

NEW BRUNSWICK'S  
HOME COMMUNITY  
PAPER

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FEARLESS IN  
VIEWS  
LATEST IN  
NEWS

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FREDERICTON, N. B., THURSDAY, APRIL 22, 1937

Weather: Easterly wind with rain  
today and Friday; probably snow

## MARITIME POTATO SHIPPERS' APPEAL TO SUPREME COURT DISMISSED WITHOUT COSTS

### Maritime Shippers Refused Reduction In Freight Rates

Supreme Court Decision Backs Railway Board's  
Ruling

Potato Case Was Test for Other Commodities

Boards Finds Not Sufficient Evidence Prejudice  
to Maritimes

OTTAWA, April 22—The Supreme Court of Canada yesterday upheld a decision of the Board of Railway Commissioners, which refused an application by the Maritime Provinces and the Maritime Trade Board for a reduction in potato freight rates.

The provinces and maritime shipping interests had sought a reduction of three cents a bushel or five cents a hundredweight in carload lots of potatoes, on the ground that a reduction to that extent in Ontario had prejudiced the advantage given the Maritime Provinces under the Maritime Freight Rates Act.

The Board of Railway Commissioners had decided the applicants must prove prejudice as a question of fact in such cases. The Supreme Court upheld that view.

The judgment was unanimous. The application was dismissed without costs.

The board found the evidence of prejudice insufficient in respect of potatoes. It held only a comparatively small quantity of potatoes moved from Ontario points to Toronto under the rate cut there compared with the volume of shipments to that city from the Maritimes. Therefore the deduction was drawn the Maritime shippers had not been prejudiced in fact.

Although the supreme court held it was a question of fact for the board to decide, the judges said this did not mean the onus was on the applicants to prove prejudice.

Only potato rates were involved in the appeal but it was regarded as a test case affecting a large number of other commodities on which rates have been reduced outside the select territory.

#### Text of Judgment

Text of the judgment follows:  
"This is an appeal by leave from a judgment and order of the Board of Railway Commissioners delivered on Jan. 3 on an application by the appellants, upon the following questions of law and jurisdiction:

1. Whether, upon the facts as found by the board, the board was right—(a) in holding that the Maritime Freight Rates Act does apply to competitive tariffs established by railway companies between points outside the "select territory" as defined in the act, and that Maritime shippers, in respect of "preferred movements" over the "Eastern Lines" of the Canadian National Railways as defined in the act, or in respect of movements similar to "preferred movements" over the railways of other companies which have filed with the board tariffs of tolls meeting the statutory rates referred to in section 7 of the act, are entitled to a reduction in the rates."  
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### THREATENING WORDS CASE IS ADJOURNED IN COURT

SAINT JOHN, April 22—The hearing of the case of Gordon Taylor, charged with using threatening language to Ronald Williams, 211 Charlotte street, was postponed until Saturday morning at 11 o'clock when Williams failed to appear in police court yesterday.

The information laid by the deponent reads: "That Gordon Taylor on April 16 did unlawfully use threatening language to this deponent saying that he would give me a week to

### BRITISH SHIPS WILL CONTINUE ENTRY TO BILBAO

British Fleet Protection  
While on High  
Seas

ST. JEAN DE LUZ, France, April 22—Six British freighters, loaded with food supplies, massed last night for what diplomats called a dash for Bilbao "under the benevolent watch" of British warships.

While British naval ships declined actually to convoy the freighters through the insurgent blockade, acting on instructions from the British Admiralty, it was said warships would stay within a few miles of the cargo vessels and see that they are not molested outside the three-mile limit.

The freighters' captains, diplomats declared, were willing to wait outside Spanish waters, protected by the navy, until they could see a chance to slip into Bilbao through the blockade insurgents announced they had imposed. This was reported to be made easier by the unwillingness of insurgent ships to come too close to the Basque coast for fear of government land batteries.

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### Coronation Decorations For London, Ontario, Made in Germany

LONDON, Ont., April 22—Tiny crowns made of cardboard and covered with glossy golden paint, letters spelling out "God Save the King" and laurel wreaths with the King's name on them, arrived at London Public Utilities Commission yesterday for special decorations marking the Coronation.

Printed on the back of each one was "Made in Germany."

### BRITISH GOVERNMENT ASKS SPANISH PARTIES NOT TO USE POISON GAS

(Special to The Daily Mail)  
LONDON, April 22—The British Government a few days ago sent notes to both parties in Spain asking that they do not use poison gas in the war, claiming that it is not only detrimental to their own nation but that it has a terrible effect on outside countries.

### Our Bathing Beaches

FOR several years children and other residents of the west end of the city have had the advantage of a fairly well-equipped bathing beach in that section of the city. This beach has been in charge of a caretaker who has given fairly decent service and while conditions around the beach have not always been ideal, it has still been a pleasure resort for hundreds of children and for many grown-ups during the summer months. It is to be hoped that this pleasure resort will be continued.

