ARGUMENT UPON WHICH WILL BE DECIDED NE TEMERE DECREE ON BEFORE PRIVY COUNCIL

Mr. Nesbitt for Dominion Government, Contends Legislation Touching Contract of Marriage is in Exclusive Power of Federal Government

IF PERSONS AGREE TO LIVE TOGETHER ARE MARRIED

Opposition Holds Would Take Away Liberty of Provinces to Prescribe Own Forms of Marriage Ceremony; a Brilliant Array of Counsel is Appearing

London, July 22.—The privy council chamber at Whitehall today, was the scene of the opening arguments in an appeal which will undoubtedly rank as historic in the annals of Canada when the famous marriage law case referred by the supreme court of Canada to the judicial committee of the privy council came before Lord Chancellor Loreburn, Lords Salisbury, MacNaughton, Atkinson and Shaw, and the Chief Baron of the Exchequer of Ireland, Lord Palles.

An array of Canadian counsel was present. Wallace Nesbitt, K.C., E. L. Lafleur, K.C., and Geoffrey Lawrence appeared to argue questions for the Dominion government. P. B. Magnault, K.C., and J. H. Hellmuth, K.C., to argue other questions. While S. R. Smith and A. Geoffrion represented the attorney general of Quebec.

The judicial committee sit unrobed, but counsel are robed. The council chamber is merely a large room like a council chamber and their lordships sit round a table. Counsel take turns in addressing them from a sort of lectren and practically no provision is made for the general public and reporters except the official stenographers.

Today Nesbitt opened with a formal recital of the grounds of the appeal. The first question for the court to decide, he said, was the parliament of Canada's authority to enact in whole or part bill three of the first session of the twelfth parliament of Canada.

Lord Chancellor: "That was an act entitled an act to amend the marriage act?"

Mr. Nesbitt: "Yes, and the bill provides the following amendments," then going on to quote what these are.

Lord Shaw: "What the reference asks us to say is whether the provisions of the act are all within the authority of the parliament of Canada, and if not, which one is not."

Mr. Nesbitt agreed and proceeded to read question two:

"Does the law of the province 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 one of whom is a Roman Catholic?"

The third question was: If A or B is answered affirmatively, or both, has the Canadian parliament the authority to enact that existing or hereafter marriages are legal?

Counsel said that the supreme court of Canada was of the opinion that the proposed legislation was legal.

Lord Shaw said it occurred to him that there was overlapping in these questions. The retrospective parts of the bill might be good as part of a scheme to remedy conflicting legislation by the dominion parliament and provincial legislatures, by confirming past marriages. The prospective part, as far as it was possible to make it effective, was a prohibition of the religious test and wes very questionable in leaving in doubt the civil status of each person.

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 the validity of a contract of marriage cannot be affected by any provincial legislation which can only deal with the actual form of solemnization of marriage. That tie is the very basis of society."

On the third question Mr. Nesbitt contained that the majority of Canadian supreme court judges were of the opinion that the Canadian 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. Could anyone say that such a marriage would be recognized only if certain formalities were compiled with Formalities might vary, and did vary. What they were had nothing to do with binding the contract. In the case of parties in England from Saxon days onward, some ceremonial had always attached to marriage and marriage was still solemnized in England, although it meant nothing more than that a contract had been entered into by A and B to live together. Beyond this ceremony the only additional evidence required was that they had agreed to live together as husband and wife, upon which, satisfactorily they were married in the eyes of the law. They were no more married because the state in which they happened to live said they must go through one or half a dozen legal forms.

Lord Halsbury intimated that he thought the word "marriage" depended upon the context in which it was used. A and B might agree to get married and go through a form of marriage, and yet, after all, not be man and wife.

Mr. Nesbitt thought what Lord Halsbury said was unquestionably true of divorce, but there was a difference between the contracting of and dissolution of the marriage tie. A man was married or not; there was no half way status. But in divorce, parties might merely separate or be divorced outright when they could marry again or be absolutely free.

Lord Halsbury did not agree. A marriage, it was true, might take place at a private house, but there must be solemnization in some form.

