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ARGUMENT CONCLUDED IN MIXED MARRIAGE CASE

Messrs. Smith & Geoffrion made the Closing Argument on Behalf of the Province of Quebec---Claim the Lancaster Bill is Ultra Vires of the Dominion Parliament---Decision of Their Lordships is Expected Soon

London, July 23—The argument of the appeal with the regard to the Canadian marriage law, which was opened before the judicial committee of the privy council yesterday, closed today after counsel representing the attorney-general of the province of Quebec had been heard. The lord chancellor intimated that their lordships will reserve their decision.

When the court opened Mr. Hellmuth continued his argument that the provinces should have the power to make their own marriage laws, a liberty which the changes proposed under the Lancaster bill, whose validity was the subject of this appeal, would take away. He urged that the provision now sought to be imposed would be at variance with the code. In the case of two Roman Catholics, he continued, a marriage could only be validly solemnized before a Roman Catholic priest, because no other minister, upon a true construction of the code, had the necessary authority to solemnize a marriage.

The lord chancellor referred to the articles in the code based on the decision of the Council of Trent.

Mr. Hellmuth said the greatest evil that could befall a country would be legislation leading to the laxity of the solemnization of marriage. Clandestinity decreed by the Council of Trent, and recognized by the code of Quebec, was based on the general French law that a clandestine marriage was no marriage. If any one other than a priest could solemnize marriage in the province the result would be to render marriage less stable socially and produce an evil which the law desired to remedy.

R. C. Smith then opened the case for the province of Quebec. He said that when the bill was introduced by a private person the question at once presented itself whether the dominion parliament in allowing such

a bill to be promoted was not acting ultra vires.

THE QUESTION IN A NUTSHELL.

Lord Atkinson—The question seems to me to be this: Is a person married according to the rules of the locality where the ceremony takes place or according to the rules of his own church? The act says: 'A marriage duly performed according to local law.'

Lord Halsbury—You say that on a true rule of construction: Does a general right given to the Dominion over legislation referring to marriage and divorce include the particular subject matter of the solemnization of marriage in a province. Why do you say that?

Mr. Smith submitted that the particular subject matter invested exclusively in the provinces by the act of 1868 brought this about.

In reply to a question by the lord chancellor, counsel submitted that failure to legislate reasonably upon any subject within its exclusive jurisdiction could not have the effect of transferring such jurisdiction to the dominion parliament. Whatever the law of Quebec might be the answer to the question should be in the negative as the whole of the subject matter suggested in the question related to the solemnization of marriages.

A. Geoffrion, who followed on the same side said it was hoped that their lordships would not answer the second question for several reasons.

The lord chancellor—"You ask us to give no decision on the point whether the law of the province of Quebec renders null and void marriages which would otherwise be binding, merely because they were not contracted before a Roman Catholic priest."

It was a similar request, Mr. Geoffrion replied, to that before the supreme court that the question of "What is the law?" should be left unanswered by the court and it had been acceded to by that court.

Britain Must Remain Superior in Sea Power

Hon. Winston Churchill's Speech on the Naval Question Has Provided Widespread Discussions--Lord Selborne Says it Ought to be Written in Letters of Gold on Both Houses of Parliament--Great Britain Will Always be Ready to go One Better Than Germany.

(Canadian Press.)

London, July 24—The speech of Winston Spencer Churchill, first lord of the admiralty, yesterday on the supplementary naval appropriation, has provoked widespread discussion both at home and abroad. It is held in some quarters to presage the institution of a naval law similar to the German, to provide for a systematic growth of the navy over a series of years. It was so interpreted by Lord Selborne, who was first lord of the admiralty from 1900 to 1909, in a brief debate in the House of Lords this evening. He declared that Mr. Churchill's words ought "to be written in letters of gold on both Houses of Parliament."

In the same debate Viscount Haldane, lord high chancellor, who recently visited Berlin for the purpose of discussing Anglo-German relations, made an interesting statement to the effect that Germany had been told in the friendliest manner that whatever naval efforts she might make Great Britain would still make greater.

"We have said," Viscount Haldane added, "that we would do this with no intention of aggression but because sea power is our life and in sea power we intend to remain superior."

THE COMING STRUGGLE.

Paris, July 24—That the world is not yet on the eve of the cessation of the struggle between Great Britain and Germany for naval supremacy is the prevalent opinion in France after careful study of the recent speech by Winston Spencer Churchill in the House of Commons. The continuing of the rivalry between these two countries causes a note of regret here, but there is an inclination to believe that if it must go on France should learn a lesson from England's procedure and increase her navy.