It might be well to consider also that there are children and young men and young women in the eastern end of the city who are entitled to the same pleasure and privileges as those in the west-end. For years past the young people in the east-end have been in the habit of using the water between Shore Street and the old C.N.R. bridge for bathing purposes. These young people have used the spot on their own hook so to speak, and have not received any assistance from the City Fathers as did the west-enders. Each year there has been a float in the river at the east end and this has been constructed and maintained by several young men at their own personal expense. This float has been used for bathing purposes by any person who wishes to come along. It hardly seems fair that these young people in this end of the city are deprived of the same bathing privileges as those who reside in the west end.

Last year at certain times during the summer the objection was made by some of the city authorities that the lower end bathing beach was possibly not sanitary owing to the low condition of the water combined with the fact that the sewerage outlet was nearby. In the first place if the contention is right—which we doubt—that the sewerage outlet is a source of danger, it should not be there, and if this were so there might be other places in the downtown section which might be utilized as a public bathing beach for those who reside in the east end. Those who are privileged to use the bathing beach in front of the A. and B. Club have an ideal place in which to swim. The A. and B. Club naturally do not control, nor do not wish to control, the whole section of the river, between St. John Street and the old ferry landing in Waterloo Row. Therefore there should be plenty of room for a bathing beach at any point between the section opposite Church Street and that opposite Shore Street.

A proposition was made last year by the A. and B. Club that the east end people use their floats. In order to do this, however, it would be necessary for them to become members of the club. All parents cannot afford to do this, and they should not be forced to do so.

It might be well, with the approach of the bathing season, which will be here within a few weeks, to consider the advisability and the necessity of giving to the young people and others from the east end of the city the same civic bathing facilities which have for years been given exclusively to those who reside in the west end.

### COUNTY OF BEDFORD WITHOUT BUSES TODAY

(Special to The Daily Mail)  
LONDON, April 22—The County of Bedford is without a bus service today as the result of a strike of the bus drivers and conductors. The strikers are in sympathy with the bus drivers in the County of Kent.

### CORONATION CEREMONIES RE- HEARSED AGAIN IN WESTMIN- STER ABBEY

(Special to The Daily Mail)  
LONDON, April 22—The Coronation ceremony was rehearsed in Westminster Abbey this morning. The Archbishop of Canterbury and the Earl Marshall were both present. A second rehearsal of the ceremony was carried out this afternoon and was attended by the Duke of Gloucester and the Duke and Duchess of Kent.

### WILLING FOR PEACE CONFER- ENCE IF SUCCESS POSSIBLE

(Special to The Daily Mail)  
LONDON, April 22—The Prime Minister this morning said that Great Britain would be willing to join the world in a peace Conference if she felt assured that any treaties entered could be depended upon—and if there were good possibilities of the same being a success.

### Insurgents Making Big Preparations in Basque County

(Special to The Daily Mail)  
MADRID, April 22—The insurgents are reported to be making big preparations on the Basque front. They claim to have a large amount of supplies and artillery of long range capable of destruction at 30 miles.

The Spanish Government report that they will not use poison gas unless the insurgents do. They also claim that the insurgents have been guilty of several other atrocities and that the reason that they are not now using poison gas is because they can't get it.

### Insurgents Issue a Notice to All Shipping Interests

(Special to The Daily Mail)  
MADRID, April 22—The insurgents issued notices to shipping interests recently telling them that they would lay mines in the front of all ports now held by the Government.

### ORDERED TO BUY COAL IN CASE OF WAR

(Special to The Daily Mail)  
ALEXANDRIA, Egypt, April 22—The Egyptian Treasury has been instructed to purchase three hundred thousand tons of coal for the possibility of war.

### WRITTEN FORM OF BR. CONSTITUTION NOT IN EXISTENCE

Word Cabinet and Minister Not on the  
Statutes

LONDON, April 22—Some time ago a couple of ladies after an argument in regard to the British Constitution started out to hunt up a book containing copy of this Constitution. Needless to say it was not possible to procure any such a book. It may not be generally known to the man or woman on the street who does not make a practice of following such matters, that there is no such a thing as a written constitution of the British form of Government.

LONDON, April 22—Britons were mildly surprised this week when informed that their Cabinet, long hailed in history as a little group of statesmen who govern the country with the aid and consent of Parliament and the signature of the King, has no legal basis for existence.

Equally surprising was the news that Britain's Prime Minister, the most important politician in the realm, a man who can make Cabinets and break Kings, is an improvised phantom whose position and responsibilities are unknown to the statute books. These disclosures do not mean that the Prime Minister and the Cabinet will be abolished. Although they lack legal standing, they have been sanctioned by tradition, which is enough for all true British.

#### Now They Will Be Legal

Just the same, whether they want it or not, the Cabinet and the Prime Minister are about to receive their legal credentials for the first time. This will be accomplished in the ministers of the crown bill, now nearing its final passage, which had to accord that recognition as a preliminary to the prosaic business of raising the Prime Minister's salary to £10,000 annually, equalizing the salaries of his fellow Cabinet ministers at £5,000; providing a salary of £2,000 for the leader of the opposition, and pensions of like amount for former Prime Ministers, and with other minor changes increasing the pay roll by £37,000.