Mr. Nesbitt submitted that the proper limit of division between the jurisdiction of the dominion and the province was that all questions relating to the contract of marriage itself, such as the capacity of the parties, the circumstances upon which validity depended and so forth, were within the exclusive jurisdiction of the dominion parliament, while the provincial power extended only to the regulation of the solemnization of religious formalities by which the contract was to be authenticated or satisfied.

Following Mr. Lawrence, who supported Mr. Nesbitt's argument, I. C. Helmuth, K.C., replied to the arguments which so far had been addressed to their lordships, and mentioned that P. B. Mignault, K.C., would deal with the further point of the status of Roman Catholics who were married by a minister other than a Roman Catholic priest.

Lord Chancellor Loreburn. "You are not dealing with the code?"

Counsel replied that he was not dealing with the point that on a true construction of the code Roman Catholics were rendered absolutely incapable of having their marriages solemnized other than before a parish priest.

Continuing his argument in support of the negative answers to questions 1 and 3, he characterized the act as one dealing with the solemnization of marriage, which was assigned to the respective provinces. In regard to the proposed changes in the ceremonies, Mr. Helmuth contended it took away the liberty of the provinces to say what ceremonies should be observed. Each province now had its own marriage laws.

Lord Shaw: "It is, then, not your view that what is aimed at here is that, assuming there is a proper ceremony in a particular province, the marriage shall be valid, notwithstanding the religious disqualifications?"

Mr. Helmuth: "The religious side of the question I ignore."

There were other cogent arguments why the provinces ought to make their own marriage laws, notably because by the British North America act the solemnization of marriages in the provinces was separated from divorce, which latter subject was specifically assigned to the dominion.

Counsel was still speaking when the committee adjourned.

TWO B. C. PIONEERS CALLED.

Vancouver, July 22.—Two well-known pioneers died today in the persons of Capt. Paterson, a pilot, and W. S. Westcott, both of whom had been here more than twenty years. Westcott was a contractor in the early days of Canadian Pacific construction.

ALBERTA PACIFIC OPENS UP CALGARY OFFICES

Rumor Again Afloat that Road Rights Have Been Acquired by Big Milwaukee

O. E. Culbert, Pacific Solicitor, Here but Declines to Make Statement

That the Chicago, Milwaukee & St. Paul railroad has secured control of the interests behind the projected Alberta Pacific railway, and will proceed in the near future to construct that line north from Whiskey Gap, Mon., just on the other side of the international border, to Calgary, and thence to Edmonton, is an authoritative report that is in circulation in Calgary. Lending truth to the story of renewed activity is the fact that O. E. Culbert, representing the Alberta Pacific railway, recently established offices in the Thomas block, and will remain here for an indefinite period.

"I have absolutely nothing to say for publication," said Mr. Culbert yesterday. "I am here simply to secure information, but I am not going to talk about the Alberta Pacific railway under any circumstances. Too much publicity injured the enterprise several years ago. There is absolutely nothing in connection with my presence here that would interest the public. I am gathering information, that is all. You see, here is a letter which I am just writing to New York parties giving information about Alberta. There is nothing whatever to make a story on."

The Alberta Pacific originally secured a charter from the Dominion government, with promise of a cash bonus of $3,000 per mile. The line was said to be projected by the Hill system, affording a Canadian connection on the north for the Great Northern. None except those in the inner circles know just why the project was not carried through at the time, as the projected line traverses one of the richest sections in the Canadian west.

As projected, the line would run from Whiskey Gap, Montana, across the international border to a point just west of Pincher Creek, thence through the Kootenay pass to the west, and thence down the Flathead to connect with the Milwaukee line already building north from Kalispell. It would open up immense rich coal fields on the south fork of the Old Man river in Alberta, and the rich territory in the Flathead district of British Columbia. Coming north from Pincher Creek, the projected line would traverse the country between the Porcupine hills and the Lime range, a field with untouched mineral and agricultural possibilities.