The Matin, commenting on the subject, says it is in a position to declare that Italy and Austria, at the instigation of Germany, are about to build additional super-dreadnoughts in regard to which nothing has been permitted to transpire. Italy has to construct six of these vessels, each of 20,000 displacement and capable of steaming at a speed of 25 knots, while Austria is to build three, each of them displacing 20,000 tons. The newspaper continues:

"The fulfilment of this program will destroy the present naval equilibrium in the Mediterranean and give a big advantage to the Triple Alliance."

CANADIAN PRESS COMMENT.

Toronto, July 23—The Globe today, under the heading "The Dreadnought Rivalry," says:

"The speech of Mr. Winston Churchill on the naval defence of the empire clearly points the way for Canada. He stated that only by cool study and by methodical preparation extended over a series of years could Britain raise the margin of naval power in Europe alone, while he added:

"We have to protect dominions and territories scattered over every continent and every ocean as well."

"There, in a word, is Britain's problem. There, too, is the opportunity for the dominions overseas to cease 'sponging'—the word is not a bit too strong—on the motherland for naval defence. It is the duty of the dominions to say to Britain:

"We will undertake to guard the outlying portions of the empire against small raiding squadrons and keep open the trade routes of the empire if you will see to it that the shores of Britain are kept inviolate and the British battle fleet is maintained on a basis of superiority to that of any probable European combination."

"If by the joint efforts of Canada, Australia, New Zealand and the South African union a compact, modern naval force were maintained in the Pacific and Indian oceans, the people of Great Britain would be able to devote their entire attention to the safeguarding of the Atlantic, the North Sea and the Mediterranean."

"The problem of British naval defence has been greatly complicated

by the growing sea power of the Triple Alliance and the declining power of France. Ten years ago Germany's naval forces were relatively insignificant and even now in pre-dreadnought battleships she is hopelessly outclassed. But pre-dreadnought battleships count less every day and in the building of dreadnoughts the Triple Alliance powers, Germany, Austria and Italy, are all feverishly at work.

"At the present time, and for at least a year, Britain's superiority in dreadnoughts and pre-dreadnoughts over Germany is so great that no German naval expert would favor facing the odds. The peace of the world is for the moment secure and the British navy is the foundation of that security. Looking ahead, however, every thinking man must recognize that Britain will not always be able to play 'Beggars neighbor' with Germany in the game of building warships. There are 65,000,000 Germans and they are increasing at the rate of over 1,000,000 a year. They do not emigrate, but remain at home to strengthen the power of Germany. The total emigration of Germany is probably less than 30,000 a year. Britain, with 45,000,000 people, sends out every year about ten times the number of emigrants that Germany does. They are for the most part young, fit and enterprising. Their departure drains the motherland of the most virile element of the population and results in an ever-widening inferiority in the

population and wealth-producing capacity of Britain, as compared with Germany.

"How long under these conditions can Britain, unaided, hold the supremacy of the seas, which for her is a matter of national life or death? Has the time not come for the 15,000,000 of white men in the outlying portions of the empire to stand behind the motherland?"

TORONTO STAR.

Toronto, July 23—Under the caption "The Fine Word, Adequate," The Toronto Star says editorially:

"In London, Mr. Borden has authorized Winston Churchill to say that 'Canada desires any move that would strengthen the imperial navy.'"

"Many rumors have come from London as to what the views of the Canadian premier were on the navy question, only to be followed by prompt denial.

"This one we instantly recognized as genuine when it came last night, and this morning's despatches appear to confirm it. We felt that it was genuine because it was so vague. It reminded us at once of the important declaration on the fiscal question made by Mr. Borden some years ago when he declared himself as in favor of 'adequate protection.' Years have gone by, the phrase remains undefined and anybody is still free to define it any way he likes.

"Mr. Borden's present declaration appears to be to the effect that Canada believes in an adequate naval policy."

TORONTO WRITER IN CITY THIS WEEK

W. H. Curran Returning Home after Lengthy Stay in West Indies and at Panama

Mr. W. H. Curran of Toronto, a well known writer of special articles for both newspapers and magazines, has been in Fredericton for the past few days and will leave this evening by I. C. R. for Quebec, en route to his home. While in the city he has been registered at the Queen. He has been in the West Indies and at Panama for some time for his health.

He considers that the Panama Canal will revolutionize the business of the West Indies and predicts a great boom in the island, which are probably the most fertile in the world. In the Isle of Pines, an island one-third the size of Porto Rico, just south of Cuba and only 500 odd miles from the canal, he sees one of the great opportunities in the world. Land which is selling at Porto Rico for \$500 an acre can be bought there for \$50 an acre. The soil is the same and the climate is very much superior in every way. It is new land which Americans discovered only a few years ago—since the war—but its development as a fruit growing country has been very rapid.

