

MARRIAGE LAW CASE BEFORE HOUSE OF LORDS

Wallace Nesbitt, K. C., Opens Argument for Appellants—Claims Canadian Parliament Has Power to Enact Federal Marriage Law

London, July 22.—In the privy council chamber at Whitehall today the opening arguments were heard in an appeal which will undoubtedly rank as historic in the annals of Canada. The famous marriage law case, involving the principle of the Ne Temere Decree of the Roman Catholic church. The case came before Lord Chief Justice Halsbury, Lord Loreburn and Lord Haldane, ex-ord chancellor; Lord Macnaughton, Lord Atkinson, Lord Shaw and Chief Baron Pallas.

Wallace Nesbitt, E. F. LaFleur and Geoffrey Lawrence appeared to argue the case for the dominion government; Mr. Mignault and Mr. Hellmuth were present to argue other questions incidental to the case; E. C. Smith and A. Goddard represented the attorney-general of Quebec.

The learned counsel said the supreme court judge held the opinion that the proposed legislation was ultra vires. Lord Shaw said it occurred to him that there was overlapping. The retrospective part of the bill might be good as part of a scheme of concurrent legislation by parliament and by the provincial legislature confirming past marriages; and the prospective part, so far as possible to make it an effective prohibitor. "The religious test is very questionable, as leaving in doubt the civil status of such persons," he said.

Mr. Nesbitt.—The all important point is that legislation touching the actual contract of marriage, as such, is within the exclusive power of the dominion parliament. We contend that the validity of a contract of marriage cannot be affected by any provincial legislation which can only deal with the solemnization of marriage. Parties make their marriage, and the solemnization of that marriage is the very basis of society.

No Ceremony Necessary. On the third question, he proceeded: "The judges have opined that parliament had no power to enact such remedial legislation." His point was that once two persons agreed to live as man and wife, there was a marriage. The state could say that such a marriage would only be recognized if certain formalities were complied with. The formalities might vary and they did vary, but what they were had nothing to do with building a contract.

Mr. Shaw.—What the reference asks us to say is whether the provisions are all within the authority of parliament, and if not, which one is not. Mr. Nesbitt agreed, and proceeded to read question: "Does the law of Quebec render null and void unless contracted before a Roman Catholic priest, a marriage otherwise legally binding between (a) persons both Roman Catholics; (b) persons of whom one is a Roman Catholic? The third question was if (a) or (b) were answered affirmatively or both, has the Canadian parliament authority to enact the existing marriage or marriages contracted hereafter as legal?"

Mr. Nesbitt.—Yes, and the bill provides the following amendments: "He quoted paragraph three: "Every ceremony or form of marriage," and the paragraph commencing "Rights and duties as married people."

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CANADA WILL SHARE IN EMPIRE'S DEFENCE

Increased Naval Programme Outlined by First Lord of the Admiralty in House of Commons

Necessity of Keeping Pace With Germany's Mad Race for Armaments—Churchill Counts on Canada-Borden to Announce Policy After Consultation With Colleagues

London (through Reuters' Ottawa Agency), July 22.—Hon. Winston Churchill, the first lord of the admiralty, introducing in the house of commons this afternoon the supplementary naval estimates, said that the direct costs of these additional estimates was the net German navy law, which he proceeded to examine in detail.

His main feature, he said, was the increase in striking force of ships of all classes immediately available and its general effect was the maintenance of four-fifths of the German navy in full permanent readiness. This meant that it was constantly and instantly ready for war. Such preparation was remarkable and, so far as he was aware, found no parallel in previous practice of modern naval powers. The German plans, he added, involved a remarkable expansion of strength and efficiency.

Mr. Churchill, discussing the general question of the growth of modern navies, said that "cool, steady and methodical preparation, prolonged over successive years, could raise the margin of naval power. No relief could be gained from the impulse of the moment. The strain we should have to bear would be in the long run. We should learn from our German neighbors that it is in the long run that we should have to build in order to win. We must have a simple margin of strength and systematic developments of our naval forces uniformly directed and pursued over a number of years."

To Build More Ships. "These supplementary estimates," said Mr. Churchill, "are, of course, only the first and smallest instalment of the expenditure which the new German law entails upon us. The number of ships we shall have to build in order to maintain the sixty per cent standard will have to be raised from the figure at which ships against Germany would stand, namely from three next year and four, three, four and three in the succeeding years, to five, four, five and four in each succeeding year."

Mr. Churchill added, "are spending about a million pounds per year upon submarines and we cannot allow our lead in submarines to be diminished. The estimates also include £150,000 for a fleet repair shop attachable to the third battle squadron."

It was proposed to raise the number of battleships in full commission from twenty-eight to thirty-three and that would also be a second fleet consisting of eight vessels. We should have in the year 1914 and 1915, four and five in full commission. There would thus be thirty-three ships against Germany's twenty-eight. This might not, perhaps, be considered a very satisfactory proportion, but the arrangements proposed would, in the opinion of the admiralty, be adequate to the needs of the years 1914 and 1915.