SHORT LINE EXTENSIONS OF LIGHT DEPARTMENT

Nearly five miles of short line extensions were put in during the month of June, according to a report submitted to Commissioner Graves by Superintendent Brown of the city light department. The total revenue for the month amounted to $31, 554.22. The department is now getting in shape so tha tthe promised reductions in the cost of light and power to consumers may be announced within five or six weeks.

Ninety 200 candle power tungsten and twenty alternating current arc lamps have been installed in Sunnyside, Hillhurst and Upper Hillhurst streets during the month. The underground conduit work is progressing rapidly. Pending the completion of the Ninth avenue sub-station, the three 500 kilwatt transformers purchased from the Packard Electric company have been removed from the storehouse and put into service to take care of the large number of recent connections in the west end of the city.

BORIS OF BULGARIA LOVES ELIZABETH OF ROUMANIA

Vienna, July 20.—A Bukharest newspaper publishes a remarkable story of the romance of the young Bulgarian Crown Prince Boris, who, it is said, fell in love with Princess Elizabeth of Roumania through having seen her photograph.

Prince Boris has never met Princess Elizabeth, who is the eldest daughter of the Crown Prince of Roumania, but he saw her photograph when the Queen of Roumania visited the Bulgarian court a year ago.

Immediately on coming of age, Prince Boris informed King Ferdinand, his father, of his desire to marry the princess. He declared that otherwise he would remain single all his life.

King Ferdinand had no objection to the match, but King Carol of Roumania on being approached objected for political reasons. King Ferdinand, however, persuaded the Austrian emperor, during his recent visit to Vienna, to use his influence with the King of Roumania.

This proved so successful that the official announcement of the engagement of the young couple is expected shortly.

Children Cry for Fletcher's

CASTORIA

The Kind You Have Always Bought, and which has been in use for over 30 years, has borne the signature of Chas. H. Fletcher and has been made under his personal supervision since its infancy. Allow no one to deceive you in this. All Counterfeits, Imitations and "Just-as-good" are but Experiments that trifle with and endanger the health of Infants and Children—Experience against Experiment.

What is CASTORIA

Castoria is a harmless substitute for Castor Oil, Paregoric, Drops and Soothing Syrups. It is pleasant. It contains neither Opium, Morphine nor other Narcotic substance. Its age is its guarantee. It destroys Worms and allays Feverishness. For more than thirty years it has been in constant use for the relief of Constipation, Flatulency, Wind Colic, all Teething Troubles and Diarrhœa. It regulates the Stomach and Bowels, assimilates the Food, giving healthy and natural sleep. The Children's Panacea—The Mother's Friend.

GENUINE CASTORIA ALWAYS

Bears the Signature of

Chas. H. Fletcher.

The Kind You Have Always Bought

In Use For Over 30 Years

THE CENTAUR COMPANY, 77 MURRAY STREET, NEW YORK CITY.

Farm Lands

We have the largest lists of farm lands in Alberta. Raw land, large or small tracts, improved farms or ranch lands on easy terms.

LEIGHTON & GILBERT

"Exclusive Farm Land Dealers"

603 Grain Exchange Bldg. Telephone 1559

References

Bank of Montreal; Union Bank of Canada; The M. Rumely Co.; The John Deere Co.; Those to whom we have sold.

STATES JUGGLE WITH BIG BANKERS OF THE COLOSSAL SUMS THROUGH THE CROPS

On One Occasion Morgan Raised $25,000,000 on Cotton Bills of Exchange; Cotton Stood Behind the Twenty Million Dollars Payment to Spain

New York, July 22.—At the time of the money panic in October, 1907, the harvests of the summer and early fall were, to a considerable extent, ready for the markets. It was the knowledge that cotton in great amounts was ready for export, which enabled some of the largest dealers in foreign exchange to discount cotton bills and with this security to obtain instantly in Great Britain large amounts of gold. On one day one of the chief institutions of New York which makes a specialty of foreign exchange discounted $8,000,000 worth of cotton bills. These discounts established credits for the brokers, against which they could draw in case they were willing that their checks should be paid through the Clearing House Association. The cotton bills were, by means of the cable and the fine artificialities of international financing, converted instantly into gold, which was shipped to the United States by the first steamer.

