THAW WINS SIGNAL VICTORY IN HIS FIGHT FOR LIBERTY

Continued From Page One.

to obtain the presence of another member of the court. Early in the day Mr. Justice Cross, who is the senior member of the court at present in the city was communicated with and His Lordship consented to come down to court in order to hold a joint hearing with Mr. Justice Gervais.

In the meantime all arrangements were made by the Thaw counsel to have a speedy service of the writ, if such writ were granted by the court. At the door of the court house a high power automobile stood panting during the morning. At the Bonaventure station a special train made up of a locomotive and a private car was in readiness to start out for Coaticook at a moment's notice.

For it was feared that even if the writs were granted, it would be too late as the commission of enquiry was at the moment holding its sessions and it was not impossible for them to reach a verdict in the course of the afternoon, and order that Thaw be immediately deported. It was known that the New York state authorities at the Coaticook end were no less in readiness to have the deportation effected post-haste.

Everything in Readiness.

When court finally opened the proceedings occupied but few minutes. Messrs. Greenshields and Laflamme argued along the lines of their motion and petition. At the conclusion of counsel's presentation, Mr. Justice Cross announced that he would take fifteen minutes to look up the various points adduced. In less than that time His Lordship returned to court, signed the writs, one of habeas corpus, and the other granting the application to appeal the decision of Judge Hutchinson in the motion for a writ of prohibition dismissed by the latter.

Immediately the necessary signature was affixed, the Thaw counsel hustled from the court, hurriedly jumped into the waiting automobile, and in a few minutes were being whirled away to Coaticook.

Messrs. Greenshields and N. K. Laflamme, in their argument, attacked the constitutionality of the Colonial Immigration Act on the grounds that it was a contravention of the natural law granting to every one the right of free locomotion; on the grounds that it was abusive in character as it tended to take away the remedies under common law remedies which were secured under the Magna Charta, and because in the Thaw case it had been abusively made use of by the immigration officials, in that they had seen few to sit on a board of enquiry without any complaint having been lodged with the Minister of the Interior, in accordance with the pre-

The latter minister, according to Canadian law, had to take charge of the application of the immigration law, and on reception of a complaint regarding any given newcomer, could order that a commission of enquiry be named to look into such specific case. The commission of enquiry being once named, after due lodging of a complaint, attorneys for Thaw contended, it must then be carried on in strict accordance with the rules of procedure laid down in trials of such cases.

Attorneys' Argument.

In the present specific case, Thaw's attorneys claimed their client had not been caught in the act of sneaking into Canada. Hence he could not be rejected. In the carrying on of the enquiry, declared Messrs. Greenshields and Laflamme, the immigration officials had apparently confounded the rejection of a newcomer with deportation. In the former case the enquiry could be carried on summarily, and summary action could follow such enquiry. In the case of a deportation, however, they submitted, it was necessary that a complaint be lodged with the Minister of the Interior, who would then take steps to name a commission of enquiry.

Attorneys, in the second place, argued the unconstitutionality of the Immigration Act. By that legislation, they represented, the federal authorities had seen fit to attempt to interfere with provincial rights; the act was destined to interfere with the natural right of an individual to enjoy locomotion; such right of locomotion fell under the heading of civil rights; and legislation on civil rights, in accordance with the prescriptions of the British North America Act fell under the exclusive jurisdiction of the province.

They further contended that such application of the Immigration Act would go a long way towards depriving anyone living in British lands of the benefits accruing to him under the Imperial Habeas Corpus Act enacted during the reign of Charles the Second.

In the third place the attorneys argued the contradiction embodied in the Canadian Immigration Act, which, in one of its parts tended to deny any judicial enquiry into the doings of immigration officials, and which, in another section, or rather in one of its later enactments it decrees that the common law remedies against the application of the Immigration Act may be invoked and resorted to provided the party invoking give security for costs.

In view of these irregularities counsel for Thaw submitted that it would be well for the whole question of the detainment and treatment of Thaw to be threshed out before the court of King's bench.

Blocks Deportation.

Coaticook, Que., Sept. 5.—Harry K. Thaw blocked deportation from the Dominion of Canada today by two moves, and, in addition, had the pleasureable knowledge that his old enemy, William Travers Jerome, had been arrested charged with gambling. Tomorrow, by virtue of a writ obtained by his lawyers, Thaw may be in Montreal for another court battle.

If ever a little town produced "sensations" Coaticook did today. First came Jerome's arrest and release on bail on a charge that he had played poker yesterday on railroad property with some newspaper men. Then came word that Thaw's lawyers had obtained in Montreal a writ variously described here as one of habeas corpus, prohibition and restraint, demanding Thaw's production in court there forthwith. Meanwhile the special board of inquiry ordered Thaw's deportation to Vermont under two clauses of the Immigration Act, namely, that he had entered Canada by stealth and had, within five years, been an inmate of an institution for the insane. From both these decisions Thaw's lawyers appealed, then clinched matters with a notice by telegraph that the writ had been granted in Montreal.

