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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 circumstances of the raid on the Jesuit novitiate at Guelph. During the proceedings, Mr. Justice Middleton made it clear that he and his associate commissioner, Mr. Justice Chisholm, felt that the warrant of their appointment did not justify them in going farther than to enquire into whether the minister of justice or minister of militia or other high officials of the government were guilty of misconduct or impropriety in connection with the administration of the military service act in connection with the Guelph institution.

Mr. Ferguson based his argument on the ground that the government had been guilty of the same offence as the occupants of the Guelph Novitiate register under the terms of the M. S. A.; that there were men in the novitiate who were of military age who should have been registered themselves 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 religious order, but Mr. Ferguson claimed this did not apply as they did not come within the scope of the regularly recognized exclusively religious bodies set out in the section of the act governing such exemptions.

Quota 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 England were on October 15, 1792. He then quoted the English statutes to show that prior to that date an act 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 enlightened 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 contended 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 visit had been a moderate document, while the letters of protest sent by Father Bourque, but

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of which the author was Father Hingston, was highly colored and exaggerated. "The Jesuits had been asked for information as to the number of men of military age in their institution in Guelph, and therefore, membership in an illegal body carried no rights."

Claims Doherty "Acted Unwisely." In conclusion he asked the commissioners 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 misconduct 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 conception of the limited scope of the commission 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 provincial 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 willfully so.

Geoffrey's Argument. Mr. Aime Geoffrey spoke briefly. He made the point that the Jesuits had never been asked for their names, that they were forced to supply. They had been informed by the minister of justice that under the act their names 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 the hearing point was correctly taken then the evidence of Captain MacAulay showed the necessity for that side, and showed 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 exemption from military service in what Mr. Ferguson now claimed was an illegal order. If those certificates had been produced at the time Captain MacAulay was there, he would have been quite satisfied, and the incident would never have been heard of.

With this contention Mr. Justice Middleton expressed agreement.

Mr. Newcombe for the government said the visit to the Guelph institution he felt to have been unfortunate inasmuch as that institution was visited before any others. If certain members of the department had not carried out their duties in a discreet manner, and the given rise to offence, that was not the fault of the higher officers of the department, whose instructions had been quite clear. As for any impropriety or misconduct on the part of the minister of justice in regard to the charges against Doherty, any thought of that had been publicly disclaimed by the men formulating the charges.

With this also Mr. Justice Middleton agreed.

Base of the Trouble. The whole base of the trouble, Mr. Newcombe thought, was due to the action of Rev. Kennedy Palmer, who, through his training, acquired as a chartered accountant before entering the ministry, had seen fit to conduct the affairs of the order.

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 said it should have been forgotten long ago. "At the conclusion of Mr. Newcombe's address there was some question as to when the report of the commission might be expected.

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 protested against the action of the minister of justice in regard to the finding, and the finding should be delivered together. Mr. Justice Middleton 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. Newcombe.

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. Burroughs gave witness, the names of Craig, Newman and the names of other 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 discussion of that phase of the case. Mr. Guthrie did not admit that he told Rev. Kennedy Palmer the names of the men of that class, and the minister 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 had not discussed the Guelph situation with Hon. Mr. Doherty until about three weeks ago, and he had no recollection of having said that the Jesuits were all right.

Shown a letter to Rev. Kennedy Palmer, thanking him for his report in the union election campaign, Mr. Guthrie identified his signature, but did not remember having written that particular letter. He had written similar letters to practically all the clergy men in Guelph.

Male Members of Order. Rev. Father Bourque, rector of the St. Stanislaus (Jesuit) Novitiate at Guelph, on the stand in the Guelph enquiry this morning, admitted that during the period of the war he had organized men of military age, members of the Jesuit Order. These, he said, were not all of military age when they entered the novitiate, became so while there. He also stated that under instructions from the provincial superior, 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 he was not acquainted, said "that is absolutely false."

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

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

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the people who read THE LITERARY DIGEST. They are the best type. They buy "The Digest" because they know it is accurate, impartial, wholesome, 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?

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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 experimental 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 Sunday 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 newspaper.

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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 combines and fair prices act, at today's session.

Figures showing that bacon bought from Armour's in Duluth was four and a half cents cheaper laid down in Winnipeg, despite the necessity of paying duty, freight, exchange and all incidental 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 department store meat market.

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 government, condemning the Robson commission and asking that the commission be withdrawn. Objection was also taken to the statement of Judge H. A. Robson, respecting the eight labor leaders as having lost the confidence of the Winnipeg workers.

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 suddenly—as it generally does—the Tablets 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., Brockville, Ont.

WANT WITHDRAWAL WINNIPEG CHARGES

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

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SUNK OR ADRIFT WITH FIFTEEN MEN

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

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 delegates to the international labor conference, 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 Archangel region, but on the contrary the

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