THURSDAY MORNING

## The Toronto World

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Subscribers are requested to advise as promptly of any irregularity or print The Globe argument. delay in delivery of The World. We also wrint the que

THURSDAY MORNING, JAN. 25, 1912

TAX REFORM.

Joseph Fels and Sir James Whitney would get along, we believe, on better acquaintance, for they are both honest men, and "a fellow feeling makes us of the most untactful men that have has taken place. had to do with the rulers of this world since Diogenes himself. He had come fresh out of The Globe crowd, where Information about the premier. He churchman. admitted that he was courteously and truthfully met, but the echoes that still rang in his ears misled him and he departed from the dominant presence leaving a less worthy impression than he might. The worst of the matter is that Mr. Fels has given an interview to the press the accuracy of. which Sir James has impugned. Mr. Fels' interviews have already been under question, and his humorous method of over-statement is apt to be taken seriously. Unfortunately, all humor provokes itself to be taken seriously by people who are in most need to understand the jocular side of life. Evidence could be found in Mr. Fels' Interview to support this position. Internal evidence, after the manner of the higher criticism, might be had. For example, Mr. Fels attributes to Sir James the expression "piffing newspapers." Now that is not on of Sir James' expressions. He might use such an adjective, but, as the higher critics say, the point is not would he use it, but did he use it? He has never been known to use it before. In all the complexities of an extensive denunciatory vocabulary this weak and trifling participle has never before been detected. We are inclined to think that the word is more likely to belong to Mr. Fels' vo-

# The Marriage Controversy

In the controversy over our marriage law the first thing to ascertain whether there are any disabilities attendant on one class of the community, let us say Protestant, as compared with any other class in the community. If so, then there is ground for remedial legislation. That is the first question to be settled and The World at this moment is not able to

distinctly say that any such legal disability exists. The Hon. Thomas will pay for The Daily World for one year, delivered in the City of Toronto, or by mail to any address in Canada, Great Britain or the United States. White (minister of finance), in a long argument in the debate the other day, said possibly there was a disability, and John S. Ewart, the well-mourn Ottown lawyer in a normalist which he printed not long ago, said known Ottawa lawyer, in a pamphlet which he printed not long ago, said

if there was a legal disability it had not yet been established. The Globe newspaper of yesterday, however, argues to the effect that if the ne temere decree is read into the civil code of Quebec, then there is a legal disability (that of invalidaty) attendant on any Protestant who is a party to a mixed marriage solemnized by a Protestant minister. That is a most serious disability, and if existent calls for remedy. We, therefore,

We also print the question put by W. F. Maclean (South York) to Sir Wilfrid Laurier and Sir Wilfrid's answer; and when that answer is read arefully two conclusions are reached: First, that Sir Wilfrid's' answer

is limited because he speaks of Ontario and glides away from the wider question that was put to him. And even his statement can be taken to harbor the idea that claims have been made that a mixed marriage is invalid. It therefore becomes the duty of those who are dealing with this question first of all to ascertain what, if any, disability exists, or what, if

wondrous kind." But Mr. Fels is one any, denial of equality under the marriage law of the Province of Quebec We therefore ask our readers to go carefully into this point and to

read these two statements of The Globe and Sir Wilfrid, and we further

#### \* \* \* \* Here is The Globe's statement:

#### THE MARRIAGE LAWS OF CANADA. (Globe Editorial, Jan. 24, 1912.)

The ne temere decree promulgated by the Roman Catholic Church in 1908 goes a step farther, and arrogates to the Church of Rome powers that, if declared to be legally exercised in Quebec under clause 127 of the civil code, must be curbed either by an amendment to the code or by a constitutional amendment that will transfer to the Dominion Government control over the solemnization of marriage. Stripped of its verbiage, the ne temere decree says that a marriage of a Catholic and a Protestant is no marriage at all in the sight of God and the church unless i is performed by a priest or the Holy See grants a special dispensation. The parties to a mixed marriage must be married according to the canon law, which makes marriage a sacrament of the Church of Rome. Here, then, we come a step farther than before. The church first claimed that a Protestant minister in Quebec could not legally marry two Catholics. Under the ne temere decree it is claimed that a Protestant minister cannot perform a marriage ceremony binding in the sight of Ged and the Church of Rome in a case where one of the contracting parties is a member of the minister's own church. This asserts a position of superiority for the priests of the Catholic Church that no Protestant can concede.

\* \* \* \* So long as the claim made is merely put forward in an ecclesiastical sense, however, it is none of the state's business. All churches have a right to prescribe the conditions of membership. The natural and inevitable penalty for faflure to comply with the rules of the church is expulsion from membership. Were the Church of Rome to announce that the Catholic who contracted marriage with a Protestant before a Protestant minister would be expelled from communion, Protestants might regard the stand thing to do with the validity of the marriage or the rights of the parties opinion there was only one stylist in England at that time. under the civil law of Quebec the ne temere decree renders the

of the German Empire-wherefore very many and difficult ques-

THE TORONTO WORLD.

tions have sprung up which have frequently caused perplexity in the minds of judges, a certain irreverence for law among the faithful, and perpetual quarrels and incriminations among non-Catholics. . And the decree then goes on to declare the validity of mixed mar-

lages contracted under the Tridentine form in Germany.