It was the products of the harvest, and in that sense the farmers of the United States, that made it possible to secure from Europe the funds, especially the gold, which were needed in order to build up credit and end the currency panic.

Some years earlier Mr. Morgan found it necessary to have on deposit in London on a certain day $25,000,000 with which to meet certain obligations incurred in the organization of the International Mercantile Marine Company. He secured in New Orleans, Galveston, and New York cotton bills in large amounts, and in Chicago, Milwaukee, and Minneapolis bills behind which stood exports of grain. Having collected sufficient exchange of this kind, Mr. Morgan was able to utilize it in London in such manner as to secure the specie, $25,000,000 in all, which he needed. The harvests of the United States made this transaction possible without in any manner affecting the money market.

James Stillman in the fall of 1889, for himself and his associates in the National City Bank, secured foreign exchange behind which for the most part stood cotton and other agricultural products amounting in all to $20,000,000. In that way Mr. Stillman was able to finance the payment by the United States to Spain of the $20,000,000 in gold called for by the Paris treaty of peace and to do that without shipping from the United States one dollar of that gold. The harvests of the country made that transaction possible. In the same way Mr. Morgan and his associates transferred to Paris $25,000,000 for the United States in payment for the franchises, good will, and title which the French Panama Canal Company possessed. There was not a ripple in the money market while this transaction was pending, and the public would have known nothing of it but for the terse report which stated that the money had been transferred to Paris. In great measure foreign exchange behind which stood products of American agriculture made this transaction possible.

As It Was Last Year

A great many people have wondered how the bankers of the United States have been able to accumulate funds enough to make it possible for them to lend Germany in the past year presumably as much as a hundred millions, and also to send large amounts of money out of the United States into Canada, Mexico and other countries.

But this great accumulation of available money capital can be traced in considerable measure to the American harvests of last year. One of the great American bankers said in January last year that our export of cotton alone was sufficient to make the United States the easiest money market in the world at that time.

On the basis of the estimates made by the experts employed by the government to figure upon the prospects of the harvests on July 1, it has already been calculated that we may reasonably count upon receiving for the harvests of this year not far from eight hundred millions in excess of the money value of six of the leading crops in the year 1911.

Of course an estimate of that kind takes into consideration the danger of unfavorable climatic conditions in August. But if there be normal temperature, good heat, and a fair amount of moisture, this estimate probably is not an unreasonable one.

One of the harvests is practically finished—the hay crop. If hay does well it is one of the largest money-makers for the American farmer. There is not much difference in the money value of a normal hay harvest and of a normal cotton harvest, exclusive of the by-products of cotton. Various estimates have been made of the increase in money value of the hay crop of this year, as compared with that of last year, when there was a very poor harvest. These estimates run all the way from two hundred millions to two hundred and fifty millions. If they are accurate, then the hay crop of the United States this year will have a money value of between $800,000,000 and $700,000,000. The experts are figuring that the corn crop of this year, if climate continue to be favorable, will have a money value of about two hundred millions more than the harvest of corn yielded in the year 1911.

No accurate estimate of the amount of cotton which is to be harvested this year seems to be possible at this time. Last year the estimates were greatly out of the way. On the 1st of August, 1911, none of the so-called cotton experts dared to suggest that cotton would harvest in excess of 16,000,000 bales.

It is, however, thought to be reasonable to estimate the money value of the crops of this year at, or not far from, $9,000,000. That will surely furnish a very large additional amount of available money capital. If the forecase which some of our business men now make of business conditions next year are justified, then the United States will need at home all the available new money wealth created by the harvests of this year.

A Very Rich Man.

No more than a vague estimate was made of the fortune accumulated by the late M. C. D. Borden at the time of the filing of his will in the surrogate's court a day or two ago. There was a vague intimation that Mr. Borden's fortune would be found in excess of $5,000,000. Not until the estate is appraised by the State authorities for the inheritance tax will it be possible to get anything like an approximate idea of the estate left by Mr. Borden. Some of Mr. Borden's friends would not be surprised if it were discovered that the estate is in excess of $20,000,000.