Public Opinion.

Jerome's arrest was due to two causes, and was not prompted in any way by the Thaw lawyers. One and all, they expressed indignation at the move, and said they were ready to aid him. What the arrest really signified was the state of public opinion here, as decidedly pro-Thaw, and more decidedly anti-Jerome. In the second place there is a split in the town council over Chief of Police John Boudreau. Thaw's original captor and subsequent petitioner for the writ of habeas corpus, which forced Thaw out of jail at Sherbrooke into the hands of the immigration authorities. Some of the aldermen contend that Boudreau was influenced and acted unwisely in the habeas corpus matter, and should resign. Among his opponents is A. A. Hopkins, chairman of the police committee of the council. Hopkins employs in his grist mill Milford Aldrich, the complainant against Jerome. Aldrich says he acted as a zealous citizen, and his contention was sustained by A. C. Hanson, joint crown prosecutor, who caused the warrant to be issued.

Deportation Decision.

In finding Thaw subject to deportation, a decision which was rendered after four o'clock this afternoon, the board of enquiry made this announcement:

"This is to certify that Harry K. Thaw, of the United States of America, a person who entered Canada at the international boundary line between the state of Vermont and the province of Quebec, on or about the 15th day of August, 1913, has been examined by the board of inquiry at this port, and has been rejected for the following reasons:

"That he, Harry K. Thaw, did enter Canada at a place other than a port of entry, and that he did not forthwith report such entry to the nearest immigration officer, and present himself for examination, as required by law.

"That he, Harry K. Thaw, eluded examination by an officer and entered Canada by stealth, contrary to the provisions of the Immigration Act.

"That evidence considered trustworthy by the board has been submitted to the board that he, Harry K. Thaw, has been insane within five years previous to the present date, and that consequently he, the said Harry K. Thaw, comes within the prohibited classes mentioned in Section 3 of the Immigration Act, which section provides that persons who have been insane within five years previous shall not be permitted to land in Canada or in case of having landed in or entered Canada shall not be permitted to remain therein.

"And the said Harry K. Thaw is hereby ordered to be deported to the State of Vermont, whence he came to Canada."

The board supplemented its final announcement with this comment.

"Immediately on the decision being rendered the board was served with notice of appeal in due form, which will act as a stay of procedure until such time as the evidence has been perused by the acting Minister of the Interior, and the decision of the board either confirmed or reversed."

Special to The Standard.

Ottawa, Sept. 5.—The action of Judge Gervais, of Montreal, in issuing a writ of habeas corpus for the production of Thaw in Montreal was made known to the Department of Justice this afternoon by telephone and occasioned surprise.

Under ordinary circumstances such an order, it is thought would come from one or other of the judges of the St. Frances District, Hutchinson or Globensky, but the actual right of Judge Gervais to act is not questioned. Upon this point Hon. C. J. Doherty, Minister of Justice, and Acting Minister of the Interior, will express no opinion but officials of the department undoubtedly regard the action as a most unusual one.

The effect of the order must be to halt deportation proceedings for a short time. The appeal entered by Thaw against the deportation order would have this result and both moves may be disposed of at the same time.

It is not believed here that Judge Gervais can proceed further when the authority of the immigration officers is produced. The appeal against deportation goes to the acting Minister of Interior, who is likely to deal promptly with it. Hon. Mr. Doherty will probably be in Montreal tomorrow and will be prepared to hear the appeal there.

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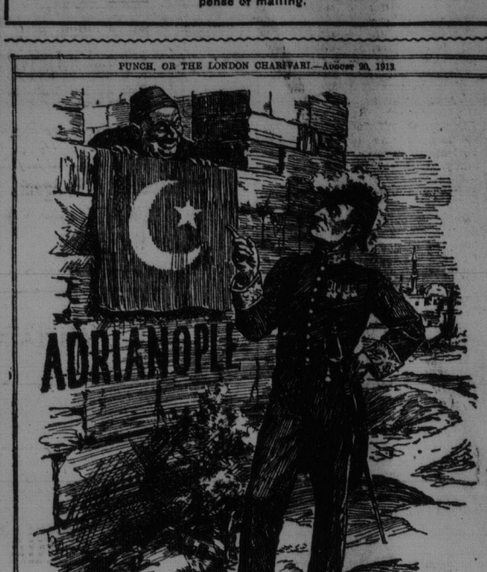
PUNCH, OR THE LONDON CHARIVARI.—August 20, 1913.



A QUESTION OF DETAIL.

SIR EDWARD GREY. "YOU'LL HAVE TO GO, YOU KNOW. THE CONCERT FEELS VERY STRONGLY ABOUT THAT."

TURKEY. "AND WHO'S GOING TO TURN ME OUT?"

SIR EDWARD GREY. "CURIOUS YOU SHOULD ASK ME THAT; IT'S THE ONE POINT WE HAVEN'T DECIDED YET. HAVE YOU ANY PREFERENCE IN THE MATTER?"

