

The Daily Mail

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DONALD FRASER, President

Fredericton, N. B., June 21, 1912.

THE CONSERVATIVE SWEEP

The electors of New Brunswick have spoken and they have in a most emphatic manner declared for five more years of Flemming rule. Considering the powerful influences exerted on behalf of the administration it is not surprising that it was sustained at the polls but nobody, not even its most sanguine supporter, even, expected the victory to be so overwhelming. Of the seventeen constituencies in the province, straight supporters of the administration were elected in fourteen. Northumberland appears to have elected two independents who opposed the straight government ticket; Madawaska alone elected the opposition ticket, while in Gloucester, which was in opposition in the last House, polling has been deferred until Monday. Every supporter of the government occupying a seat in the last House who offered for re-election, with the exception of Mr. Cyr in Madawaska and Mr. McLaughlan in Northumberland, was re-elected, while of the eight opposition members of the last House who sought a renewal of public confidence, not a single one was able to weather the storm.

The elections, as is usually the case, furnished many surprises, the most notable perhaps being the defeat of Hon. C. H. LaBillois, who for thirty years has represented the County of Restigouche without a break. His ripe experience and genial personality made him one of the most valued members of the Legislature and friends on both sides of the House will regret his withdrawal from public life, which it is to be sincerely hoped will only be temporary.

The defeat of Mr. A. B. Copp, the opposition leader in Westmorland, did not come as a great surprise to those familiar with the situation in that county. He and his three colleagues were opposed by a ticket of the wealthiest and most influential men in the province and with the I.C.R. vote solidly arrayed against them, the only matter for surprise is that Mr. Copp and his colleagues made as good a showing as they did.

Other good men on the Liberal side of legislative experience who suffered defeat were Mr. George W. Upham in Carleton, Mr. A. F. Bentley in St. John, and Mr. Leger in Westmorland. As members of His Majesty's loyal opposition they had rendered valuable service to the province and their failure to secure re-election will be greatly regretted.

The opposition appealed to the country on a broad and progressive platform, which, had it been adopted by the people, would undoubtedly have done much to improve the conditions of life in this province. Instead of going ahead along progressive lines the people have endorsed the Flemming government and its record of extravagance, its broken pledges, and its shameful waste of the natural resources of the province, and we must for the time being abide by their verdict. In this country the majority must rule and as law-abiding citizens those composing the minority must submit, even though the pill is a bitter one to swallow, as it undoubtedly is in this case.

The Flemming Government has been a spend-thrift government and to this fact it probably owes a large measure of its popularity. It has pledged the credit of the province to the extent of many millions of dollars, and by so doing has succeeded in enlisting the support of a brigade of camp followers who are always ready to support any government or any party so long as they are permitted to share in the leaves and fishes. It had the hearty support of that powerful corporation, the Canadian Pacific Railway, one of the biggest and most grasping corporations the world has ever seen. This corporation is anxious to secure control of the railway facilities of the St. John Valley and with that end in view subscribed liberally to the enormous campaign fund which the government had at its disposal in

this election. It was by means of this fund that the government was able to buy its way back into power and the people who pay the taxes will be the loser in the end.

The Liberals of the province although defeated here nothing to regret. Under the able leadership of Mr. Copp they put up a clean and manly fight against tremendous odds and the popular verdict was recorded against them. They went down with their colors flying, and as the champions of a cause which will yet prevail.

THE YORK ELECTION

The opposition candidates in York, Messrs. Burden, Osborne, Little and Limerick, made a splendid fight considering the tremendous odds which they had to contend with. They entered the contest at the last moment in order that the people might have an opportunity to exercise their franchise in the selection of representatives. Considering the fact that they ran an absolutely clean election and were without anything in the way of organization at many of the polls they have no reason to be ashamed of the showing they made. Without the expenditure of a single dollar they were able to rally to their support seventeen hundred voters, representing the honest, independent manhood of the country. This is only about five hundred votes less than the party polled in the election of four years ago, when it had the support of two governments.

There is abundant evidence to show that rum and money, government patronage and in fact every device known to unscrupulous political heelers were freely used on behalf of the Tory candidates in York. They boasted all along that they were absolutely sure of their election by an enormous majority, yet when it came to election day they were afraid to trust themselves in the hands of the electorate, without resorting to the most disgraceful methods known in political warfare.

The Liberal candidates knew that the contest was hopeless from their standpoint but they responded to the call of their party and put up the best fight that was possible under the circumstances. For this they have earned the gratitude of their party, not only in this but in all other counties of the province. Thirteen years ago the Tory cause in this county was about as hopeless as the Liberal cause appears to be today. The darkest hour is before the dawn and the Liberals, although defeated, have no reason to be disheartened. Their day of victory will surely come in this county and it may come sooner than some people expect it.

Congratulations to Commodore Stewart on his great victory in Northumberland. Many people regarded the independent ticket in Northumberland as a joke, but it proved a costly one for Chief Commissioner Morrissey. With Commodore Stewart and Mr. Swim on the one side and his colleagues in the government intriguing against him on the other, the indications are that the Chief Commissioner's position in the new House will not be an enviable one.