But whatever the money value of the estate may be, it was practically created by Mr. Borden himself, for, although he inherited a business at Fall River and some property, nevertheless he became numbered among the millionaires because of his exclusive devotion to the business with which his name was identified—that of the American Printing Company. Mr. Borden's friend and business associate, the late Cornelius N. Bliss, said a year or two before his death that ,so far as he knew, Mr. Borden never speculated in the securities market. His career, therefore, as a business man tends greatly to modify the statement which has sometimes been made that it is impossible for a man who began with practically nothing, and who was occupied all his life in mercantile trade, to create one of the great fortunes without occasionally violating the laws of moral rectitude.

Mr. Borden's will was executed eighteen years ago, or fourteen years after he took over the old American Print Cloth Works at Fall River, and established, with that corporation, the American Printing Company. His friends say that he must have made a great deal of money through his brilliant and far-sighted management of this corporation since 1894. His credit was so high that he was able to borrow easily at any time a million dollars, and he could always secure upon his own credit the funds which he needed when he ventured so audaciously and yet so successfully into the market and bought up the over-production of cloth with which many mills were overloaded.

Mr. Borden's bequest of $250,000 to Yale University supplements several gifts which he made to the institution; in 1901 he subscribed $100,000 to the bicentennial fund of $1,000,000 which President Arthur Hadley was trying to raise ,and he also organized a syndicate of six men which, within two days, subscribed $600,000 to this bicentennial fund, thereby making President Hadley's attempt a success.

HOLLAND.

ENGLISH TO DISCUSS ROADS

Three thousand persons from all parts of the world will take part in the International Road Congress which opens in London.

Evidence will be offered as to what constitutes the perfect road under varying conditions of traffic, and how different makes of tires and ways of shoeing horses act upon road surfaces. The effect of tarred roads on public health, fish life and vegetation will be discussed, and many roads in the home counties will be inspected by delegates.

ACQUATIC SALUTE GIVEN THE KING AT THE REGATTA AT HENLEY—For the first time in years the Henley Regatta was this year under royal patronage, the King and Queen being rowed up the river in the gilded barge used by the Kings of England centuries ago. T he picture shows the big flotilla of spectators giving His Majesty the acquatic salute—with oars uplifted—looking a veritable young forest.

WILSON FURNITURE CO. TO BUILD LARGE WAREHOUSE

City Makes Application for a Permit to Erect Electric Light Station

Former to Cost $66,000; City's Expenditure $8,000; Many Residential Permits

Applications by the city of Calgary to construct an $8,000 electric light sub-station, and by the Wilson Furniture company for a $66,000 warehouse were the principal items at the office of City Building Inspector Sylvester yesterday.

The new municipal sub-station will be located on the city's property at Mahang, East Calgary, and will be constructed of brick and concrete. It will be used to house the transformers and equipment made necessary by the extensions of the lighting system.

The warehouse for the Wilson Furniture company will be six storeys high. The big structure is to be located on Eleventh avenue and Fourth street east, on lots 21 and 22 and part of 23, block 73, section 15. L. R. Wardrop is the architect, and McNeill & Trainer, contractors. The building will be 66 2-3 feet by 114 feet in dimensions, provided with two elevators, steam heat and electric lights.

Building permits have been granted to the following owners:

J. DeBorck, one storey brick veneer store building, lots 13 and 14, block 1, Sunnyside, $3,000.

H. J. Morton, one storey brick veneer, lots 28 and 10, block 39, section 22, Regal Place, $2,000.

J. C. Ritchie two storey frame, lots 6 and 7, block A, Rosevale, $3,000.

James Lymington, frame, lot 16, block 68, South Calgary, $250.

Rsena Dash, one storey frame, lot 14, block 45, section 27, Tuxedo Park, $300.

STOP WRECKS BY COMPETITION

(From the Chicago Record-Herald.)

Impetus has been given to the safety movement on the Frisco system through an announcement by the management that passes will be issued to the wives or mothers or sisters of employees on the division which made the best record in the reduction of personal injury accidents during the year ended June 30 last.

