

NEAR THE COUNSEL SUM UP ARGUMENT INNOVITATE CASE

Justice Middleton Agrees No
Impropriety by Doherty in
Regard to Son.

Canadian Press Despatch.
Ottawa, Sept. 12.—Argument of
counsel was heard at the afternoon
session of the enquiry into the cir-
cumstances of the raid on the Jesuit
novitiate at Guelph. During the pro-
ceedings, Mr. Justice Middleton made
it clear that he and his associate com-
missioner, Mr. Justice Chisholm, felt
that the warrant of the appointment
did not justify them in going farther
than to enquire into whether the min-
ister of justice or minister of militia
or other high officials of the govern-
ment were guilty of misconduct or
impropriety in connection with the ad-
ministration of the military service
act in connection with the Guelph in-
stitution.

Mr. Ferguson based his argument on
the ground that the government had
been guilty of failure to make the
occupants of the Guelph Novitiate
register under the terms of the M. S. A.; that there were many in the
novitiate who were of military age,
who should have been registered them-
selves for military service, and who
should have been serving with the
colors. It had been contended that
the Jesuits had exemption by reason
of membership in their exclusively re-
ligious order, but Mr. Ferguson
claimed this did not apply as they
did not come within the scope of the
regularly recognized exclusively re-
ligious bodies set out in the section
of the act governing such exemp-
tions.

Quoted English Law.
Mr. Ferguson contended that the only
province in Canada in which they had
a charter or an incorporation was in
Quebec. He quoted from the property
and civil rights act, which laid down
principles in regard to certain statutes
and said that in all other questions of
property or civil rights the law of
Ontario should be as the laws of Eng-
land were on October 15, 1792. He
then quoted the English statutes to
show that prior to that date an ac-
t had been passed especially classing
the Jesuits as an illegal and prohibited
body who could not legally operate
within the kingdom.

Mr. Justice Middleton: "In England
they have become sufficiently enlight-
ened to repeal that law, have they
not?"
Mr. Ferguson: "I think not, my
lord."

Says MacAulay Fair.

Passing then to the events of the
night of the raid, Mr. Ferguson con-
tended that Capt. MacAulay had acted
according to his instructions, that
he had been fair in his visit to the
novitiate, and that his report to the
department of the militia was a mod-
erate document, while the letters
of protest sent by Father Bourque, but

NO MORE NERVOUS HEADACHES

Since She Tried "Fruit-a-tives,"
the Famous Fruit Medicine.



MISS ANNIE WARD

112 Hazen street, St. John, N.B.

"It is with pleasure that I write to
tell you of the great benefit I received
from the use of your medicine, Fruit-
a-tives. I was a great sufferer for
many years from Nervous Headaches
and Constipation. I tried everything,
consulted doctors, but nothing seemed
to help me until I tried 'Fruit-a-tives.'

"After I had taken several boxes, I
was completely relieved of these
troubles, and have been unusually
well ever since."

"MISS ANNIE WARD."

"Fruit-a-tives" is fresh fruit juices,
concentrated and increased in
strength, combined with finest tonics,
and is a positive and reliable remedy
for Headaches and Constipation.

Fifty cents a box, six for \$2.50, trial
size 25 cents. At all dealers, or Fruit-
a-tives, Limited, Ottawa.

of which the author was Father
Hingston, was highly colored and ex-
aggerated. "The Jesuits had been
asked for information as to the num-
ber of men of military age in their
institution in Guelph, and they had
men had not been registered," con-
tinued Mr. Ferguson. "This informa-
tion they refused to give, therefore it
was correct and proper action that an
investigation should be ordered, and
the instructions given to Capt. Mac-
Aulay had been proper instructions
and properly carried out. The claim
that the Jesuits were exempted by
reason of their membership in their
order would not hold, as the order
was illegal in Ontario, and, therefore,
membership in an illegal body carried
no rights."

Claims Doherty "Acted Unwisely."

In conclusion he asked the commis-
sioners to find that the charges had
been substantiated. He added that

those who formulated the charges had
no thought that the minister of justice
had been guilty of impropriety or mis-
conduct in the conception held by the
commissioners, but did feel that he
acted wrongly in the character of the
advice he had given to the fathers in
the Guelph institution.

