

# The Minister of Justice and the Sale of Alleged Obscene Books

Extracts From the Hansard Report of the Debate on the Matter in Parliament—Mr. Aylesworth's Scathing Criticism of the Methods Employed in Certain Quarters to Scare up a Feeling Against the Government.

(Hansard April 14, 1910)

## RELEASE OF TWO PRISONERS

MR. BOYCE I wish to call the attention of the Minister of Justice to an article in the issue of the Canadian Municipal Journal and Telephone Building News for April, as follows:

### WHERE WAS THE PULL?

Two months ago Judge Winchester sentenced L. J. Skellie and J. G. King to one year's imprisonment in the Central Prison for distributing obscene literature and post cards. The judge spoke very severely in giving the sentence, saying that if the youth of this country was to grow up in the right way, scoundrels who acted as the prisoners had done must be severely punished. Both prisoners pleaded guilty and two stenographers gave evidence that they have refused to work for the prisoners, so filthy was the business.

Needless to say the sentence of Judge Winchester gave great satisfaction.

On the 4th of March, these two prisoners, after serving only two months—or one-sixth—of their sentence, were released with an absolutely free pardon by the order of the Minister of Justice.

The question that is now being asked is, "Where is the pull?"

Mr. Robinette, K.C., defended the prisoners—though it seems strange that an eminent lawyer should stoop to such a dirty case and he, it is understood, is a personal friend of the minister.

Some of the few fearless members of the House of Commons should ask the minister on what grounds he set aside the decision of such a careful judge as Judge Winchester; and how he considers it consistent with the administration of justice, for the department to let loose two such offenders.

Such an action is not only a blot on the administration of justice—for if the minister is right, Judge Winchester is wrong—but it is a tremendous discouragement to those who are charged with catching criminals, the police. What on earth is the good of a fine police force such as that of Toronto, when their successful efforts to trace, arrest and secure the conviction of a public nuisance is set aside by the head of the Department of Justice?

The whole thing is a pure farce. If the Minister of Justice condoned dealing in obscene literature, let him secure an amendment to the Criminal Code, so that the public and the know that it is legal in Canada.

(The Hon. A. B. AYLESWORTH, Minister of Justice then made a short reply to the effect that he wished to look up the facts of the case and would reply fully later)

(Hansard, April 15, 1910)

Hon. A. B. AYLESWORTH. Before the orders of the day are called, I wish to make some further allusion to the matter which the hon. member for West Algoma (Mr. Boyce) brought to the attention of the House yesterday. I was not aware that this hon. gentleman intended to mention this matter yesterday, and in what I said yesterday about it I was relying entirely on my memory. Of course it is impossible to keep in mind all the details of 2,000 or more similar cases which pass under consideration in the course of a twelve months. Since the House adjourned, however, I have verified my recollection with regard to this matter by referring to the past and am therefore in a position to speak definitely and accurately at the present time. The article which the hon. gentleman read to the House is taken from the current April number of a journal called the 'Canadian Municipal Journal' published I think in Montreal. It is entitled 'Where was the pull,' and pursuing the idea suggested by that caption, it proceeds to charge that two prisoners to whom clemency was extended by His Excellency some time ago, were released because their counsel, Mr. T. C. Robinette of Toronto was a personal friend of mine and a man who enjoyed with me a considerable amount of personal influence, or 'pull.' Speaking from memory, as I was yesterday, I could not feel absolutely sure that there might not be some memorial or certificate of character among the papers which bore the signature of Mr. Robinette among others. I did not think it was so but I could not be absolutely positive. I wish now to state in the first place Mr. Robinette was not counsel for the prisoners or either of them, as stated in this article; nor was he concerned in any way whatever in the application for clemency on behalf of these prisoners, and did not in any way intervene in the matter even by so much as signing a petition or certificate as to the character of the men. In short, the fact is

that he had no single thing to do with this matter any more than the hon. member who brought this matter to the attention of the House yesterday. Yet this article, in order to found its attack, states categorically: "Mr. Robinette, K. C., defended the prisoners—though it seems strange that an eminent lawyer should stoop to such a dirty case—and he, it is understood, is a personal friend of the minister."