Concerning Cuba, Mr. Curran says it is a good position financially but that the Isles of Pines is so much more healthy temperature so much more cooler and the island so English that from a residential standpoint there is no comparison.

As the Isle of Pines fruit enters the Canadian market duty free any development of the industry is of interest to Canadians.

LAWYER SHOT BY CLIENT

(Canadian Press.)

New York, July 23—Jos. Fettebrech, a lawyer, and his clerk, Norman Bergh, were shot by a man named Conway, a former client of Fettebrech, in the lawyer's office on Park Row today. The shooting followed a dispute over a law suit in which Fettebrech acted as Conway's counsel. Conway was arrested.

BUILDERS' LABORERS' STRIKE SETTLED

Hod Carriers to get Two Dollars per Day--Laborers \$1.75 per day or Less

The Builders' Laborers' strike, which was declared yesterday, came to an end last evening, the employers and representatives of the union holding a conference and arriving at a basis of settlement. Hod carriers under the agreement reached last night, are to receive two dollars per day. Laborers on building operations are to receive \$1.75 per day or less in accordance with the judgment of the employers.

Messrs. J. Fred Ryan and Moses Mitchell, chief employers of labor of the class concerned, were waited upon last night by representatives of the union and accepted their proposals, which are satisfactory to all concerned. The rainy weather made it impossible to lay brick today but it is expected that as soon as fine weather sets in the full crews will be at work again.

WRECKED STEAMER HAS BEEN FLOATED

St. John's, Nfld., July 24—Although considered a total wreck the British steamer Wilhelmina was floated yesterday from Rocks at Peters River, near Cape Race upon which she ran July 1st, while bound from Quebec for Glasgow. The Wilhelmina with a deck load of lumber had previously been salvaged. She was anchored off shore last night and will be towed to the nearest harbor today.

NEW RECORD FOR A MOTOR CYCLE

New York, July 24—A new world's record for measured mile on a motor cycle was made at the Brighton Beach motordrome last night, Arthur Chapelle of New York, driving the distance in 39 1-5 seconds. The track is a one-third mile saucer.

MAY FORCE ROSE TO CONFESS WEDDED IN NEW YORK

Bold Jack Said to Have Acted as Collector for N. Y. Police

District Attorney Hopeful That He Will Squeal on Slayers of Rosenthal.

(Canadian Press)

New York, July 24—The trail that leads to the real conspirators who framed the plot to slay Herman Rosenthal, the gambler, is slowly clearing and District Attorney Whitman believes today that from the evidence gained here and there, they will be able to show that the "police system" and even those higher up, were behind the plot to slay Rosenthal before he could make further gambling revelations. From Harry Vallon, gambler and one of the occupants of the murder car, the public prosecutor has learned further facts that implicate "Bald Jack" Rose, close friend of Police Lieut. Becker, and the one who hired the gray auto that took the gunmen to the scene of the shooting. Mrs. Rosenthal, widow of the gambler, told the grand jury that Rose was Becker's close friend and charged that Rose was the lieutenant's gambling house collector. With the arrests of other gunmen, the public prosecutor expects to learn enough to involve Rose further in the murder plot and by so doing force him to make a full confession and reveal those who were behind the killing.

(Continued on page five)

OTTAWA MUST HAVE A FIL- TRATION PLANT

(Canadian Press.)

Ottawa, July 24—Dr. J. W. McCullough, provincial medical health inspector, yesterday visited Ottawa and ordered the City Council to have plans prepared for a new system of water supply, to consist of a mechanical filtration plant on Lemieux Island in the Ottawa River, to be connected with the pumping station in the city by a tunnel under the bed of the river to carry the intake pipe and keep it free from contamination. The estimated cost of the tunnel is \$300,000, while the plant will cost about \$750,000.

Conditions with respect to water supply in Ottawa have become so bad that the provincial board of health has taken the matter in their own hands. There is an outbreak of typhoid in the city as a result of the contaminated water getting into the intake pipe through a break in one of the suction wells. Every hospital is crowded and many patients were refused yesterday and will have to be treated at their homes.

About 140 cases in all are reported with many suspects.