More Men Needed. Proceeding, the first lord of the admiralty dwelt exhaustively upon the question of manning the navy, declaring to be necessary to make large additions to the personnel for the next four years. He foreshadowed an increase of pay and promised to make definite proposals at the autumn session.

A royal commission under Admiral Fisher was about to be appointed to inquire into the application of liquid fuel to warships. The inquiry, which would be a long business, portends no sudden or extensive changes in the methods of naval construction.

Coming to the subject of the Mediterranean fleet, the first lord of the admiralty said that the naval position there was about to undergo very important changes. He dwelt upon the fact that the Mediterranean fleet was the most powerful fleet of those powers.

It was determined to withdraw the six older battleships from the Mediterranean and to replace them by four battle cruisers of the Invincible type. These Invincibles would go out in the winter. Further, the armoured cruiser squadron would be replaced by more powerful armored cruisers, and a torpedo station would be established at Alexandria.

The four Mediterranean battleships, now stationed at Gibraltar, replacing the old Atlantic fleet, will be raised to eight as a minimum reserve of the two powerful vessels which are to be ready in 1913 to be provided for the subsidiary base, enabling them to operate in the Mediterranean, if necessary.

All the movements of the Gibraltar squadron will be regulated by the main situation but its existence and position must not be overlooked when it comes to the arrangements for the Mediterranean. It will be necessary to provide two extra destroyers in 1913 and one more the year after next.

MRS. MAGEE ADMITS THE MURDER OF SIX CHILDREN

In Signed Confession She Tells How She Poisoned Her Little Ones—Great Interest in Verdict

Charlottetown, July 22.—Mrs. McGee, the wife of a farmer near Georgetown (P. E. I.), who was found guilty of the murder of her six children, has since made a confession that they all met death at her hands. The confession, given to Duncan Stewart, of Georgetown, is as follows: "I, Minnie McGee, confess to having administered the ends of matches containing sulphur and phosphorus to my children in April last. I gave it to them in sugar and water. I was feeling bad at the time I did it."

(Signed) "MINNIE MCGEE." This statement was filed in the court yesterday and is expected to have an influence in shaping the fate of the unfortunate woman. Professor Rattan was especially anxious that, if possible, a confession should be got from the woman. The whole case will make an exceedingly interesting addition to medico-legal happenings.

Found Guilty of Murder. Charlottetown, P. E. I., July 20.—The jury returned a verdict of guilty in the case of Mrs. McGee, charged with poisoning her children, with a recommendation to mercy.

Special interest was attached to the examination of Mrs. McGee herself. The particular feature of her testimony was the flat denial of many things concerning her disposition made during the coroner's inquest. Mrs. McGee disclaimed any knowledge of the notes and, being asked who she thought might have written them, answered she knew not unless the Mahars themselves. Mrs. McGee also contradicted flatly the evidence of the coroner's jury regarding the amounts of matches bought by her. Several of her statements were at variance with those sworn to previously.

When asked whether she cared or not which were true she replied she cared but little. She declared she did not know what became of all the matches. She saw them, but did not give them to the children in milk or anything. Several notes were produced in court ordering various things, and among them matches. The Mahars and Mrs. Hicken, who also keep a store, had sworn that these notes were brought to them by the McGee children, with a recommendation to mercy.

Revival of Sheep Raising Industry in Canada. Dual Advantages of Cash Profits and Better Crops—What One Man Did—A Valuable Treatise.

Concident with a number of other active agencies designed to revive the sheep raising industry in Canada, there has been issued by the Live Stock Branch of the Department of Agriculture a new edition of that exhaustive and practical treatise, "Sheep Husbandry in Canada," which is a most valuable and interesting work for the guidance of older shepherds as well as those who are just beginning, or desire to begin, raising mutton and wool. It is this work the author, who is a trained sheep man, brings out clearly the great advantage to those who apply for it to the publication of direct profit in cash returns, and the even more important indirect one of cleaner farms and better crops.

There is a special section, from the Book of the Table, designed to popularize the consumption of mutton and lamb. Other sections deal with feed distribution by the sheep raiser, diseases, wool, housing, corn, breeds and breeding, feeds and feeding, and other important matters. Under "The Industry in the Different Provinces" some startling new facts, concerning the profits made from sheep, are brought out. It is shown that a flock of about 100 ewes worth \$6 each, after housing, feeding and care were charged against them, gave in 1911 a profit of more than \$800. This occurred on a Manitoba wheat farm.

A special feature of this bulletin is its many beautiful illustrations in sepia tints, many of which are worth framing. A large issue has been printed to be supplied to those who apply for it to the publications branch, Department of Agriculture, Ottawa.