Mr. Sam Hughes also protested
against Mr. Justice Middleton's con-
ception of the limited scope of the
enquiry under which the enquiry
was held. The whole question should
have been cleared up, and as the
Jesuits were an illegal body in Ontario,
and therefore had no exemption rights,
Major Hirsch, the assistant provost-
marshal of district in which the
novitiate is located, would have done
the proper thing if he had gone in
there long before and arrested those
found harboring men liable to military
service.

Protest by Sir Sam.
The action of the minister of justice,
when he communicated with Capt.
MacAulay at the novitiate and also in
connection with the press conference,
was wrong, even if not wilfully so.

Mr. Aime Geoffroy spoke very briefly.
He made the point that the Jesuits had
never been asked for information that
they were forced to supply. They had
been informed by the minister of justice
that under the act their members were
exempt from service and therefore there
was no necessity for their registration.
He scouted the claim put forward by Mr.
Ferguson that the order was illegal in
Ontario, and said that if the star wit-
ness for that side, had shown him to be
in the wrong, for he swore that when he
went to the novitiate he was there for
the production of certificates of exemp-
tion from military service in what Mr.
Ferguson now claimed was an illegal order.
If those certificates had been produced
at the time Captain MacAulay would
have been quite satisfied, and the inci-
dent would never have been heard of.

With this contention Mr. Justice Mid-
dleton expressed agreement.
Mr. Newcombe for the government
said the visit to the Guelph institution
he felt to have been unfortunate inas-
much as that institution was visited
before any others. If certain officers of
the department had not carried out their
duties in a discreet manner and thus
given rise to offence, that was not
the fault of the higher officers of the de-
partment, who he insisted had been quite
clear. As for any impropriety or mis-
conduct on the part of the minister
of justice in regard to the visit to the
Doherty, any thought of that had been
publicly disclaimed by the men formu-
lating the charges.

With this also Mr. Justice Middleton
agreed.

Base of the Trouble.

The whole base of the trouble, Mr. New-
combe thought, was due to the action of
Rev. Kennedy Palmer who, possibly by
his training, acquired as a chartered ac-
countant before entering the ministry,
had seen fit to concern himself with the
affairs of others. The occurrence at
Guelph was but a passing incident in
the administration of the military service act
and had it not been for Mr. Palmer would
have been forgotten long ago.

Mr. Justice Middleton: "At it should
have been forgotten long ago."
This closed the session. At the con-
clusion of Mr. Newcombe's address there
was some question as to when the re-
port of the commission might be ex-
pected.

Mr. Justice Middleton said the finding
could be delivered at any time, and the
evidence attached to it later.

Sir Sam Hughes and Mr. Ferguson pro-
tested against this and Judge H. A.
Robson, chief commissioner of the
pointment stated that the evidence and
the finding should be delivered together.

Mr. Justice Middleton then said that
in that case it would require several
weeks.

Guthrie's Evidence.

When court assembled, Hon. Hugh
Guthrie, solicitor-general, was called
and examined by Mr. E. L. New-
combe.

Mr. Guthrie said he had known Capt.
Burroughs all his life. He met him on
the train one day returning from
Guelph. Burroughs told him the Jesuits
were protecting certain men in
connection with military service. Bur-
roughs gave witness, the names of
Craig, Newman and Adams, as men
of that class, and Mr. Guthrie handed
those names to the minister of justice
on his return to Ottawa. Witness had
no idea this would be followed by a
night raid, as there had been no dis-
cussion of that phase of the case. Mr.
Guthrie did not admit that he told
Rev. Kennedy Palmer that the min-
ister of justice said the Jesuits were all
right. He had had no conversation
with Mr. Palmer in regard to that
matter.

To Mr. Ferguson, Mr. Guthrie said
he did not discuss the Guelph situa-
tion with Hon. Mr. Doherty until
about three weeks after the raid, and
had no recollection of having said the
Jesuits were all right.

