

KAISER WANTS EUROPE TO PLAINLY UNDERSTAND THAT GERMANY IS BOSS

While Instructions to Von Radolin Are Reassuring to France, the Menace is None the Less to Be Found.

Rojstvensky's Defeat Depresses Paris and Elates Berlin With the Confidence That Germany is Now in the First Place.

Berlin, June 17.—The foreign office has, the Associated Press learns, telegraphed to Prince Van Radolin, the German ambassador at Paris during the last day or two in a sense that will be reassuring to French apprehensions if such were felt in the French cabinet. Germany still, however, presses France diplomatically for her acceptance of the proposal to hold a conference of the powers on the subject of Morocco.

So fully do the German ministers feel the strength of Germany's military and political position that the cautious, circumspect policy of recent years has been replaced by a more definite, positive tone toward Russia, toward France, and toward Great Britain also.

Army is Anxious.
The spirit of confidence in the army runs immeasurably high. The young officers long for war. That is the constant talk in the regimental casinos. The foreign attaches here have recognized the change in the bearing of the German officer since Russia has been inextricably involved in the far east, in that his conviction in the perfection of the German military machine is expressed with deeper and quiet assurance. The sentiments of the military body are not likely to influence the emperor and Prince Von Buelow, but they are extremely interesting, and to the confident opinions expressed perhaps somewhat boastfully are probably due the rumors of German military designs.

The Paramount Power.
The undoubted distance of feeling in Paris over Germany's policy is not traceable to anything actually aggressive that the German government has done, or is preparing to do. It is probably due to the feeling of weakness that has suddenly arisen in France since Admiral Rojstvensky lost the sea fight, and the corresponding relative increase in German confidence since it has become evident that Russia need not for the present be reckoned with.

The thought in the government, and the army, and in the press, is that Germany in a military sense has become master of the continent, and that being so France and every other continental power should recognize that in diplomacy also Germany has risen to the first place, and must be dealt with as the paramount power.

NO CHANCE FOR A CLASH.

Washington Diplomats Not Uneasy Over Morocco.

Washington, June 17.—Germany and France will not come to a clash over Morocco, if reassuring official cablegrams reaching Washington over night from the two European capitals accurately represent the situation. Two weeks ago the situation was exceedingly delicate. It has been relieved, however, by the resignation of M. Delcasse. The Washington government is fully informed about every move and the feeling here in the highest official circles is not one of uneasiness.

SIR GILBERT MAY COME.

London, June 17.—Sir Gilbert Parker contemplates taking a trip to Canada in August next.

MAY NOT BE WASHINGTON AFTER ALL RUSSIA INCLINING NOW TO HAGUE

Exchanges Are Now Going on Which May End in Substitute Selection.

St. Petersburg, June 17.—The question of the place of meeting of the Russian and Japanese representatives has been reopened and there is a possibility that The Hague instead of Washington may be selected. After the announcement that Washington had been selected Russia expressed a desire to have the selection reconsidered and exchanges to that end are now proceeding between Foreign Minister Lansdorff and Ambassador Meyer and Washington. Russia's preference for The Hague is based on the obvious advantages that it is or

Premier Whitney as a Possibility in Federal Politics Hon. Mr. Tarte is Not Sure, But Writes "It May Be"

Presence in the Ontario Cabinet of Messrs. Foy and Reaume is a Favorable Omen, and "Old Servatives," Since Tuesday's By-Elections, Are Said to Have Predicted Mr. Whitney's Early Appearance.

Montreal, June 17.—(Special.)—Hon. Mr. Tarte thinks Premier Whitney may be a possibility in Dominion politics.

"Sir William Meredith," he says, "a man of the greatest possible value as a jurist, attempted to upset Sir Oliver Mowat by making an anti-Catholic campaign, as George Brown had done against Sir John A. Macdonald."

"After a prolonged and fruitless effort, Sir William Meredith was replaced as leader of the Conservative party by a less brilliant man, who changed his policy and returned to the healthy

traditions of the Cartier and Macdonald school of politics."