R. K. Y. C. RACE IS ON TODAY

What promises to be a very interesting and exciting race will be run off this afternoon on the waters of the Kennebeccasis river when five of the fastest yachts on the river will compete for the Commodore's cup. Much interest has been taken in preparing for the race and it will probably be a closely contested one.

The boats will start at 2.45 p. m. from a buoy out from the clubhouse and will sail up the Kennebeccasis river to Appleby's wharf and return, a distance of 12 miles.

H. C. Wetmore and L. Munro will act as judges and the timers will be H. W. Stubbs and H. Holder.

The following are the boats that have entered with the time allowance of each:

50—Vagabond, scratch, A. H. Merrill, allows Fei Yuen, 3.36 mins.; Smoke, 3.35; Helena, 7.10; Edith, 13.51.

51—Fei Yuen, C. E. Elwell, allows Smoke, 1.59; Helena, 3.34; Edith, 10.15.

2—Smoke, R. M. Fowler, allows Helena, 1.35; Edith 8.16.

11—Helena, N. Seely, allows 6.41.

55—Edith, R. Dall.

OBITUARY.

Halifax, Sept. 5.—Lyman W. Cox, of the firm of Cox and Graham, tea importers, died this morning at his home in Truro. He was one of the best known commercial travellers in Eastern Canada. He had been indisposed for some weeks, but his death was altogether unexpected by his friends.

He had been a commercial traveller all his adult life, travelling for seventeen years for T. H. Estabrooks and Co., St. John. In May, 1910, he entered into partnership with Harry Graham, placing upon the market the brand of "Tip Top" tea. He was 39 years of age and leaves a wife and four children.

FUNERALS.

The funeral of Mrs. Barnes took place from the residence of her daughter, Mrs. W. W. Robinson, at 2.30 o'clock yesterday afternoon to the Church of England cemetery. The funeral services were read by Rev. R. Trafton.

Requiem Mass for Captain George Saunders was celebrated at St. Peter's church at 9 o'clock yesterday morning by Rev. R. T. Walsh. Interment was in the new Catholic cemetery.

Britain's Cotton Crop.

(Hamilton Spectator.)

In the ten years between 1902 and 1912, Great Britain's trade in cotton manufactures increased nearly £50,000,000. At the present time, it exports of these goods two and a half times as much as France, Germany and the United States put together. Did any one mention decadence?

A Test of Courage.

(Vancouver News-Advertiser.)

Golf players are usually men of courage. The Canadian Minister of Agriculture proves this by playing on the same links with Chancellor Lloyd-George, thus daring the furies of the militant suffragist.

DEATHS.

SANDS—At the General Public Hospital, on Sept. 5th, 1913, William R., son of William S., and Agnes Sands, in the 16th year of his age.

Funeral from his parents' residence, Upper Loch Lomond, on Sunday at 2 p. m.

DANDRUFF WOULD LIFT OFF IN SHEETS

Hair Dry and Lifeless. Almost All Hair Out on One Side of Head. Used Cuticura Soap and Cuticura Ointment. Hair Coming in Nicely and Scales All Gone.

176 Adelaide St., St. John, N. B.—"I cured my little boy of a bad case of dandruff with Cuticura Soap and Ointment. The dandruff formed on his head soon after birth. The hair was dry and lifeless and almost all out on one side of his head. I washed the little head twice a day with warm water and Cuticura Soap, dried it, and very carefully applied the Cuticura Ointment and in about an hour took a very fine little comb and the dandruff would lift off in sheets and some of the hair would come too. Then I would put some Cuticura Ointment on and let it remain till time to wash the head again. I used a large box of Cuticura Ointment with the Cuticura Soap and his hair was coming in nicely and the scales all gone. Today he has as nice a head of hair and as free from dandruff as you would wish to see." (Signed) Mrs. C. F. Keast, May 20, 1912.

A single cake of Cuticura Soap and box of Cuticura Ointment are often sufficient when all else has failed. Sold by druggists and dealers everywhere. Liberal sample of each mailed free, with 32-p. Skin Book. Address, post card Potter Drug & Chem. Corp., Dept. 32D, Boston, U. S. A.

Drawing Competition!

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The Competition will close on the 8th day of September, 1913, and all Drawings must be sent in not later than that date, and addressed to

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The Prizes will be awarded at the Cowan Company's Booth in the Main Building of

Fredericton Exhibition

on Wednesday, 17th September, and the Prize Drawings will also be displayed in the Art Gallery of Exhibition.

1st Prize $10.00
2nd Prize 5.00
3rd Prize ..... 5 lbs. Maple Buds
3 Prizes ..... each 1 lb. Assorted Chocolates
4 Prizes ..... each 1 lb. Tin Perfection Cocoa

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Special line of White Lawn Waists in various styles. Special price each 98c.

Ladies' and Misses' Raincoats, various styles, from $5.50.

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Ladies' and Misses' Suits, the season's latest designs, at prices from $7.90.

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Silk and Net Waists in white ecru and black. Special $2.48.

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