The prisoners were defended by two gentlemen each of whom is a personal friend of mine quite as much as Mr. Robinette. The gentlemen are Mr. Geo. Tate Blackstock, K. C., of Toronto, and his partner, Mr. Hugh Rose. These gentlemen are the men who made application for the clemency of the Crown in regard to their clients, the prisoners. The article in question states that these men were convicted for distributing obscene literature and post cards, that evidence was given by two stenographers that they had refused to work for the prisoners, so filthy was the business. After making other statements in regard to the case, the article proceeds:

"The question that is now being asked is, 'Where is the pull?'"

Now, I am sorry to say, Mr. Speaker, that this article, like a good many other newspaper articles, relies upon its imagination for its facts. There is not merely inaccuracy in the statements I have referred to, there is what cannot be properly designated otherwise than untruth, in short. It is simply an instance of a newspaper writer fabricating his own news in his own back office. It is not a fact that two stenographers at the trial of these prisoners gave evidence that they had refused to work for the prisoners so filthy was the business. No evidence whatever was given at the trial, the facts were admitted. It was in short a question simply whether upon the admitted facts the offence charged in reality existed. The offence charged had nothing to do with post cards, it was the circulating of obscene books, as they were called, tending to corrupt morals. The prisoners were either partners, or one the proprietor and the other the manager of a business in Toronto for the selling of books. I have forgotten the name under which the business was done; but so far as the papers show, and so far as any report on the matter which I received shows, the business was the ordinary legitimate business of respectable book selling. But among the volumes which had been sold by these men were such books as English translations of Balzac, of Petronius and other Latin authors, of Brantome, also a French writer; and undoubtedly in these books, which are classics and which are to be found on the shelves of our own library or of any other large library, in these books are to be found passages, just as I need not say there are to be found passages in that best of books which we reverence, which, if they were singled out or collected and published together, might properly be described by the word indecent.... But the business which these men were carrying on was of the legitimate character I have described. A prosecution was instituted against them. It is not for me to express an opinion of the justice of that prosecution, but a prosecution was instituted against them, not for distributing obscene post cards, for there was nothing of the kind, but for circulating books said to be obscene and tending to corrupt morals. The learned judge, upon the admitted facts of the case, made a conviction and sentenced the two prisoners. In sentencing them he said that it had come within his knowledge, or that he had been told—I have forgotten the exact way in which he worded his remarks—that one of the two young women who had been employed as a typewriter by this firm, had been compelled to abandon the position by reason of the character of the work that she was called upon to do. There was no evidence of it, but that observation was made by the learned judge when passing sentence. There was sent to me an affidavit or statutory declaration from this young woman who said that she was the only woman employee of the business, that she was the stenographer and typewriter engaged by this firm, that she had been with them for some length of time, and that there was not one word of truth in the charge that she had been compelled to abandon her position by reason of the improper character of the work that she was called upon to do. That statement, then, as this other statement of fact to which I have adverted, is entirely without foundation in fact.

Now, with regard to the application for clemency, I have only to say this: The application was made by the solicitor whom I have mentioned. I received a large number of letters

