

THE COURIER
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THURSDAY, JULY 18, 1918

THE SITUATION
Notwithstanding very great sacrifices, the German advance up to date has been very slight. East of Rheims, the foe has been effectively held, but to the west of that place, the story is not the same. Here the foe has advanced at one point to a depth of one and a half miles within the French positions, but that fact is not yet regarded as placing the city or adjacent mountain in peril. The enemy continues to throw in fresh forces, and is suffering terrible losses. It is announced that the Kaiser has now given Luenburg supreme command of all operations. He has long been regarded as possessing the brains, while Hindenburg had the name, and he is described as a man who will not stop at any sacrifice. The confidence of all the Allied powers still remains unimpaired, and evidently with good reason.

Over the Courier leased wire today, there came the announcement of an important gain by the French along the line of the river Aisne. They attacked on a front of about twenty-five miles, and made excellent progress.

The British south of the Somme have advanced their front more than a mile, but there is no intense activity there as yet.

EXIT THE GREEN TICKET.
The Courier considers that a sensible plan has been followed in abolishing the eight-for-a-quarter green tickets on the Brantford Municipal Railway. Even with this step there is likely to be a deficit in the operation of the system this year, but without it the adverse balance would have been quite serious.

Supplies of all kinds for the road have greatly enhanced in price and the wages of the men have had to be increased. The first extra outlay is unavoidable and no one has any quarrel with the second for the employees were justly entitled to an advance; in fact, could not decently live on the old figures with the cost of everything soaring sky high.

Without much doubt a vast majority of the general public will recognize the need for the change and will accept it in the proper spirit. A street railway service can no more be operated on the charges of years ago than any other undertaking.

GREAT BRITAIN MAY HAVE A HYDRO ELECTRIC.
What the Hydro Electric system introduced by the Whitney Government, has meant to the people of Ontario everyone is well aware. Just where the people of this Province would have been without it during those times of an exceptional demand for energy, and the sums they would have had to pay had private corporations been in control of the field, can very well be imagined. In the old land a movement has now been inaugurated for a similar enterprise. It is contained in a report to Parliament of the Electric Power Supply Committee.

The plan put forth is for a general application of heating and power, cheaply generated and distributed over the whole country. It is estimated that this will result in a saving in fuel, reduction in factory costs, and increased output that together will represent not less than \$500,000,000 per annum. Further more, it is calculated that with a central scheme of generation such power will be produced from coal that is now wasted as well more than compensate for the absence of large water powers, and admit of the manufacture in England of many things which are now made only in America and on the continent. Here is the series of conclusions arrived at by the Electric Power Supply Committee.

(1) That when British industry is subjected to the test of keen international competition after the war, its success will depend upon the adoption of the most efficient methods and machinery, so as to reduce manufacturing costs as much as possible.

(2) That a highly important element in reducing manufacturing costs will be the general extension of the use of electric power supplied at the lowest possible price, and it is by largely increasing the amount of power used in the industry that the average output per head and as a consequence, the wages of the worker, can be raised.

(3) That the present system under which a supply of electricity is provided in a large number of small areas by separate authorities is the result of a policy adopted at a time when the applied science of electrical engineering was in its infancy, and is incompatible with anything that can be accepted as a technically sound system.

(4) That the inter-connection of existing electrical supply stations, recommended by the Board of Trade in their letter of May 25, 1916, however desirable in itself, cannot alone meet the requirements of the situation.

(5) That a comprehensive system for the generation of electricity and, where necessary re-organizing its supply should be established as soon as possible.

