

## SALUTE TO FLAG GETS COURT O. K.

**Full Bench Declares It Does Not Concern Religion  
--- Expelled Schoolboy in Lynn Loses His Appeal**

In connection with the flag incident at Quarryville, the following from the Boston Post referring to a similar incident is of interest. In the case in Boston the courts held that the saluting of the flag does not concern religion.

The Boston Post says:  
"Carleton B. Nichols, Jr., 8-year-old Lynn boy who refused to salute the flag and to recite the allegiance to the republic and was excluded from the Lynn school which he attended in October, 1935, has lost his petition for reinstatement."

The full bench of the Supreme Court in an opinion written by Chief Justice Arthur P. Rugg holds that the Legislature was within its rights in requiring a salute to the flag and a recital of allegiance.

There is nothing in the requirement of the salute or in the pledge, which violates the constitutional rights of the boy or of his parents in the matter of religion, or that neither the salute nor the pledge relates in any just sense to religion, the court says.

Teachers and school committees throughout the Commonwealth are required by chapter 259 of 1935 to provide a flag for each school house and to cause each pupil to salute the flag and to recite in unison a pledge of allegiance at the opening exercises at least once a week.

### Wording of Pledge

The pledge is as follows: "I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation indivisible, with liberty and justice for all."

During the first two years of his school life the boy joined with his teachers in salute to the flag and the recital of the pledge. After school opened in 1935 it was observed that the boy stood with the others but took no part. An inquiry developed that the boy and his father would not take part in the ceremony "because he was being called upon to adore the flag and to bow down to the flag and that according to his religious views (they were members of a sect known as Jehovah's Witnesses), he could only adore and bow down to Jehovah."

### Moral Training

Courteous requests by teacher and principal of the school failed to change the decision of the boy not to participate in the ceremony.

On Sept. 30, 1935, the boy, his father of the same name, was present, made repeated refusals to rise. On Oct. 8, a hearing was held at which his father was present with counsel, and they explained the refusal of the boy to participate, saying the salute and the pledge constituted an act of adoring and bowing down to the flag, which is contrary to the religious beliefs of the petitioner. It was then voted to exclude the boy from the school "until he, of his free will shall be willing to subscribe to the laws of the Lynn school committee and Commonwealth of Massachusetts."

It was the intention of the Legislature to make the public schools a system of moral training, as well as seminaries of learning, the court says.

### Penalty for Teachers

The court then refers to the act of 1935 and calls attention to the fact that the act provides a penalty for teacher of school committee for failure to carry out its instructions relating to the flag and the recital of the pledge, but none to the pupil.

"It necessarily follows that, if said c 253 and the rule are valid, the school committee was acting within its jurisdiction in excluding the petitioner from attending school," the court says, and adds, "the rigidity of this rule extends no latitude to pupils who refuse to obey it because of religious objections."

The court refers to the mandate of the State constitution for a general and widespread education and continues, "In the performance of the obligation thus imposed on the Commonwealth, it seems to us within the competency of the General Court to enact a statute like c 256, requiring the flag salute and pledge of allegiance."

### To Inculcate Patriotism

"That is a ceremony clearly designated to inculcate patriotism and to instill a recognition of the blessings conferred by orderly government under the constitution of the State and nation. The study of these instruments is a proper subject for instruction in the public schools. It is plain that the republic and the State undertake to establish liberty and to provide justice for all within their borders in accordance with standing laws. The flag is a symbol of those aims of government."

"It is important for all who attend the public schools to know these facts and to appreciate these advantages."

An understanding of these matters enables citizens to comprehend and to assert their right and to seek and obtain their safety and happiness.

### Declaration of Rights

"As justification for his conduct the petitioner appeals to Article 2 of the Declaration of Rights of the constitution of this Commonwealth. It is there provided that 'no subject shall be hurt, molested or restrained in his person, liberty or estate, for worshipping God in the manner and reason most agreeable to the dictates of his own conscience; or for his religion, profession or sentiments; provided he doth not disturb the public peace, or obstruct others in their religious worship.'"

"He invokes, also, Article 46 of the Amendments, 'no law shall be passed prohibiting the free exercise of religion.' He further relies on G. L. c 70 s 5 to the effect that no child shall be excluded from a public school of any town on account of race, color or religion."