with regard to the case from prominent men, men of standing not only in Toronto but in other parts of the country. I do not think it would be right that these letters should be made public. There is nothing in them to conceal, but of necessity any communications of this nature are of the most confidential character. The department must obtain information with regard to the reputation of prisoners in the community by all means available and unless all communications were permitted under the seal of confidence there would be an end to the possibility of obtaining information or getting the particulars with regard to each case which are of importance in order that the application for clemency may properly be dealt with. I, for the same reason, think that it would not be right to even mention the names of the writers of such letters. I will say simply that I have had letters with regard to this case and urging clemency from more than 25 people of unimpeachable respectability and standing in the community, such people as managers of banks in Toronto, clergymen, a bishop of the Protestant faith, three other prominent clergymen, one a leading clergyman in the Methodist church, and business concerns of different characters in the city of Toronto, who are acquainted with the prisoners and knew the style of business that they had been carrying on. I am quite content to hand to my hon. friend or to any hon. gentleman in the House, a list of the writers of these letters which I have made and which I have before me, but do not wish to put upon 'Hansard' just one word more. I have had the advantage, in connection with this matter, of a personal discussion of the case with the Attorney General of the province of Ontario, who, I am proud to be able to say, is another warm personal friend of my own, and who, perhaps, on that account, would have had some pull in the matter. He expressed his opinion to me in conversation with freedom. He did more than that; in his capacity of Attorney General of the province charged with the responsibility for the administration of criminal justice, and whose representatives prosecute in the province, wrote me a candid, frank letter in the matter, which is upon file, expressing his own views and his own recommendation in regard to the case. I seek to put no responsibility upon him in the matter, I willingly assume the whole responsibility myself. I gave the advice to His Excellency that these men should be summarily released, because, in my humble judgment, speaking as a lawyer, they were not guilty of the offence which they were charged.

## Electric Restorer for Men A French Remedy

### PHOSPHONOL

restores every nerve in the body to its proper tension; restores vim and vitality. Premature decay and all sexual weakness averted at once. PHOSPHONOL will make you a new man. Price \$3.00 a box or two for \$5.00. Mailed to any address. The Sobell Drug Co., St. Catharines, Ont. A. J. Ryan, Central Pharmacy, special agent.

### ATTRACTED THE WASPS

(From the London Daily Mail)

A curiosity in natural history that must surpass all records has been observed in a garden not far from Aldershot. A number of wasps were heard buzzing about a particular rhododendron bush. The gardener summoned the owner of the garden, and the two proceeded to slaughter. Within half an hour fifty queen wasps had been killed.

The next day a number more were uzzing about the bush under the same fatal but obscure attraction. It was noticed that the wasps were only attracted to this single bush, which is one of many. A suggested reason is that the flowers were a little further advanced and so more full of honey, but as a rule color is almost as strong an allurements as scent or the honey sense.

It is not unusual for a few queen wasps to be killed at this season, when the time for nest making is approaching, but this quantity is unparalleled. The experience suggests that the wasp might be exterminated supposing this to be desirable, if we all grew specimens of this favored flower. The special fondness of queen wasps for white flowers of particular sorts has been observed before, and some gardeners grow such on purpose, but fifty in half an hour is a new record of slaughter.

The queens were killed by pinching

## AVIATORS NERVES SPOILT BY FLYING

Nerve Strain Shows Itself in a Faulty Memory, a Desire to Avoid Risks and an Inclination to Fly no More Than is Absolutely Necessary.

Several well-known airmen, after making recently a large number of public flights, have betrayed distinct traces of severe nervous strain. The question is now being discussed by The Daily Mail, whether too great a tax is put upon a man by manipulating constantly the imperfect aircraft which are the best that can at present be obtained.

The Lancet last week raised the point whether the human organization would stand the entirely new stresses imposed upon it by the conditions of flight. It has been noticed recently that pilots making frequent ascents before large crowds show what is not a fear of flying, but a growing realization of the risks run while in the air. The airmen examine every detail of their machine before rising with an ever-increasing care, and they study the wind conditions with an almost painful minuteness, fully aware that the slightest miscalculation would have disastrous results.

The airman's anxieties are sometimes almost overwhelming. He has to study the suitability of the ground to assure himself that there is no risk to the public to gauge wind currents over what is probably an unfamiliar piece of country to make absolutely certain that his aeroplane has been put together accurately and has been uninjured to transit and to satisfy himself that his motor is in good trim. He may have to wait for hours for the wind to fall, and is often pestered by demands for his autograph.

Protests are in this connection being made against the action of people who at flying exhibitions demand that the airman should fly, however unsuitable the conditions. A clamorous, impatient crowd imposes a terrible strain upon the man who is eager to fly, granted proper weather. Flying is only possible at present in fair winds; it is sheer brutality to call for a man to ascend in gusty air currents, and so risk his life. Some people appear to think that the payment of a shilling gives them a right to see a flight, no matter what the weather is like. But nobody is entitled to see a man killed for a shilling.