Shown a letter to Rev. Kennedy
Palmer, thanking him for his support in
the union election campaign, Mr.
Guthrie identified his signature, and
he remembered having written that
particular letter. He had written simi-
lar letters to practically all the clergy-
men in Guelph.

Male Members of Order.

Rev. Father Bourque, rector of the
St. Stanislaus Novitiate at
Guelph, on the stand in the Guelph
enquiry this morning, admitted that
during the period of the war he had
known many of the members of the
Jesuit Order. These, he said, were not
all of military age when they en-
tered the novitiate, became so while
there. He also stated that under in-
structions from the provincial of the
order, he had exercised the greatest
care to see that candidates applying
for admission as novices were not fit
for military service. Only one man who
was in the Guelph house as a novice
at the time of the raid in June, 1918,
had left it between that time and the
present.

Palmer Contradicts Guthrie.

Rev. Kennedy Palmer, recalled as
to the statement by Mr. Guthrie, that
they were not acquainted, said "that
is absolutely false."

Mr. Justice Middleton: "It is not
good form for one witness to say what
another has said is false. You may
say his memory is wrong."

Mr. Palmer: "Mr. Guthrie said cer-
tain evidence I gave was untrue. That
is why I used the term 'I did.'"

Continuing, Mr. Palmer said he had
met Mr. Guthrie several times and
had had conversations with him.

Mr. Newcombe cross-examined wit-
ness as to his career as a minister.
Witness said he was still on the roll
of the Presbyterian Church, but was
preaching to Protestants all over the
country. "And I will be glad to preach
to the others, too, if they will listen
to me."

POPULATION OF QUEBEC
NOW TOTALS 120,000

Quebec, Sept. 12.—That the popu-
lation of the city of Quebec has at-
tained the 120,000 mark with semi-offi-
cially announced here today, altho the
official figures of the census taken by
the city assessors will not be made
public until the next meeting of the
council.

Will These Remedies Cure U.S. Railroad Ills?

The railroads and what is to be done with them undoubtedly are the biggest domestic
problem that confronts the American people today. Many measures of relief have been advanced
—so many, in fact, that the average man and woman find it difficult to follow them and under-
stand clearly what they aim to accomplish and how.

The leading article in THE LITERARY DIGEST this week analyzes and presents in
simple form the provisions of the two bills that have awakened the most comment—the Cum-
mins Bill and the Plumb plan. Five minutes' reading will give you all the facts—and a few
additional minutes will acquaint you with the gist of what the American press says about them.
When you consider that the future hours of labor, wages, and conditions in many other indus-
tries will undoubtedly hinge upon whatever plan is adopted for the railroads, you can see how
important it is for every intelligent citizen to know the facts presented in this article. There are
also numerous striking cartoons representing different angles of thought upon this vital subject.

Other news features in this week's "Digest" that will engage your interest are:

President Wilson's Appeal to the West

Public Opinion Upon the President's Speeches in Behalf of the League of Nations, Illustrated by a Map
Showing the Itinerary of the President's "Swing Around the Circle"

A Labor Truce—Or a Smash
Hoover vs. Hapsburg
America's Warning to Turkey
New Invasions Planned by Germany
Home Advice to Japan
Another British Ambassador Pro Tem
Europe's New Wave of Anti-Semitism
How to Make Several Rooms in One
What Follows the "Flu"?
Shall We Export Lumber?
Better Electric Insulators Needed
Wind-Resistance on Trains

United States Spends Millions to Retain Dye
Supremacy
Canoe-Coasting in the Wake of a Boat
New Method of Americanization for Foreign
Born
The Actors as a Labor Organization
French Artists Unionizing
Yiddish Literature Fighting for Existence
Andrew Carnegie's Religion
How Many People Read Bibles?
World-Wide Trade Facts (A New Department)
Best of the Current Poetry

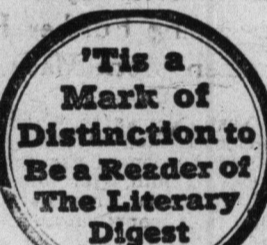
Many Interesting Illustrations, Including the Best of the Humorous Cartoons from
the European and American Press

The People Who Read "The Digest"

The best test of any periodical is the class of its
readers. Character in a magazine or a newspaper
attracts men and women of standing and judgment
as inevitably as a flower draws the bee, and for the
same reason. It suits their taste. Glance around
you in the train, on the street cars, in hotel lobbies,
wherever your fellow humans congregate, and note

the people who read THE LITERARY DIGEST.
They are the best type. They buy "The Digest"
because they know it is accurate, impartial, whole-
some, comprehensive, and up-to-date, because they
can take it home to their children with confidence,
and because it covers the world's news as no other
periodical does. Are you with them?

