filled and the business of the city to be carried on. Even if this procedure were attacked in the court and the court should decide that the suggested course was not open, nevertheless if the persons elected are declared elected and sworn as aldermen they will be de facto aldermen and their acts while occupying the positions will be valid and binding unless and until removed by an order of the court."

### No Council

Mr. Hughes further pointed out that if the foregoing course is not followed it would seem that there will be no city council capable of acting until an election can be held until January next, and until such time only such work as the mayor and permanent officers of the city can lawfully perform can be carried on.

Thus, the solicitor contended, "if as a result the city should become so financially embarrassed that default in meeting any of its obligations may probably ensue the governor-in-council has power to vest the control of the city in a supervisor who may carry on the business of the city under the Act respecting the control of municipalities."

When the report was read, the var-

## OUR MAIL BAG

### RUBBIE BRIGADE REPLIES

Fredericton, N. B.,  
April 6, 1937.

Dear Editor,

In regard to your article in the Daily old rag re the 'Club House fire' we wish to inform you that we did not set the fire and that we are not known as the 'Rubbie Brigade' but as the 'Rubbie Gang.'

If we have any more of our insinuations in your dirty old rag about us setting fires we will be forced to prosecute to the full extent of our rubbie law.

THE RUBBIE GANG,  
per President.

ious aldermen passed comments on the "openings" suggested by Mr. Hughes. Mayor Kitchen flatly refused to consider the suggestion relative to the "midnight" meeting, neither did he favor the latter suggestion.

Ald. Ross, in his remarks, referred to the "midnight" meeting as a logical way out of the situation. He pointed out that it was not the intention of the retiring aldermen to handicap the operations of the city in any way. He further said that the possibility of anyone taking action against the city questioning the legality of the procedure was decidedly "remote." Ald. Forbes expressed himself similarly to the foregoing Alderman.

### Solicitor Called

There was further discussion on the problem and an adjournment was called to enable the council to informally consider the case. P. J. Hughes was summoned to the informal conference and was questioned regarding the points outlined in his report.

Newspapermen were present during the discussion but complete details of the conference are not to be published. It was intimated by Mayor Kitchen that he might follow the course based on the Act of 1859 which provides for an election to fill the vacancy. Section 33 is as follows: "If any vacancy shall happen by death, resignations or disqualification of the mayor, councillor or assessor, the mayor or in case of his absence if there is no mayor, then any three of the councillors shall by order in writing within ten days after the vacancy occurs direct the city clerk to give public notice as hereinbefore provided of the time and place for an election to supply the said vacancy or vacancies and such election shall be held in the summer provided in and by this Act." In his reference to that section, Mr. Hughes had pointed out that it must be regarded as inconsistent with sections 67 and 69.

### Consistent?

Mayor Kitchen asked Mr. Hughes if the "consistency or inconsistency" of the section was only a matter of opinion. Mr. Hughes replied affirmatively. Thus, Mayor Kitchen intimated that he would consider the section as being consistent.

When the council reconvened, the aldermen requested the chairman to advise them of what procedure he decided to follow. Ald. Doohan asked if he (the mayor) would divulge to the council if and when he would call an election or if he would carry on under dictatorship.

The mayor resented the reference to "dictatorship" and asked the council to have confidence in him.

Ald. Ross asked that the meeting adjourn and that another one be called tonight.

Mayor Kitchen, in reply, said he had not had sufficient time to give the matter careful consideration. He did not favor Ald. Ross' suggestion. He further pointed out that he would use the council 'fair and square' and did not anticipate that they would have any opposition if another election was called. The mayor then asserted that Section 33 offered "one way out," declaring that he will call an election as soon as possible.

### Refuses to Answer

The mayor was then besieged by inquiries regarding the date which he proposes to set for the election. He refused to answer, stating only that he would call an election on Thursday, April 8. The aldermen demanded to know the reason why the mayor hesitated in advising the council of the proposed date. The mayor replied that it would be as "soon as possible," and refused to make a further statement in that connection.

Ald. Ross suggested that the council adjourn and meet again tonight. There was a diversification of opinion on this point, several aldermen contending there was nothing to be gained by holding a further meeting.

### Aldermen Stigmatised

The mayor's statement "as soon as possible" did not meet with the approval of the retiring aldermen. It was suggested that "as soon as possible" might not necessarily mean "as early as possible." Ald. Forbes pointed out that the aldermen were "being stigmatised" in the eyes of the public and that they wanted an election as early as it was constitutionally possible.