"Mr. Whitney is to-day prime minister of Ontario, and he has in his cabinet such Catholics as Hon. Messrs. Foy and Reaume, the latter a French-Canadian."

"Old Conservative journalists expressed in our presence, on the day of the Conservative defeat in London and Oxford, the opinion that perhaps Mr. Whitney would appear on the federal scene at a not remote date."

"Altho we have doubt of such an event, yet we admit that it is quite possible."

"What a pity it was that Mr. Bor-

den had not acted like Sir John A. Macdonald in 1875 and in 1877, when the old statesman gave his support to the hostile government on the question of Catholic rights in matters of education!"

Referring to the present European complications, Mr. Tarte says in La Patrie:

"At critical moments one is always sure to find the English people united in the patriotic view that the interest of the country must be the first and supreme consideration—Great Britain first of all, and political interests after."

CANNOT DEPORT ALIENS LABOR LAW ULTRA VIRES

Judge Anglin Gives an Irrevocable Judgment Upholding the Appeal of Threatened Pere Marquette Officials.

The Pere Marquette men cannot be deported from Canada, and the alien labor law is ultra vires of the Dominion parliament.

Such was the opinion handed out by Judge Anglin on Saturday morning after fully considering the evidence brought out at the hearing of the appeal of Everett E. Cain and James Gilhula for a writ of habeas corpus. Judge Anglin based his judgment on the ground that the Canadian parliament had no power to deport aliens by force to foreign territory.

The order for the discharge of Cain and Gilhula has not yet been issued, and they may not be formally released until next week. In order that Co. Sherwood may not be liable to prosecution by the prisoners, a special clause will probably be inserted in the judgment.

The judgment is final, says Judge Anglin. There can be no appeal, as might have been expected. The writs had been made returnable before a divisional court.

The text of the judgment is as follows: Because no appeal lies from the order which I find myself obliged to pronounce, I regret that counsel were unable to access to my suggestion, made upon the application for the writs of habeas corpus, that these writs should be returnable before a divisional court.—R.S.O., Chap. 51, Sec. 67.

Many Grounds.
Numerous grounds were urged in support of the motion, but in the view which I take of the matter it becomes unnecessary to deal with any ground other than that upon which I am about to dispose of it.

As amended by 1 Edward VII, chap. 13, Sec. 3, the sixth section of the 90-61 Vic., Chap. 11 (d), reads as follows: "The Attorney-General of Canada, in case he shall be satisfied that an immigrant has been allowed to land in Canada contrary to the prohibition of this act, may cause such immigrant, within the period of one year after landing or entry, to be taken into custody and returned to the country whence he came,"

at the expense of the owner of the importing vessel, or, if he entered from an adjoining country, at the expense of the person, partnership or company violating Sec. 1 of this act."

This statutory provision contains the sole authority for the issue and enforcement of the warrants above set out. Its validity is impugned by the applicants upon the ground, inter alia, that inasmuch as it purports to authorize the attorney-general, or his delegate, to deprive persons against whom it is to be enforced of their liberty without the territorial limits of Canada, it trans-

cends the powers of the Dominion government.

Territorial Restriction.

By the 91st section of the British North America Act the parliament of Canada is empowered to make laws for the peace, order and good government coming within the classes of subjects assigned exclusively to the legislatures of the province; and it is by sub-section 25 given "exclusive legislative authority" in regard to "aliens and naturalization." In many judgments the privy council has declared that our parliament "has and was intended to have powers of legislation as large and of the same nature as the imperial parliament itself," the language of the British North America Act being "apt to authorize the utmost discretion of enactment for the attainment of the objects pointed out." But that the area within which the powers so conferred may be exercised is restricted to the territorial limits of the colony to whose legislature they are granted, is equally well established. However general the language in which its jurisdiction on is contained, without an explicit bestowal of extra-territorial powers by the sovereign parliament no colonial legislature may enact legislation to be actively enforced beyond the boundaries of the colony.