"Neither the constitution of this Commonwealth nor that of the United States contains any definition of religion. Nevertheless a deep reverence for religion permeates several parts of the constitution of this Commonwealth."

"The flag salute and pledge of allegiance here in question do not in any just sense relate to religion. They are not observances which are religious in

## BYRD TELLS WHAT INDIVIDUALS CAN DO TO CHECK WAR

Can we, as individuals, do anything to avert war?

Admiral Richard E. Byrd believes that we can, and in the Rotarian Magazine enumerates several steps that can be taken by all individuals desiring to maintain peaceful relations between nations.

"The first step," urges the famous arctic explorer, who on his last trip to the South Pole resolved to devote most of the remainder of his life to efforts for peace, "is to inform ourselves and our children as to what is involved in the choices to be made."

"Take just one of the questions of peace: disarmament. How much does the man in the street know about it? The point is that disarmament is not as simple as it sounds. We need to inform ourselves about it, as we need to inform ourselves about all the problems of peace. To promote peace, we must know what peace means."

"A second step, perhaps, is to study war and violence as institutions, and to reach conclusions about them. Is violence effective? Is war an efficient method of settling disputes? Disregarding ethical considerations, bloodshed, ruined lives, biological consequences, and the like, does war do the immediate job of settling international disputes?"

"We think in sober moments that we must avoid war at all costs; yet when the hour comes, in our excitement the greater imperative seems to be to save our country against what apparently threatens it. Perhaps we can fortify ourselves against this by calm logic before the war clouds arise. Perhaps we can convince ourselves, and then others, that war does not settle problems and difficulties."

"A third step, individuals can take, perhaps," continued Admiral Byrd, "is to inform themselves as to what is really necessary for peace. Can nations live side by side in amity? We know, of course, that they can. The classic instance is Canada and the United States, two countries having the longest common frontier of any nations—without one mile of that frontier fortified—and not in a century and a quarter has there been war, or the serious threat of war. The countries of the Scandinavian peninsula, also, have not known war for more than a century."

"The final thing, of course, after having informed ourselves, is to take positive action toward the realization of our beliefs. Of the 'way,' I am no so sure—nor am I sure that any on way is the only way. . . I would not want to close my mind to any proposal honestly and competently made with the purpose of furthering peace. When peace comes, it will no doubt come through the meeting and agreement of many minds which among themselves possess diverse views on most subjects—and even of methods of attaining this objective."

nature. They do not concern the view of anyone as to his Creator. They do not touch upon his relations with his Maker. They impose no obligation as to religious worship. They are wholly patriotic in design and purpose."

"The pledge of allegiance to the flag, as set forth in the rule of the school committee and referred to in C 253, is an acknowledgement of sovereignty, a promise of obedience, a recognition of authority above the will of the individual, to be respected and obeyed. It has nothing to do with religion."

### Not an Act of Idolatry

"The salute and pledge do not go beyond that which, according to general recognized principles, is due to government. There is nothing in the salute or the pledge of allegiance which constitutes an act of idolatry, or which approaches to any religious observance. It does not in any reasonable sense hurt, molest, or restrain a human being in respect to 'worshipping God' within the meaning of the Constitution. The rule and the statute are well within the competency of legislative authority. They exact nothing in opposition to religion. They are directed to a justifiable end in the conduct of education in the public schools. The practice of the petitioner was in contravention to them . . ."

"The result is that, in our opinion the petitioner fails to show that any of his rights have been violated."

## APPLE VARIETY RECOMMENDATIONS

### (Experimental Farms Note)

In common with other Provinces in Canada, the question of what varieties of apples to plant, is probably the most perplexing and baffling problem facing the fruit-growers of New Brunswick today. As a result of a number of conditions, the old standard varieties have been removed from the recommended list one by one; until at the present time, only one variety, McIntosh, can be unreservedly recommended for future planting.

This being the case, it would appear that any marked expansion in apple orcharding in New Brunswick is dependent to a very large extent, upon the introduction of new varieties. For this reason, the Experimental Station, Fredericton, N. B., is devoting considerable attention not only to the testing of new varieties developed in other sections, but also to the actual breeding and developing of varieties suitable to local conditions.