Mr. Osborne and Mr. Burden of the opposition ticket signed the pledge of the N. B. Temperance Federation. Mr. Little and Mr. Limerick declined to sign it. The result of the poll in the city yesterday shows that Mr. Osborne received seven more votes than Mr. Limerick, while Mr. Little received just six less than Mr. Burden. This would indicate that there are many people who put party politics ahead of their temperance principles.

The only real fight put up in York County appears to have been between Mr. Pinder and McLeod, to see who would lead the poll. Had the old gentleman not lost his head early in the game and made some indiscreet remarks about certain prominent Liberals he would have won hands down.

In the up town division of the city where the temperance sentiment is supposed to be strongest Mr. Osborne got a smaller vote by 118 than he did when he offered for Mayor in March last. In the down town division he got 206 votes yesterday whereas when he was a candidate for Mayor he only received 162.

SIR LOUIS DAVIES VIEWS ON THE MARRIAGE BILL

Ottawa, June 18.—Sir Louis Davies, one of the Justices who heard the argument on the uniform marriage bill reference to the Supreme Court, in answering negatively the question as to the right of Parliament to enact a uniform marriage law, said in part:

"I construe this bill as attempting in its first section to validate by Dominion legislation marriages solemnized by or before a person having only a limited Provincial authority to solemnize marriages, in cases where such person has ignored such limitations and attempted to solemnize a marriage beyond the powers given him by a Provincial Legislature. The contention submitted by Mr. Nesbitt, in the argument in the case, was in effect that under our constitutional act of 1867 all questions relating and essential to the contract of marriage, namely, its definition, the capacity of the parties to enter into it, and all the circumstances upon which its validity are to depend, are assigned to the exclusive jurisdiction of the Dominion Parliament, while the regulation of the evidential formalities authenticating the contract; they not being essential to its validity, are assigned to the Legislatures of the Provinces. All matters of substance would thus be assigned to the Dominion. Mere matters of form would be assigned to the Provinces and their neglect or violation, though punishable by penalties prescribed by Provincial law, would not in any way affect the validity of the marriage. The conclusion was submitted by counsel for the promoters of the bill that the contract marriage is and always was entirely independent of any religious or other ceremonial accompaniment, and that, in the absence of Dominion legislation, the common law had to be resorted to in order to determine whether the parties were legally married or not.

POWERS OF THE PROVINCES

"I cannot bring myself to believe that these contentions can prevail. They are not in my opinion, based upon a true construction of the British North America Act of 1867. In my judgment the division of legislative power created in that statute and assigned respectively to the Dominion and the Province was not one which gave exclusive legislative power over all the essentials of the subject matter of marriage to the Dominion and that over non-essential formalities only to the Provinces. The Imperial Parliament when passing that act will at least be credited with the knowledge that so-called common law marriages were not valid in England, and that it had been judicially determined by the House of Lords in the case of *Beamish v. Beamish*, 9 H. L. C. 273, that it was settled by the decision of the Queen v. Millis, 10 C. and F. 531, that to constitute a valid marriage by the common law of England it must have been celebrated in the presence of a clergyman in holy orders.

IMPERIAL PARLIAMENT'S INTENTIONS

"In the light thereof of the law as it existed in England at the time of the passage of our constitutional act, 1867, on the subject of marriage, and also as it then existed in the colonies being confederated into the Dominion, and also in view of the differences of race and religion prevailing amongst the inhabitants of the various Provinces, I cannot doubt that in assigning the exclusive power of legislation over the solemnization of marriage to the Provinces, the Imperial Parliament intended to confer upon them a much greater power than that of legislating on mere non-essential formalities. The Legislatures of the several Provinces may, within their several jurisdictions, make religious ceremonies necessary to validate a marriage or may make its solemnization before a civil functionary of any kind sufficient for the purpose with or without witnesses. It is probable they would have power to declare the solemnization of marriages to be complete without the presence of a priest, clergyman, minister, civil functionary or witness, and by the mere consent of the parties intermarrying, evidenced in writing or by mere words. As their powers of legislation are plenary and exclusive over the subject matter assigned to them, no limitation can be placed upon their exercise, and any invasion of their jurisdiction by the Dominion Parliament under the guise of legislating upon marriage and divorce would be ultra vires.

FORM OF SOLEMNIZATION

"If apt and proper language is used in Provincial legislation making any form of solemnization or the presence of any designated person or any person of a designated class religious or civil, essential to the validity of the solemnization of a marriage, and such requisite is disregarded and ignored, the marriage is ipso facto void and cannot be validated by the Dominion Parliament."

THESE OLD PEOPLE OWE THEIR HEALTH

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MR. N. JOUBERT OF GRANDE LIGNE, P. Q., says: "For more than 10 years, I suffered with Constipation and Piles. I tried many remedies, but none did me good. After taking four boxes of 'Fruit-a-tives', I am well. I am now over 80 years of age."

MR. WM. PITT, general store-keeper at SHANLY, ONT., writes:—"I am 67 years of age and long suffered troubles from Headaches, due to Stomach Troubles. I was advised to try 'Fruit-a-tives'. I did so and they completely cured me."

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Mrs. Bruce Miles and two children of Cranbrook, B. C., are here for the summer with Mrs. Miles' mother, Mrs. Coulthard.

A journeyman carpenter who is an ardent trade unionist, a Presbyterian minister and a lawyer will comprise the workmen's compensation commission of Michigan.

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