SUFFRAGETTES STILL AFTER ASQUITH

New York, July 24—A cable to the Tribune from London says:

The suffragettes have become so keen after Premier Asquith that he does not dare to go even to weddings without a guard. The premier was attended by three detectives when he attended the marriage yesterday of the Hon. Guy Charters second son of Lord and Lady Ellish and Miss Frances Lucy Tennant, daughter of Mr. and Mrs. Francis Tennant and a niece of Lord Glencairn and Mrs. Asquith at St. Margaret's Westminster. The bride had twelve bridesmaids and a distinguished company witnessed the ceremony.

Baltimore, July 24—Leaders of the Roosevelt movement have arranged for a State convention of the Progressive party to be held in this city tomorrow to select the Maryland delegates to the Chicago convention.

Cutler-Chandler Nuptials Were Celebrated at Episcopal Church

Bride a Granddaughter of a Former Lieut Governor of N. B.--Groom Native of Kent

New York, N. Y., July 24—In the Calvary Episcopal Church yesterday, the Rev. Stanley Kilbourne officiating, Miss Miriam London Chandler was married to Mr. Stephen Langton Cutler.

Both bride and bridegroom are from New Brunswick, the bride being the daughter of the late Charles Upham Chandler, of Dorchester, N. B., and grand-daughter of the late Hon. Edward Barr Chandler, one time Lieutenant Governor of New Brunswick. Mr. Cutler is a son of the late Robert Barry Cutler, who represented Kent County, N. B., in the Dominion parliament. He has been connected with the business department of the Herald several years.

The bride, who wore a suit of pearl whippoor and a white felt hat, was given away by her mother, Mr. Ebbert Dysart of Boston Mass., also a native of New Brunswick, a cousin of the bridegroom was best man.

48th BIRTHDAY OF SIR THOMAS TAIT

Distinguished Railroad Expert is well Known throughout the World

Today is the forty-eighth anniversary of the birth of St. Thomas Tait whose connection with the Fredericton and Grand Lake Railway and the coal-development in the Grand Lake region has made him well known in Fredericton and throughout the province.

Sir Thomas, one of the foremost authorities on railroads in the British Empire was born in Melbourne, Quebec, July 24, 1864 and is the son of Sir Melbourne M. Tait who recently resigned as chief justice of the superior court of Quebec. The son was educated in Montreal schools and at McGill University. In 1880 he commenced his career with the Grand Trunk Railway, but in 1882 entered the service of the Canadian Pacific as private secretary to Sir William Van Horne. His promotion was rapid and by 1893 he was assistant general manager of the company, becoming in 1901 manager of transportation of the Canadian Pacific lines.

In 1902 the Australian colony of Victoria was in need of an able and experienced railway man to act as chairman of this railway commission and the choice fell on Mr. Tait. During the several years he was in Victoria Mr. Tait succeeded in wiping out old liabilities on the railways there amounting to several million dollars and at the same time brought about a considerable reduction in freight rates. In recognition of his splendid services in the empire the honor of knighthood was bestowed upon him last year.

Sir Thomas has been spoken of as a possible successor to the late Judge Mabey on the Railway Commission and also as president of the Grand Trunk Railway in succession to the late Chas. M. Hays.

BEEF TRUST GETS FOOTHOLD

London, July 24—The Melbourne correspondent of The Chronicle learns that Attorney General William H. Hughes is satisfied that the American Beef Combination is establishing itself in Australia, and the government is powerless to interfere in the present state of the law.

New York, July 24—The Standard Oil Co. of New York today announced a reduction of fifteen points in the price of refined petroleum making refined in cases 10.35 cents per gallon, refining in tanks 1.85 and standard white in barrels 8.45.

C. P. R. TO EXTEND ACTIVITIES TO AUSTRIA

(Canadian Press)

New York, July 24—A cable from Vienna says:

The Canadian Pacific Railway has extended its activities to Australia. Besides arranging to run a regular service of observation cars in connection with the express trains of the Austrian state railways, the Vienna headquarters of the company has begun a service of automobiles omnibuses for regular excursions in the neighborhood of Vienna. The observation car service will open on August 19th. Some seventy American and English journalists, managers of travel bureaus on the London, Paris, Berlin, etc., and prominent railroad men will, it is expected, take part in the first tour, which will be from Vienna to Salzburg Ischl and Trieste.

WILL ATTEMPT TO SWIM THE ENGLISH CHANNEL

Boulogne, France July 24—Fred Record of Rochester England started from Cape Grisnez this morning to swim across the English Channel. The weather conditions were excellent when he plunged into the water. This is his second attempt to accomplish the feat the last having occurred on August 20th last year.

PRINCESS WAS ROBBED

Ovenden, Belgium, July 21—It is announced that the Princess of Thurn and Taxis, while staying at a hotel here, has been robbed of jewels valued at \$80,000.