The scheme which the committee recommends for adoption by Parliament without delay provides for the establishment of Electricity Commissioners, responsible through the Board of Trade to Parliament. Their duty will be to provide for a national scheme of electrical development. The Commissioners would be engineers and business men paid salaries designed to attract thoroughly competent experts. To these would be transferred all the powers of the various Government Departments relating to electricity, and they would have general control over generation and distribution of electric power. District Electricity Boards, to be set up in carefully planned areas would be responsible in their own districts, and would acquire all existing electricity undertakings. Where existing suppliers desired to continue, they would be utilized as distributors taking their bulk supply from the District Electricity Board. The committee further proposes the legalization of overhead wires, the control of way leaves, the giving of powers to acquire water rights, and an examination of the method of levying local rates upon electricity undertakings.

NOTES AND COMMENTS.
A son of Ex-President Roosevelt has been killed at the front, but the six sons of the Kaiser are still intact.

As far as tickets are concerned there will be no more wearing of the green by the Brantford Street Railway Conductors.

If the Slovak forces continue to defeat the Bolshevik outfit much more there should yet be a chance for something interesting to happen in Russia.

The editor of the Welland Tribune who recently exposed a condition of immorality in that place, very appropriately rejoices in the name of Bath.

Col. Roosevelt was one of the first prominent men in the United States to urge the participation of that country in the war and he did so at a time when such advocacy did not by any means come in the popular class. Now he has lost his son Quentin, a companion in many travels, amid his sorrow he will also take pride in the fact that the boy has given his life on behalf of a great and glorious cause.

Your Problems Solved.
BY REV. T. S. LINSKOTT, D. D.
(All rights reserved)
Dr. Linskott in this column will help you solve your heart problems, religious, marital, social, financial and every other anxious care that perplexes you. If a personal answer is required, enclose a five cent stamp. No names will be published; if you prefer, sign your initials only, or use a pseudonym.
BERT—There is no necessary sin in the temptations to which you refer; such desires are as natural as hunger. The holiest men have the same fight you have. It is a fight however, and by the grace of God you must win. If you would retain your physical vigor, and gain moral strength, Yes, I think all normal men are better off when married.
CHURCH REFORMER—You put up an impossible standard for your pastor. Remember he is a man and not God. If he is a God-fearing man, studious and industrious, and lives up to his capacity, he is to be commended. If he preaches what he preaches, he is a remarkable man, for alas! not many do. Shakespeare, in *The Merchant of Venice*, says, "It is a good divine that follows his own instructions; I can easier teach twenty what were good to be done, than be one of the twenty to follow mine own teaching." The true, and play "It is true," what Shakespeare states, but it is no reason why any man, pastor or otherwise, should be delinquent in keeping God's reasonable requirements. Don't talk to your pastor's injury behind his back, but if you think he is actually lacking in spiritual attainments, have a personal conversation with him.

HABEAS CORPUS CASE ON TODAY
Supreme Court to Decide Validity of Order Cancelling Exemptions
ISSUE IS CRITICAL

By Courier Leased Wire

Ottawa, July 18.—Argument opened in the Supreme Court this morning on the habeas corpus case, which is to decide the validity of the order-in-council, cancelling exemptions. It was one of the rare occasions on which the small court room was filled. Hon. Charles Murphy and S. W. Jacobs, Opponents of the case, before the Alberta Supreme Court, which led to the order-in-council, were seated in court. Near them were R. B. Bennett, ex-M.P., and former director of national service, who took the case before the Alberta Supreme Court, which led to the order-in-council. The case is being heard by the full Supreme Court, consisting of Sir Charles Fitzpatrick, chief justice, Hon. Justice Louis Davies, J. D. Ingling, L. P. Duff, A. F. Anglin and L. F. Brodeur. The petition for a writ of habeas corpus, Private George Edward Grey of Nipissing, Toronto, with F. H. Chrysler of Ottawa, and Almo Geoffrion, K.C., Montreal, as counsel.

The Department of Justice was represented by F. L. Newcombe, K.C., Deputy Minister of Justice, with W. N. Tilley, K.C., Toronto, as counsel.