This is but one of the several restrictions necessarily flowing from the inherent conditions of a dependency. Counsel for the attorney-general was, therefore, well advised in conceding at bar that if the return of the immigrant to the country whence he came, prescribed by the sixth section of the statute, would necessarily involve his detention or subject him to constraint by the agent of the attorney-general without the territorial limits of Canada that provision is ultra vires of the Dominion parliament, giving full effect to the argument of the learned counsel that, if at all possible, the statute should receive a construction consistent with jurisdiction, not desiring "to attribute to the colonial legislature an effort to encroach upon the jurisdiction of such extent as would be inconsistent with the powers committed to a colony." I have striven to discover some means for the performance of that which the warrants to the commissioner require him to do, viz., to take into custody the applicants and return them to the United States of America, whence they came—that would not involve an assumption of extra-territorial jurisdiction. In this I have failed.

Disagrees With Shepley.

Mr. Shepley argued that the requirements of the statute must be deemed satisfied if the "immigrant" to be deported is "put in the course of return" to the country from which he came. I cannot so read the words "return to." If the constraining force of the officer acting under the attorney-general's warrant ceases before the subject of it is within the territorial limits of the foreign country, I cannot understand how he can be said to be returned to that country by virtue of the warrant. If such force continues until the subject is upon foreign territory, its extra-territorial exercise cannot be denied.

Law Stops at Line.

In effecting the return of an "immigrant to the United States, it is suggested that the officer charged with that duty may take his subject in custody to the imaginary line forming the boundary, and then, remaining himself on Canadian territory, may push his prisoner across the line and into the United States. But were it possible for the officer to eject a resisting alien without risk of projecting any part of his own person upon United States soil, in my opinion, the application of the propelling force operating upon the person of the alien while wholly or partly within the foreign territory is an extra-territorial constraint of such alien by the Canadian officer, and as such cannot be authorized by the Dominion parliament.

Again, counsel suggests that the officer may select such a point as Windsor for the deportation and may discharge his duty by placing his alien prisoner upon a ferry boat crossing the river to Detroit. Here the alien is upon Canadian territory until the middle of the stream is reached. If the custody

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THOUSANDS GO PICNICKING ON SATURDAY AFTERNOON

Heavy Traffic on the Steamers and Train, Which Lasted During a Glorious Day.

Blessed is the city where the Saturday afternoon half holiday is in vogue, and blessed is the Saturday afternoon that turns out as fair and bright as that of yesterday. How much the people of this city appreciate their freedom from the worries of business could be easily judged by an outsider if he paid but a few minutes visit to the waterfront at any hour yesterday.

From 7 o'clock in the morning until the late hours of the night outward-bound pleasure seekers constantly thronged the approaches and wharves of the landings of the lake steamers. It was a record day's business for steamboat men, outside of an actual holiday.

The island and the point came in for the largest share of the bounteous patronage. Time after time the long line of ticket buyers extended across the Yonge-street tracks of the G.T.R., and once were within but a few feet of the lower customs house building. This long string of humanity was kept up for hours, to be broken only by a passing train.

The bigger steamers carried heavy passenger lists. The Kingston of the R. & O. Line was heavily loaded, while the Corsican, which was delayed by trouble in the Cornwall lock of the canal, sailed later than her scheduled time with a long list for Montreal.

The Niagara Line carried the Robertson Bros. Company employees and master plumbers' excursion to the Falls, and a list of Normal School pupils to the same point. The Light House land provided music for the 2 p.m. trip. Owing to the heavy traffic the Corona made the late trip Toronto toward at night instead of the Chicago.

The Argyle carried 425 on the excursion of the Trinity Methodist Sunday school to Oshawa in the morning. In the afternoon the boat was crowded to the guards with the regular excursionists to Bowmanville. At 9 o'clock a large list of passengers took the regular Saturday night excursion to Rochester.

The Empire, which was to have carried an excursion of the Bertram Company's employees, had not passed inspection, and this excursion was carried by the Hamilton steamers. It will be some weeks before this boat is refitted to meet the requirements of the inspectors.

Over 500 excursionists of the Sons of England were carried to Hamilton on the Gardene City.

Fifteen thousand went to the island during the afternoon.