Irritability, a faulty memory, a sudden desire to avoid the risks of fast motoring, and a disinclination to fly any more than is absolutely necessary are the principal signs of the airman's nerve strain.

"Ultimately," declared a medical expert who has begun to study the airman's nerves "I believe the human frame will accommodate itself to airmanship because the art will become simple. But the strain with the present-day machine when giving demonstrations day after day is, I think, almost unendurable."

## THE MARKDOWN SALE

She started out to buy a ball  
Of yarn for darning socks,  
A paper or two of safety pins,  
And a ribbon for baby's frocks.  
And as for buying more than this  
She never had a thought;  
But the 'marked-down' tickets caught  
Her eye,  
And this was what she bought:

An opera cape,  
Twelve yards of crepe  
(You can't tell when you'll need some),  
Six pairs of gloves,  
(Such perfect lovelies!)  
And books one has to read some;  
Some furs, real sable.  
A small work-table,  
A set of Haviland china.  
A turquoise ring,  
(The sweetest thing!)  
A novel by Olive Schreiner,  
A waist or two  
As good as new  
(And worth at least ten dollars)  
An evening gown  
Marked 'way, 'way down,  
Some real lace baby-collars;  
A music-rack,  
A dressing-saque,  
A pair of pillow-shams,  
A portiere,  
Some new back-hair,  
More essays—this time Lamb's;  
An oak bookcase,  
A Tiffany vase,  
A lovely brass lamp-shade;  
Some lingerie,  
A rubber-tree—  
I really am afraid.

To tell you all the things she bought  
As she wandered on from block to block  
In quest of a paper of safety-pins,  
And a ribbon for baby's frock.

It has always been impossible to persuade the majority of women that Nature did not intend them to wear shoes with high heels, narrow tread and pointed toes.

The flowers into which they dived and which served as a shroud to the quantity of bodies lying around the deadly ambush of the rhododendron.

## GUIDE FOR TRAVELLERS

### INTERCOLONIAL DEPARTURES.

No. 303—Mixed for Loggieville, 5.00  
No. 317—Suburban for Gibson and Marysville, 6.15.  
No. 321—Suburban for Gibson and Marysville, 11.15.  
No. 323—Suburban for Gibson and Marysville, 16.20.  
No. 301—Express for Loggieville, Chatham, Campbellton, Quebec, Montreal, etc., 18.30.  
No. 327—Suburban for Gibson and Marysville, 18.40.  
No. 329—Suburban for Gibson and Marysville, 22.00.

### ARRIVALS

No. 306—Suburban from Marysville 7.45.  
No. 302—Express from Loggieville, Chatham Junction 11.25.  
No. 308—Suburban from Marysville 13.30.  
No. 304—Mixed from Loggieville and Chatham Junction, 16.00.  
No. 310—Suburban from Marysville 19.15.  
No. 316—Suburban from Marysville 21.55.

### CANADIAN PACIFIC DEPARTURES

6.20 a.m.—Express for St. John, Portland, Boston, Woodstock, etc.  
7.55 a.m.—Mixed for Woodstock and points North. Leaves St. Marys at 8.35.  
9.45 a.m.—Express for St. John and points east.  
4.45 p.m.—Mixed for Woodstock, via Gibson branch, Tuesdays, Thursdays and Saturdays.  
5.50 p.m.—Express for Montreal, and Boston, Woodstock, St. Stephen, etc.  
9.05 p.m.—Express for St. John and points east.

### ARRIVALS

9.10 a.m.—Express from St. John and points east.  
11.20 a.m.—Mixed from Woodstock, via Gibson branch, Tuesdays, Thursdays and Fridays.  
11.35 a.m.—Express from Montreal, Boston, etc.  
7.50 p.m.—Express from St. John, and points east.  
9.05 p.m.—Mixed from Woodstock, and points North.  
10.50 p.m.—Express from Boston, Portland, Woodstock, St. Stephen, etc.