Private Grey is seeking through his counsel to secure his release from the army by way of writ of habeas corpus. He is a farmer and comes within the ages of class one whose exemptions were cancelled by the order-in-council called into question. He is under military detention for refusing to don a military uniform at Niagara Camp and for declining to be inducted. On his behalf, it is argued that the order-in-council under which he was drafted is invalid.

At the opening of the proceedings the chief justice intimated that the court intended to hear two counsel from each side.

Mr. Chrysler said the proceedings were brought under section 62 of the Supreme Court Act. He referred to the application made before Justice Anglin in chambers on the 14th inst, and referred to the full bench. Private Grey, he said, was now awaiting sentence, having been tried by court-martial for the offence of refusing to obey orders. The point raised was that he was a soldier under the order-in-council and the order-in-council was challenged.

Justice Brodeur raised the point of jurisdiction. "Have we jurisdiction in the matter?" he asked. "Is this a criminal matter?"

Mr. Chrysler: "We say that it is. In the first place it is a criminal offence because the man is liable to punishment or fine under the military act which has been made part of our statutory law by the Militia Act and by the Military Service Act."

Mr. Newcombe: "The Army Act makes this offence with which Grey is charged liable to penal servitude. There is no doubt it is a criminal offence."

Sir Charles Fitzpatrick: "If it were the Alberta case the situation might be entirely different."

Mr. Newcombe continued: "Proceeding Mr. Chrysler read the terms of the order-in-council, and the resolutions of the House of Commons and Senate approving it. The order-in-council, he said, was passed subsequent to the passing of the Military Service Act by about eight months. It referred to, and to a very serious extent, repealed some provisions of the Military Service Act."

The order-in-council repealed the statute. "That the government had not the power to do this."

"That is your whole case is it not?"

"I maintain," replied Mr. Chrysler "that the order-in-council taken away not only the potential, but the actual right of exemption."

Replying to a further question by the chief justice, Mr. Chrysler said that the power of Parliament under the order-in-council was not questioned. The question at issue was the effectiveness of the order-in-council.

The chief justice suggested that the government took its power from the Militia Act and the Insurrection Act. This proposal, Mr. Chrysler did not agree.

Mr. Chrysler then dealt at length with the war measures set passed by Parliament in 1914 quoting that section of the act which gave the government power by order in council to make from time to time such orders and regulations as may "by reason of the war be deemed necessary or advisable for the security, defence, peace, order and welfare of Canada." He also quoted the matters specifically set forth in the act, and to which the government took special powers. They are:

1. Control of harbors and ports and the movement of vessels.
2. Transportation by land, air or water, control thereof, and the carrying of goods, passengers, etc.
3. Control of exports, imports, production, etc.
4. Appropriation, control, forfeiture, disposition and use of property.

Mr. Chrysler also quoted the clause of the War Measures Act giving the Government authority to issue orders deemed necessary for the security, defence and defence of Canada in the event of invasion or threatened insurrection. He maintained that the Government's powers were limited in a large measure to the specific subjects mentioned, and that the act itself prescribed a limitation to the Government's powers when it fixed a limit to the penalties which could be imposed under its provisions.

Sir Louis Davies suggested that the limitation was on the punishment and not on the power to punish.

Mr. Chrysler proceeded to argue at length that the powers taken by the Government under the War Measures Act of 1914 applied only to such matters as those with which it was recognized Parliament has the right to deal. There was nothing in the act referring to the arming and equipping of military forces. He presumed that the Government's powers as it possessed under the Militia Act. Under that act it would not have been possible to secure forces by conscription for service overseas. The Government had power in respect of conscription only for the defence of Canada.

Sir Louis Davies observed that the defence of Canada might be considered to be the State of Maine, in northern France, or elsewhere. Mr. Chrysler agreed insofar as the reference to the State of Maine concerned, but argued that in 1914 the power did not extend to sending soldiers overseas. The wider step which gave that power was taken when the Military Service Act was passed by Parliament in 1917. He said that if the Government possessed the authority claimed, it could have sent troops to Afghanistan.