Over the railways the excursion traffic was of the same stupendous order as by water. Sunday schools from all parts of the city sent a small host of children, and their parents to quiet parks of the country. Every coach of the long excursion train was almost worthy of a S.E.O. sign.

Following were the excursions by rail: Ossington-avenue Baptist Church to Oshawa, Erskine Presbyterian Sunday school to Rosebank, Dovercourt Presbyterian Sunday School to Lorne Park, Central Presbyterian Church to Lorne Park, and the Queen City Athletic Club to Buffalo, all over the G.T.R. Over the C.P.R. the excursions of the Iron moulders to Galt and the Order of Railway Conductors to Owen Sound were carried.

MARRIAGES.
DICK-NICK—CONLAN—On Friday, June 10th, 1905, at the Collegiate Church, Fifth-avenue, New York, by the Rev. Donald Sage MacKay, D.D., Alice Louise Conlan of New York, to Wilfrid Serrington Dinick, vice-president and managing director of the Standard Loan Company, Toronto.

FRANCE MAY AGREE TO CONFERENCE IN BELIEF OF SUCCESS

Tendency Now is to Inquire into the Extent of the Conference and What Will Be Called Upon to Consider.

If Assurance is Forthcoming That French Interests Will Not Be Imperiled All Will Be Satisfactory.

Paris, June 17.—The efforts to secure a diplomatic adjustment of the Franco-German controversy relative to Morocco remain without definite results, and the negotiations, while not suspended, make practically no progress. France has not given her final response to Germany's movement for an international conference, and the officials do not confirm the German press reports that France has definitely rejected the proposal for a conference. For the present, Premier Rouvier is turning his efforts towards learning what Germany desires to accomplish by a conference, as it is the view in official quarters that some of the chief objections to the conference may be relieved by having its plans and purposes exactly defined.

The tension was somewhat relieved during the later hours of the day, the bourse reflecting the improved sentiment by steadiness and an advance of French rentes. The improvement resulted from the belief that an agreement may still be reached concerning the proposed international conference.

Willing to Consider.

The French official view, while not yet definitely accepting the conference, shows evidence of examining the question, in order to learn what the meeting will consider, and if Germany is prepared to give adequate assurances that French interests will not be seriously disturbed, there are prospects that the conference may prove acceptable. Moreover, there is reason to believe that exchanges between the capitals have satisfied the authorities here that France would have a good case before the conference and that probably a majority of the powers would take a sympathetic view of French aspirations in Morocco.

Still Friendly.

Both Prince von Radolin (the German ambassador) and Sir F. L. Bertie (the British ambassador) conferred with Premier Rouvier this afternoon. The conference dissipated the view that diplomatic negotiations had been suspended and gave the assurance that the two governments continued to discuss the question normally.

SHEA DESERTED; STRIKE WANES.

Conspiracy Charges Likely Against Teamsters' Leaders.

Chicago, June 17.—States Attorney Healy this afternoon announced that as a result of the grand jury investigation of alleged corrupt practices in labor matters the state expects to make a strong case of conspiracy against some of the men intimately connected with the teamsters' strike.

The speedy end of the strike is predicted by some, owing to the proposed overthrow of President Shea's supporters in the Teamsters' Joint Council. Shea is alleged to have been deserted by almost all of his chief allies.

A Warning to Summer Tourists.

In travelling these days be most careful what you drink. Bacteria lurks in places you would never suspect. Be on the safe side and drink radiator water, knowing it comes from an absolutely pure source in the heart of the Laurentian Mountains. Insist on having radiator wherever you go.

PUTTING ON BOOTS, IS SHOT.

Farmer Hung Gun on Wall and It Went Off—May Die.

Barrie, June 17.—(Special.)—Wilson Reynolds, a farmer of Craigvale, about 58 years of age, was accidentally shot in his house about six miles from here on Friday morning.

Reynolds had been hunting ground hogs on the previous evening, and on his return home hung a muzzle-loading shotgun, still cocked, by the trigger guard on the wall in his kitchen, placing his boots below the gun.

The following morning, as he leaned against the wall to put on his boots, he touched the gun and the whole charge lodged in his back.

Three ribs were severed and he is now in a serious condition.