A few observations of several of the more promising of the newer varieties may be of general interest. Of these, Cortland has been planted most extensively, there being a recorded planting of between six and seven thousand trees. As grown at this Station, the trees are hardy and vigorous. The fruit is attractive and of good quality, although not equal to McIntosh. It is definitely not a late winter variety. It comes into bearing early. There is some evidence suggesting that Cortland will eventually prove to be a much lower yielding variety than McIntosh, although this is not at all conclusive. In spite of this drawback, Cortland will probably be more extensively planted than any other variety, with the exception of McIntosh, until such time as a superior variety is located.

The variety Sandow, long regarded as being very promising, is still the nearest approach to the ideal winter variety for New Brunswick. It is a high-yielding variety, being equal to McIntosh in this respect. The season

is January to March inclusive, the quality is excellent and the appearance good to excellent, depending upon the locality in which it is grown. Its hardness, however, is not all that can be desired. The two original trees in the Station orchard were severely injured in 1933-34, although bearing grafts in the same orchard and also in orchards in Westmorland and Sunbury counties were only slightly injured, and are now in good condition. It is believed that Sandow is definitely more hardy than Northern Spy, and will eventually prove to be intermediate in hardness between Fameuse and McIntosh.

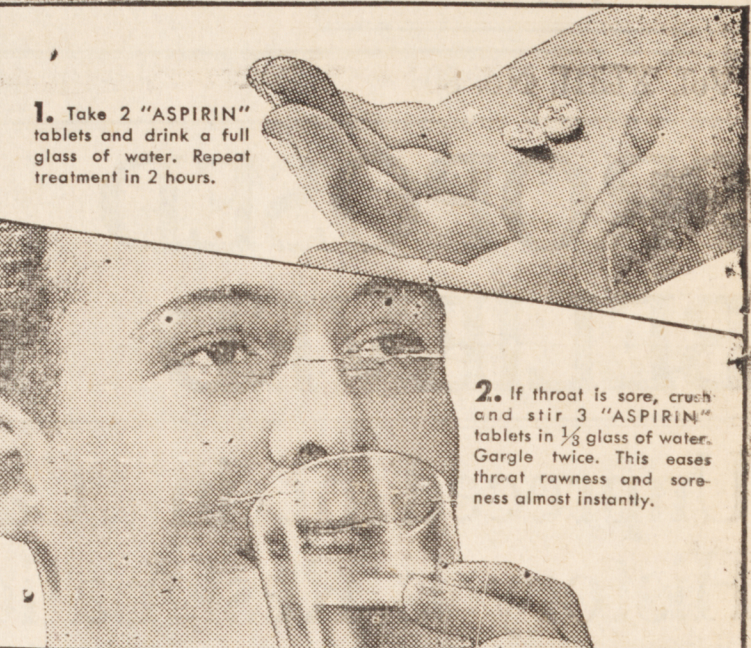
The variety Lawfam has not been considered particularly promising at this Station, but in view of its performance in Quebec it is worthy of planting on an experimental scale. The apples are highly colored, but inclined to be somewhat dull. In season it is an early-winter and not a late winter variety, as reported in Quebec. In hardness it appears intermediate between Fameuse and McIntosh.

Linda is a winter variety of exceptionally high quality. In addition, it is very highly coloured and attractive in appearance. Its season, under common storage, is from the middle of November to the end of January. As the trees grow older, the season will undoubtedly prove to be later. The question of hardness is the main factor, restraining its recommendation for extensive future planting. Of a total of 10 trees planted in 1928, 1929 and 1930, seven trees have died as a result of winter injury. In view of its other outstanding qualities, it is being recommended for trial planting.

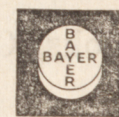
Lawseed is another winter variety of considerable promise. The fruit is of good size and attractive. The color, although not deep, is distributed over the entire surface of the apple. The quality is only medium, the flesh being somewhat coarse and pulpy. The flavor, although not strong, is pleasant and is retained under common storage conditions, until late March. The cooking quality also is good. This variety is worthy of an extensive test.

Macoun has been disappointing. The color is dull, and the fruit to date has been very subject to storage breakdown, its season extending only to late December.

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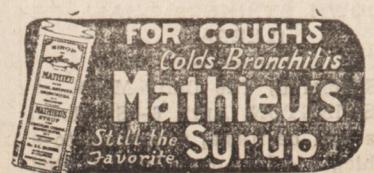
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