Sir Louis Davies: "Does it make any difference where the troops are sent? It cannot for the Government to see any reasonable limitation can place on the plenary power."

Mr. Chrysler replied that troops could be sent abroad or the aid of the mother country, but not for the defence of Canada.

Sir Louis Davies: "You have a right to submit your point."

Mr. Chrysler went on to argue that for three years, until the military service act was passed, the government's power to supply troops was confined to voluntary effort. When the Military Service Act was passed the Canadian Expeditionary Force was sent to France and it was specifically mentioned, and it was set forth in the purpose of the act was to secure "the preservation of the empire and the maintenance of the peace."

Mr. Justice Anglin asked Mr. Chrysler if he maintained that under a proper construction the language of the clause of the war measures act referred to was broad enough to cover the order-in-council.

Margaret Garrett's Husband
By JANE PHELPS

CHAPTER XIX
A Shopping Expedition
"Get up lazy-bones," she greeted. "I want to talk to you."
"There's nothing to prevent; go ahead."
"First, I want to tell you that I was proud of you last night. It really gave me a thrill to see how you handled yourself. It always kind of amazed me when you were in the market, but you were so sure your way was the only way to live that I was becoming discouraged."
"But I don't care, Elsie, I returned smiling at her enthusiasm. "That the way all those people, you included, live, is the right way."
"Just what do you mean? Let's talk it out."
"I mean that it seems a fearful waste of time, that I feel that men and women who love each other, married men and women, should be satisfied with making a home and with each other's society."
"You are as bad as Marion Riggs, that's the same old reasoning of course, married people should make a home, as happy a home as possible. But let me see here, there are a few of us built so that constant companionship unbroken by the presence of others or of outside interests doesn't satisfy us. I am one of those. I am one of the greatest, if not the greatest, I feel to happiness, in the world. I feel a man, amuse him, and you value your happiness, and his never bore him, or allow him to be bored when you are with him."
"But they shouldn't be bored if they care."
"Will you keep still with all that rubbish about what they should and shouldn't do? They never do it, so session, subject to this qualification that the Government-in-council must deem it advisable for the security, defence, peace, order and welfare of Canada."

"It is a complete suspension of the constitution," Mr. Geoffrion continued. "It is a complete departure from the rule that parliament makes the laws."

Sir Louis Davies remarked that the body to which parliament had delegated powers was the only one in Canada which had full information as to the situation. It was only that body that could properly exercise the power as it was the only one that had the data and information."

Mr. Geoffrion: "If the intention was to do something unquestionably abnormal in the delegation of legislative power that Canada possesses, it was exceedingly easy to do so in language simple and easily understandable."

The court adjourned at 1 p.m. until 2 o'clock.

BIG GUNS ACTIVE IN ALBERT SECTOR
British Positions Deluged With Gas Shells by the Enemy

front in Northern France and Flanders the Germans are keeping up violent bombardments on various sectors, using both gas and high explosive shells. Gas has been used extensively on the Villers-Bretonneux sector, where the British for several days past have been delivering successful patrol attacks and taking prisoners. The Albert sector is coming for an increased shower of shells of all kinds. Nowhere, however, has the German command seen fit as yet, to start an infantry engagement, if one is contemplated.

Wednesday night's War Office report reads:

"We secured a few prisoners during the day in patrol encounters north of Bethune and west of Merville."

"The hostile artillery developed great activity during the night with gas shells on the Villers-Bretonneux front. This morning the hostile artillery and trench mortars have shown increased activity in the Albert sector."

The afternoon report said:

"We captured a few prisoners and machine guns during the night in a successful minor encounter east of Villers-Bretonneux."
"A raid attempted by the enemy in the same sector was repulsed."
"Hostile artillery has been active in the Somme and Ancre sectors north of the Scarpe, north-east of Bethune, and north Ballon."

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