September 13th Number on Sale Today--All News-dealers--10 Cents



The Literary Digest

FUNK & WAGNALLS COMPANY (Publishers of the Famous NEW Standard Dictionary), NEW YORK

SAYS BACON PRICES ARE UNJUSTIFIED

Judge Robson Speaks Out at
Winnipeg H. C. of L.
Probe.

Canadian Press Despatch.

Winnipeg, Sept. 12.—I do not see
the justification in bacon at 65 and
70 cents a pound," declared Judge H.
A. Robson, chief commissioner of the
board of commerce under the com-
bines and fair prices act, at today's
session. Evidence had been adduced
showing that the cost price of bacon
sold at those prices was 54 cents a
pound, the 10-cent price being for
sliced bacon.

Figures showing that bacon bought
from Armour's in Duluth was four and
a half cents cheaper laid down in Win-
nipeg, despite the necessity of paying
duty, freight, exchange and all inci-
dental expenses, than the product from
the local packers, in a lower grade,
and one and five-eighths cents cheaper
in a higher grade were produced by
John Guest, manager of a large de-
partment store meat market. The
statement was made in an exhibit.
Harry Whitla, K.C., representing the
government, was much interested in
the price charged for slicing bacon in
Baton's and Hudson Bay Company

WANT WITHDRAWAL WINNIPEG CHARGES

Soldiers' and Sailors' Council
Ask Premier to Free
Strike Leaders.

Winnipeg, Sept. 12.—The soldiers
and sailors' labor council have passed
a resolution, a copy of which has been
sent to Premier Borden, asking for
the withdrawal of the charges against
the eight labor leaders.

A resolution was also unanimously
passed and forwarded to the govern-
ment, condemning the Robson com-
mission and asking that the commis-
sion be withdrawn. Objection was
also taken to the statement of Judge
H. A. Robson, respecting the eight
labor leaders as having lost the confi-
dence of the Winnipeg workers.

SUNK OR ADRIFT WITH FIFTEEN MEN

Tampa, Fla., Sept. 12.—With her
machinery disabled, lifeboats, venti-
lators and wireless apparatus blown
away, the oil tanker Ligonier, of the
Gulf Refining Company's fleet, limped
into port this afternoon and re-
ported that the steel barge Monoga-
helia, with fifteen men on board, is
either lost with all hands or is adrift
somewhere in the gulf. The Monoga-
helia was in tow of the Ligonier,
bound from Port Arthur, Texas, for
Savannah. Both were oil laden.

KEEP CHILDREN WELL DURING HOT WEATHER

Every mother knows how fatal the
hot summer months are to small
children. Cholera infantum, diarrhoea,
dysentery, colic and stomach troubles
are rife at this time and often a
precious little life is lost after only a
few hours' illness. The mother who
keeps Baby's Own Tablets in the house
feels safe. The occasional use of the
Tablets prevent stomach and bowel
troubles, or if trouble comes sud-
denly—as it generally does—the Tab-
lets will bring the baby safely through.
They are sold by medicine dealers or
by mail at 25 cents a box from The
Dr. Williams' Medicine Co., Brock-
ton, Mass.

SPECIAL CONGRESS ON DIRECT ACTION

Glasgow, Sept. 12.—J. W. Ogden,
president of the congress, and John
J. Jones, labor member of the house
of commons, were today named dele-
gates to the international labor con-
ference, which meets at Washington
in October.

A slashing indictment of Winston
Spencer Churchill, the secretary for
war, for his declaration of yesterday
regarding the delay in the evacuation
of North Russian by British forces, was
delivered by James Henry Thomas,
Labor member of parliament, at the
resumption of the sessions of the
Trades Union Congress here today. Mr.
Thomas moved a resolution demanding
that the troops be withdrawn from
Russia.