High Tide of Prosperity Here. TO BUILD NEW FISHING CRUISERS. Government Will Replace Two Old Boats on Pacific Coast—To Spend \$2,000,000 at Victoria.

Ottawa, July 22.—Tender will be called shortly by the marine department for two new fishing boats to replace two old boats on Pacific Coast. To spend \$2,000,000 at Victoria.

Plans for the Royal Visit. The Duke and Duchess of Connaught and party will leave Quebec on Wednesday evening on the steamer Earl Gray for their trip to the maritime provinces. It is expected that they will arrive in St. John on Saturday evening, Aug. 17 or early the next morning. They will probably remain on the steamer on Sunday except to attend service in Trinity church. The chief part of the entertainment will be on Monday and the programme will include a civic reception. Lieutenant Governor Wood will also be present to welcome the visitor on behalf of the provincial government. Mayor Prink has been in Quebec discussing the arrangements with the royal governor's secretary.

Peru Takes Action to End Atrocities. Many Responsible for Outrages, Have Been Arrested and Others Have Fled. Lima, Peru, July 22.—The immense distance between this city and the Butamayo rubber district, in regard to which Sir Roger Casement recently reported to the British foreign office that wholesale horrors had been committed on the natives, has resulted in a considerable delay in obtaining news from that region.

Borden Still Lacks a Policy. Notices Colleagues That Naval Policy Will Be Discussed in September—Foster Abandon's Australian Trip.

Ottawa, July 22.—The cabinet ministers have all been asked by Premier Borden to arrange their summer itinerary that they will all be back in the capital early in September, when a full cabinet session is desired for the purpose of evolving the government's naval policy as a first step towards preparing the legislative programme for the next session.

No definite announcement as to what the government will do in regard to the navy can be expected until after the September deliberations of the ministers here, and it is understood that Premier Borden will return from London without giving any definite promises to the admiralty as to what Canada is prepared to do.

The Laurier government's plan of a Canadian navy was practically settled at the conference of two years ago with the admiralty, within three months after the unanimous resolution of parliament was passed declaring for the creation of a Canadian navy in co-operation with the imperial fleet.

The present government will soon have been in office a year and your correspondent can state with authority that "nothing definite has been decided yet," and further delay of several months is certain before any definite action is taken.

Hon. George E. Foster's projected trip to Australia to confer with the commonwealth government on a reciprocal trade agreement with Canada, has been indefinitely postponed on the plea that the minister will have to be in Ottawa this fall to assist in the preparation of the government's policy in the various matters of importance that will have to be dealt with next session. Another reason for the change of plans is understood to be the fact that just at present there is practically no more likelihood of any satisfactory or comprehensive agreement being reached with Australia than there was during the regime of the late administration when Canada's offers were repeatedly turned down by Australia.

Believe Many Lost in Nelson Storm. Empty Pleasure Boats Driven Ashore—Much Damage by Wind and Wave.

Nelson, B. C., July 22.—Several persons are said to have been drowned, the weight scales building was levelled to the ground, boardings were picked up and carried scores of feet, street cars and houses were struck by lightning, and gardens and glass houses were damaged by a terrific rain and hail storm, punctuated by frequent flashes of lightning which swept over Nelson about 7 o'clock Sunday evening and a similar but less severe storm on Saturday.

Scores of persons were on the lake in launches, rowboats and canoes when the heavy clouds burst yesterday and several were driven on the rocks. Numerous empty rowboats were seen from passenger steamers, but no names of missing have been reported.

Italian Shot Dead in Montreal. Killing Takes Place on Crowded Street—Man Hunt Follows But Murderer Escapes.

Montreal, July 22.—Murder followed by a man-hunt which proved unsuccessful took place at the corner of Latour and Ste. Genevieve streets at 7 o'clock this evening, when Salvatore Mercurio's young Italian, who arrived here two weeks ago from Vancouver, was shot and killed by a man whose identity is unknown.

The shooting took place just as the two men had stepped out of a corner grocery store and in the presence of a dozen people. Three shots were fired, two entering the left breast and one the abdomen. Death was almost instantaneous. Some of the eye-witnesses made a shift to seize the murderer but he snatched his revolver and made off along Latour street.

The arrival of the police encouraged the man who had hung back and, headed by the officers, they set out in pursuit. The Italian was followed along Latour street down Rusby Lane and along Craig street by a crowd of two hundred to three hundred men and boys who had joined the chase, but he finally disappeared down a lane up till late tonight had not been located.

No one knew the man, although many tried to describe him. No one knows how the trouble originated. The victim and his slayer had been in the corner store together and had appeared to be on friendly terms. The Italian buying cigarettes and treating the man who later shot him. The two had hardly passed out of the door and could not have exchanged a few words before the shots were heard and the Italian was seen fatally wounded on the sidewalk.

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