### STAR LINE S. S. CO.

Steamer Victoria leaves for St. John every Monday, Wednesday and Friday at 8 o'clock a.m. Arrives on Tuesdays, Thursdays and Saturdays at 4.30 p.m.

### ST. JOHN RIVER S. S. CO.

Steamer Elaine leaves for St. John every Tuesday, Thursday and Saturday at eight o'clock. Arrives every Monday, Wednesday and Friday at 4.30 p.m.

Steamer Hampstead leaves Fredericton every week day for Gagetown at 4 o'clock p.m. Arrives from Gagetown at 10.30 a.m.

Stage line for Meductic and point on western side of river leaves the post office Mondays, Wednesdays and Fridays at 7.30 a.m.

## AMUSEMENTS

### Bijou COOL AND BREEZY

A BIG WESTERN "IMP"  
Is it a feature?—Yes.

"CONVICT 796"

A Fine Vitagraph

"SEA VIEWS"

A Real Sight

BIG DAILY MATINEE

ELECTRIC FANS

AT THE

## G E M

TO-NIGHT

A KNOT IN THE LOT  
(Biograph)

A VEIN OF GOLD

(Essany)

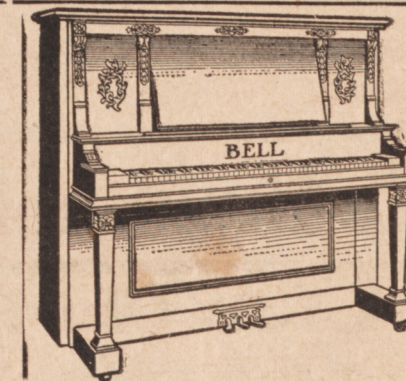
THE SENATOR AND THE SUFFRAGETTES  
(Edison)

LOVE AND MARRIAGE IN PORTLAND  
(Edison)

## ..BUY NOW..

: SPECIAL PRICES :

Call and  
see us  
and you  
will  
agree



We  
sell  
nothing  
but the  
best

We employ no agent.

## McMURRAY & CO.

### WAGNER DICKERSON & CO.

BANKERS AND BROKERS

Members of the N. Y. Stock Exchange

Special Department for the  
Purchase and Sale of odd lots  
Listed and Unlisted  
Securities

25 Broad Street - New York

### JOHN G. ADAMS

THE LEADING UNDERTAKER AND  
FUNERAL DIRECTOR  
QUEEN ST. NEXT QUEEN HOTEL



ORDERS PROMPTLY ATTENDED TO



SEALED TENDERS addressed to the undersigned and marked "Tender for Supplying Coal for the Dominion Buildings" will be received until 4.00 p.m., on Tuesday, August 16, 1910, for the supply of Coal for the Public Buildings throughout the Dominion.

Combined specification and form of tender can be obtained on application at this office.

Persons tendering are notified that tenders will not be considered unless made on the printed forms supplied and signed with their actual signatures. Each tender must be accompanied by an accepted cheque on a chartered bank payable to the order of the Honourable the Minister of Public Works, equal to ten per cent (10 p.c.) of the amount of tender, which will be forfeited if the person tendering declines to enter into a contract when called upon to do so, or fail to complete the work contracted for. If the tender be not accepted the cheque will be returned by the Department. The Department does not bind itself to accept the lowest or any tender.

R. C. DESROCHERS,  
Asst. Secretary,  
Department of Public Works, Ottawa,  
July 6, 1910.

Newspapers will not be paid for this advertisement if they insert it without authority from the Department.



### Notice to Contractors.

SEALED TENDERS addressed to the undersigned and marked on the envelope "Tender for Supplying System" "Tender for Water System" and "Tender for Pipe Tunnels and Wiring Ducts" as the case may be, will be received at the office of the Commissioners of the Transcontinental Railway, at Ottawa, Ontario, until twelve o'clock noon of the 26th day of July, 1910, for:

(1) Air, steam, water and oil piping system;  
(2) Water system;  
(3) Pipe tunnels and wiring ducts; required in connection with the Transcontinental Railway shops east of Winnipeg and specifications may be seen in the office of Mr. Gordon Grant Chief Engineer of the Commissioners, at Ottawa, Ont., and in the office of Mr. S. R. Poulin, District Engineer, St. Boniface, Manitoba.