Secretary Churchill, said Mr.
Thomas, had not answered the recent
indictment by Lieut.-Col. Sherwood
Kelly, a volunteer officer in the North
Russian relief force, that British lives
were being thrown away in the Arch-
angel region, but on the contrary the

secretary had threatened to punish
the colonel.

The congress enthusiastically
adopted the Thomas resolution, which
besides demanding the immediate
withdrawal of the troops from Rus-
sia, demanded the repeal of the con-
scription act. It provided for the call-
ing of a special congress for the tak-
ing of decided action, if necessary,
should the demands not be satisfac-
torily met.

Robert Smillie, the miners' leader,
in supporting the Thomas resolution,
said there would be no dodging the
issue when the special congress was
convened.

The belief was expressed in many
quarters today that the demands
would be given unsatisfactory at-
tention by the government. It was pointed
out that the calling of a special con-
gress to determine the action neces-
sary should the government not meet
labor's requirements would place upon
congress the necessity clearly to de-
fine its attitude respecting direct
action in political matters. This de-
cision was' dodged at yesterday's
session by the parliamentary strate-
gists.

The resolution demanding state
ownership of mines pledges the con-
gress to convene a special session to
determine the form the proceedings
shall take.

VALLEYTOWN SCRATCH FEED



PRICE \$4.35

Freight paid to your nearest railroad
station in Ontario on 500 lb. lots;
100 lb. bags sent by freight or
express, our option,
50 cents per cwt.
extra.

From any first-class dealer, or direct from
the manufacturers—
ANDREW MOTHERWELL OF CANADA
Limited
Valleytown Feed Mills, Dundas, Ontario
Successors to The Caldwell Feed & Cereal Co., Limited

Life After Death

What Is It?
Where Is It?
Or Is There Any at All?

If So Can the Dead Be
Communicated With?

All down the ages men have been asking
this question, and it is only during the
past generation that great scientists and
thinkers have seriously taken up the ex-
perimental study of this great question.

Sir Oliver Lodge has bent all his great
powers to a consideration of the question
for over 30 years, and in next week's Sun-
day World he tells why he believes that he
has talked with the dead.

Sir Conan Doyle has already told Sunday
World readers why he agrees with Sir
Oliver Lodge on this question of life after
death, and still other great thinkers and
writers will have their say in succeeding
issues of Canada's greatest weekly news-
paper.

You cannot afford to miss a single one of these
important articles.

Start Reading Them Next
Sunday

THE TORONTO SUNDAY WORLD

5c a Copy

Order ahead to be sure of getting a copy.

Empire"
active

er

er may
ad. The
ning every
Our Mail
noted for
the satis-

ices

pieces

ie, finish-
and paws;
full-tured

55.00

45.00

xpieces

ity skins,
ished with
aws; crepe

95.00

to match.

85.00

Capes

deep back
n selected,
nk skins,
s. Hand-

35.00

to match.

95.00

m Collar.

ity skins,
long shawl
button and

75.00

Muffs to

35.00

FUR CO.

LIMITED

ronto

RLS

U JOINED THE

ERS' LEAGUE?

FOUND

CKSLIDER

STAND TRIAL

BEK AT THE

IN CLYDE

AMOUS PLAY

IRLS

Don't Look

oid!

But restore

your grey and

faded hairs to

their natural

color with

DR'S SULPHUR

RESTORER

opening greyness to the

few days, thus secur-

ing their position

health to the hair and

scalp color.

DR'S SULPHUR RESTORER is

the most perfect

med Hair Restorer is

Great Hair Specialist.

12 Bedford Labor-

atory, and can be obtain-

ed EVERYWHERE.

O., Toronto-Montreal.

NCEMENTS

ure events, not intended

to per word, minimum

raise money solely for

or charitable purposes.

Minimum \$1.00; if held to

any other than these

word, minimum \$2.50.

CHORUS will hold its

for the coming season

of Music, 12 Spadina

avenue, 23rd instand

ing will interview pros-