With the adoption of this bill, which is taken for granted after certain revisions are made, the word "Cabinet" and the phrase "Cabinet Minister" will make their debut in the statute books. Hitherto there has been no means within the law of ascertaining who is a Cabinet Minister and who is not; there has been no provision in the law to define a Minister.

#### Cabinet Origin Vague

History is not clear as to the origin of the first Cabinet. Sir John Simon, the Home Secretary, who is credited with knowing most about

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### Former Commissioner Walsh in Hot Water With St. John Council

Council Claims He Made False Statements and  
Asks Apology

Commissioner Answers Charges

Trouble Arose Over Charge Walsh Had Work  
Done in Home and City Asked to Pay Bills

### CATTLE EXPORT TO UNITED STATES IS NOW BOOMING

Drought Causes a Scar-  
city of Light Weight  
Beef

OTTAWA, April 22—The drought that scared United States grazing lands last year is boosting the market for Canadian cattle, particularly the lighter weights.

Faced with a shortage of feed to finish their cattle, United States cattlemen have been using most of it for the heavy varieties and a pronounced shortage has developed for calves.

As economic conditions improved a heightened demand was also created for the high-priced baby beef, Agriculture Department officials said.

To date this year 57,000 Canadian beef cattle went to American markets against 54,000 in the same period last year. In the same comparison calf exports jumped to 22,000 from 7,000. Meanwhile reports from Chicago said total March cattle receipts were among the lightest in 25 years.

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### Opposition Fears New Income Tax Decrease the Cost of Living

(Special to The Daily Mail)

LONDON, April 22—The proposed tax on income and profits was the chief discussion today in the House of Commons, but both sides will welcome a full explanation of the taxation plan. The Opposition claim that it will decrease the cost of living and are a little wary about the effect of the tax. The Opposition is willing, however, to stop profiteering in armaments and claim that the Government should have taken over full control of the armament plan.

### Books From Dowager Queen Mary Enhance Prairie Libraries Founded by Lady Tweedsmuir

### MORE JOBS, LESS RELIEF FEATURES SPRING WINNIPEG

WINNIPEG, April 22—More jobs and less relief featured the first quarter of 1937 in Winnipeg. Figures from the single men's relief office showed a decrease of nearly 1,000 in those obtaining assistance. At the end of March 7,547 jobs had been found for unemployed men compared with 6,650 in the first quarter of 1936.

(Special to The Daily Mail)

PARIS, April 22—The franc recently weakened down to 111 to the pound sterling which is near the legal point. However, it rallied today to a value of 110 and three sixteenths.

### 2,000 Books From the I.O.D.E. Add to In- creasing Collection

OTTAWA, April 22—More than 4,000 books have been sent from Government House to people in the drought areas of the Prairies up to date, said Lady Tweedsmuir, describing "The Lady Tweedsmuir Prairie Library Scheme" to the Local Council of Women here today. Donation of books for the Western people are sent first to Government House here, and Lady Tweedsmuir directs their distribution to various afflicted areas. With donations of money, she chooses and buys books to be sent.

She told of the progress of her plan, which started with the personal donation of a few books to the people of the West who, she said, "have been so magnificent—being  
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SAINT JOHN, April 22—The matter of material and work done at the residence of former City Commissioner E. D. Walsh and alleged to be charged to the city was again taken up at the City Council yesterday. Mr. Walsh sent a letter to the Council in which he explained his position in regard to the accounts. The members of the Council claimed that the statements contained in the letter were false.

Branding statements and accusations made by former Commissioner Walsh as absolutely false and slanderous and declaring he should apologize, members of the Common Council took strenuous objection to a letter read from the former commissioner of public safety at a meeting this morning.

Strong resentment was experienced both at the tone of the letter and statements contained therein. They also felt that he was endeavoring to create a wrong or false impression when he contended that meetings were being held at which the press was not admitted. They branded the statement as malicious and pointed out that there was absolutely no truth in it.

Regarding Mr. Walsh's contention that he was responsible for only about \$35 of the bill presented from H. M. Hopper Co. Ltd. for electrical equipment, this also was pointed out to be wrong. The amount he was directly responsible for was said to be approximately \$65, not \$35.

One councillor became so excited at the conclusion of the letter, that he jumped to his feet and demanded an apology; he said he resented the tone of the letter, as well as the implications in it.

Another councillor pointed out that Mr. Walsh had taken advantage of his position while he was in office to obtain credit and use city workmen on his own private enterprises. He contended he should be made to pay for all the extra gasoline he used for the repair work done on his automobile, as for the electrical fixtures and time city employees were engaged in his home.

Another member of the Council pointed out that if any wrong was uncovered in any department or by  
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### FARMERS IN ALTA. USE POWER MACHINERY

(Special to The Daily Mail)

CALGARY, April 22—Alberta farmers this year are turning toward power machinery, implement companies reported today.

Lateness of the season, high price offered and in some instances subnormal conditions of farm horses are contributing to the change. Machinery sales have improved from 15 to 20 per cent, one authority said.

Saint Dunstan's Girl Guides will hold a Rummage Sale in Saint Dunstan's Hall on May 1.