Ald. Doohan inquired if the mayor would give them his assurance that the date for election would be called

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## UNDER COVER OF NIGHT

— with —

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Florence Rice  
Nat Pendleton  
Henry Daniell  
Sarah Haden

Directed by George B. Seitz

COMEDY . . . NEWS

HERE THURS. - FRI. - SAT.

### "BENGAL TIGER"

— with —

Barton MacLane  
June Travis

ALSO —

JACK HALEY  
BETTY FURNESS

— in —

### MR. CINDERELLA

within two weeks. "I can't tell you," replied Mayor Kitchen.

"Have you no ulterior motive regarding setting an election date," Alderman Ross inquired.

"No!" was the emphatic reply given by the chief magistrate.

Ald. Ross then moved that the meeting adjourn until this morning at 8 o'clock. The motion was not seconded.

Mayor Kitchen advised that the council that his views could not be changed even if the meeting remained in session all night.

Ald. Ross asked the chairman what his action would be if the council decided to pass a motion establishing a "rump parliament." "I don't think I would accept the motion," declared the chairman. The latter again asked the council have faith in him and assured him that he was playing "fair and square."

"We lost much of our faith last week," stated Ald. Forbes.

"What in?" queried the chairman.

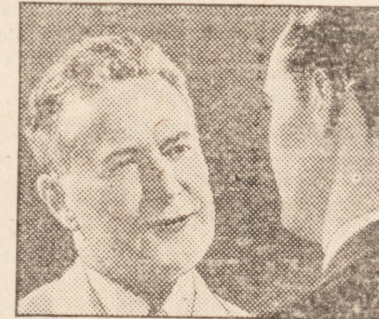
Ald. Forbes then referred to the passing of the contentious police commission bill, pointing that such action was a "blow to civic government."

"The city council had nothing to do with that," the mayor explained, pointing out that he never endeavored to force his views regarding the bill upon anyone.

There was further discussion and at last a motion was carried adjourning the meeting until this morning at 11 o'clock.

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Gale Sondergaard • Steffi Duna • Billy Mauch

Akin Tamiroff • Ralph Morgan • Henry O'Neill

Directed by MERVYN LEROY

USUAL PRICES

HERE FRIDAY & SATURDAY

Greta Garbo

Robert Taylor

— in —

"CAMILLE"

— with —

Lionel Barrymore

## Good Friend

(Continued from Page One)

Treats of candy, cigarettes, and so on, were handed to each man as he went out and it was announced that such treats throughout the winter, including the refreshments served at the entertainments, were made possible through our contributions. Your convener wishes to pay a well-deserved tribute to the Women's Auxiliary of the Seamen's Institute who have furnished special refreshments of home made delicacies on several occasions and whose visiting sick sailors at the Hospitals is worthy of high praise. We work with them in pleasant co-operation on various occasions.

Last Spring an exhibition drill was given by the Sea Cadets to which the Municipal Chapter was invited. Mrs. White, Municipal Regent, was given a bouquet on that occasion and made a most gracious speech.

Several entertainments have been held by the Order at the Institute at which assistance has been willingly given by the Sea Cadets and Mr. Miller, Manager of the Institute. At the request of the Convener the Sea Cadets marched to one of the Loyalist Monuments on May 18th and made a smart appearance in their new uniforms, fifteen of which were given by the I.O.D.E. last year. They also paraded on Armistice Day. They also graced the Seven Seas at their tea room at the Saint John Exhibition.

As your convener, I was invited to attend a service held at St. Matthews Church by the R.K.Y.C. and was welcomed with the other representatives of the Navy League and Seamen's Institute officers. One case appealed to me for help and after investigating and finding that a great deal of assistance had been given this family by the Institute, the family was referred to the Family Welfare Association and I was assured that assistance would be forthcoming from another fund.

Our contributions for this year have totalled, to my knowledge \$154, of which \$95 came from Saint John Chapters, eleven of whom contributed.

My thanks are due all members who have been interested and have made this fine contribution to the Seamen upon whom we depend for more than we realize and whose work in war-time is unforgettable. All of which is respectfully submitted.

Alice Lucille Fairweather,  
I.O.D.E. Convener for Navy League