Persons tendering are notified that tenders will not be considered unless made on the printed form supplied by the Commissioners, which may be had on application to the Chief Engineer at Ottawa, or to the District Engineer at St. Boniface, Man. Each tender must be sealed and sealed by all the parties to the tender and witnessed, and be accompanied by an accepted cheque on a chartered Bank of the Dominion of Canada, payable to the order of the Commissioners of the Transcontinental Railway, for a sum equal to ten per cent (10 p.c.) of the amount of the tender.

Any person whose tender is accepted, shall within ten days after the signing thereof, sign the contract, specifications, and other documents required to be signed and in any case of refusal or failure on the part of the party whose tender is accepted to complete and execute the contract with the Commissioners the said cheque shall be forfeited to the Commissioners as liquidated damages for such refusal or failure, and all contract rights acquired by the acceptance of the tender shall be forfeited.

The cheques deposited by parties whose tenders are accepted, will be deposited to the credit of the Receiver General of Canada, as security for the due and faithful performance of the contract according to its terms.

The cheques deposited by parties whose tenders are rejected will be returned within ten days after the signing of the contract.

The right is reserved to reject any or all tenders.  
By order,  
P. E. RYAN,  
Secretary,  
The Commissioners of the Transcontinental Railway,  
Ottawa, 26th June, 1910.

Newspapers inserting this advertisement without authority from the Commissioners will not be paid for it.

### CLASSIFIED ADS.

not exceeding one inch, one insertion, 25 cents; three insertions, 60 cents; one week \$1.00; one month \$3.00.

## HONESTY



There are lots of honest people in the world. If you have lost something perhaps an honorable person found it.  
This is an honest paper and honest people read it.  
Tell them about your loss in our Classified 'Want Ads.'

### WANTED

BOYS WANTED—To sell the Daily Mail. There's money in it.

WANTED—At the Mail Office a printer—an all round man preferred. Steady employment and good wages.

WANTED—Prospective brides to have their wedding stationery printed at the Mail office. We have a large and well assorted stock to select from.

### TO LET

One small house, situated on Church Street, moderate terms. For particulars apply at this office.

### TO LET

Furnished house on Church Street until May 1st next. Fitted with all modern improvements. Possession given Aug. 1st. Enquire P. O. Box 232.

TO LET—Two cottages on George Street. One flat on King Street opposite Methodist Church. One flat on Queen Street, West. All in good repair. Rent reasonable to good tenants with small family.  
HUGH CALDER  
d 1 wk

### FOR SALE

FOR SALE—Building lots on St. John and Regent Streets. Also good heavy standing hay, about four acres. Apply to Mrs. T. Lynch.

### COW LOST

Black milch cow with bell. Strayed from pasture, College Hill. Finder will be rewarded on return to.  
R. W. McLELLAN.

## Notice to Plumbers, &c.

All contractors, plumbers, and others having charge of plumbing work in this city are required to hereafter comply strictly with the fourth and other regulations of the Provincial Board of Health with respect to Plumbing and House Draining—more particularly by filing with the Local Board plans and specifications of proposed work for approval. Compliance with this law will hereafter be strictly enforced. Blank forms will be furnished on application to the undersigned.

By order of the Fredericton Board of Health.

Dated this 29th day of June, A. D. 1910.  
CHAS. W. BECKWITH,  
Secretary,  
Fredericton Board of Health.

Mutton Pudding. Get a nice thick steak of mutton off the leg, cut it up into small squares, line your pudding basin with suet, put in a layer of meat, seasoning with pepper, salt, then a layer of sliced raw potatoes, continue this until the basin is full. Add a little water, dredge lightly with flour—if liked one or two tomatoes may be added. Cover with crust pinch the edges well together, tie down tightly with a well-floured cloth and boil for two hours and a half.