Records of the various divisions are now being compared and the winner, it is expected will be announced within a short time. Each pass will be signed by the superintendent of the winning division. These passes will be good for a period of six months on the division in question and will be limited in the majority of instances to families of employees who have been in the service of the Frisco system for a year or more. In some cases a service limit of three or more years has been established to women who are employed on the successful division.

Store Opens 8.45 a.m. Closes 6 p.m. Saturdays 9.30 p.m.

Pryce Jones (Canada) Limited

GROCERY PHONE 1492 PHONE EXCHANGE 1191

We're now busy measuring Stock, and the process

Is bringing to the surface numerous remainders and odd lots that are too small in quantity to be entered on the stock sheets. These you will find displayed in the various sections and marked to clear at prices that have lost all resemblance of real value. Keep a sharp lookout for them whenever you're in the store, and make your shopping profitable.

See full page announcement, page 2 this issue, for details of GREAT SALE OF WOMEN'S WEAR

Clearance of Millinery Continued

Trimmed Hats Half Price—A limited but attractive selection of the season's most up-to-date styles, soft finished chips, milans and fancy straws with trimming and mounts of flowers, plumes, etc., all to be cleared at half former prices. All untrimmed shapes, milans tagals and chips, regular $4.00, $5.00 and $6.50, selling for $2.00

A few of our New York sailors for half marked prices.

Boys' Wash Suits

Small balance to clear of these natty little wash suits, military and buster styles with or without collar, in blue, ecru, blue stripe and fawn, also all white, sizes for 2 1-2 to 7 years, reg. $1.75 and $2.00 suits for.. $1.00
Regular $2.50 and $3 suits for $1.50

Boys' K. and E. Blouses, 12 1-2, 13, and 13 1-2 neck measure, only special ..... 59¢

Special Reductions also on Boys' Summer Tweed Suits

Men's Furnishings Odd Lines to Clear

Men's colored silk lisle thread half hose, in a large assortment to choose from, seamless, fast colors, reg. 50c pr., to clear 4 pairs for $1.00

Men's Working Shirts in flannelette and print, with turn down collar, fast colors, regular 50c, to clear ..... 35¢

Men's negligee outing shirts, with reversible turn down collar, neat designs, well made in every way, Regular $1.25 and $1.50, to clear ..... 90¢

Sheetings

7 pieces left for sale, slightly soiled, these will be cleared at Less Than Cost.

White Twill Sheeting—Heavy quality, fully two yards wide, grand quality, worth 40c yard. Tuesday special, yard ..... 25¢

4 pieces Unbleached Cotton Sheeting, very hard wearing, will quickly wash white, fully 2 1-2 yards wide, worth 45c yard. Tuesday Special, yard 29¢

Clearance Prices Still Available on our Summer Oxfords

No stronger indu ment to purchase could possibly be offered than to urge a personal inspection of these shoes. The merits of the lines, the strength of the values, and the fine grade models will conclude the sale to all those to whom good shoes appeal.

Ladies' Oxfords and Pumps in all the newest leathers, black or tan colors. Regular up to $5.00. Special price to clear $2.95

Ladies' Oxfords and Colonial Pumps, all this season's newest styles and leathers. Regular up to $6.50. Special price to clear $4.35

Men's Oxfords, in all leathers and black or tan colors. The season's newest patterns. Regular up to $5.50. Special price to clear $3.95

Our stock of men's highest grade American made Oxfords. Regular up to $6.50. Special price, to clear $4.35

A very special offer of patent Oxfords and Tan Pumps, all sizes in this lot. Regular up to $4.50. Special price to clear $1.95

Misses' and Girls' Classic make of Oxfords and ankle Pumps, in black or tan; sizes 11 to 2, $1.95 pair; sizes 8 to 10 1-2, pair $1.65

Boys' Oxford in black or tan, made in the newest shape of last; just like men's shoes, sizes 1 to 5 1-2, $2.95; sizes 10 to 13 1-2, pair $2.65