In a word, then, it will be seen that the ne temere-was not promulgated in Germany because it was a mixed community and there was there a lamentable and widespread division in religion and a daily increasing intercourse between Catholics and heretics. The same thing has happened and is happening in the Province of Quebec, and the least therefore-and now we are going back to where we left our argument a few moments agoand the least therefore would be for the Province of Quebec to put a clause in its marriage code which would say that the publicity which is provided in ne temere by being married by a Catholic priest before two witnesses in the parish church, could also be obtained by a marriage before any duly qualified official before two witnesses. The legislature of the province of Quebec can do this.

And, therefore, The World says there is a clear case-and up to the present the clearest-of disability under the Quebec code, namely, that publicity can not be obtained where two Catholics are concerned, and per haps where only one Catholic is concerned, unless before a Catholic priest and two witnesses. In "a mixed community," as it stands at present, there can in certain cases be no publicity except by appearance before a Catholic priest in the parish church before witnesses.

\* \* \* \* There is another apparent disability-and it ought to be considered one of the main disabilities these days and that is that persons can not marry other than thru the agency of a church, and this is a larger disability than most people consider. In other words, the great disability is this (and it prevails in most of the provinces but does not obtain in England): lack of provision for civil marriage solemnized by a contract that is valid no doubt he had been loaded and call on anyone who can to supply evidence showing that mixed marriages all over the country without being in any way implemented by any reprimed with the usual sorts of mis- are invalid or evidence of any one setting up such a claim, especially by a ligious approval or ceremonial whatever. That is the great disability. If Quebec allowed of such marriages open to all the trouble would disappear.

\* \* \* \* And now we come back to the real thing that is rankling in the minds of the Protestants of Canada and it is this: that there is a more or less well-founded belief in the minds of Protestants that a number of Catholic men who have married Protestant women have after a time come to think that their marriage if solemnized by a Protestant minister was more or less sinful in the eyes of the church, and therefore more or less invalid; and coming gradually to hold this view they have ill-treated the wife and sometimes the children of that marriage, and specific cases have been quoted in some of the provinces. The only remedy in such a case is the action the wife or family may have on the husband or parent for support, and that is open to everyone. And what has caused even greater soreness and resentment among the Protestants in certain sections of Canada is that in some mixed marriages there has been interference in the family by a priest which more or less shattered the good relations that existed between the various members of the family and led to separations, to men putting away their wives and turning her children out of doors. One or two examples of this kind are to-day rankling in the public mind. But for these cases there can be no cure other than the avoidance of mixed marriages. Most of these marriages lead to misunderstandings and trouble not only to the parties themselves, but especially do they create distress in the minds of Protestant women. And the ne temere decree is largely the basis of any such action taken by a priest. We admit it is seldom.

\* \* \* It would therefore appear that two things remain to be done: First, to have a federal marriage law which is universal and which provides for a strictly civil marriage which may be implemented by any religious ritual him ed marriage with a Protestant before a Protestant minister would or ceremony that the parties to it may desire, but this ritual to have no-

The other thing is-and we again ask our re-



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cabulary than to that of Sir James In fact, Mr. Fels would have to make a categorical statement of the facts before it will be generally accepted. Did Sir James use the word "piffling" or did Mr. Fels select it in his account of his interview as a familiar epithet representing in a general way what he thought Sir James might, should, or could have said?

We do not believe Mr. Fels did Sir James justice either in his interview or in the report he gave of it. Nor shall we be surprised if Sir James is found to be in favor of the adoption of that reasonable measure of tax reform which equalizes assessment and provides for a juster incidence of taxation.

### INCORRECT ELECTION RETURNS.

The recent recount on the viaduct bylaw and a partial recount on the votes cast for the board of control. certainly show a bad state of affairs in this section of the civic admininstration. Altho it was incumbent on His Honor Judge Winchester to make a report' commenting on the large number of irregularities, he would not have gone far out of his way to have drawn the attention of the city council to the matter. An explanation should be asked from the city clerk, and suggestions requested as to the curative measures he intends to adopt for the future. After the revelations at the enquiry, the minds of city voters must be set at rest as to the correctness of future elections.

The viaduct recount showed er-

roneous statements from upwards of two-thirds of the deputy returning officers. This is too serious a matter to pass without an investigation and Mayor Geary would be justified in asking for an explanation and taking steps to prevent the recurrence of similar irregularities.

### TROLLEY DELAYS.

Editor World: If R. J. Fleming had been on the corner of Lansdowne-aveat 6.30 he would have been roughly handled, if the temper and remarks of the crowd was an indication. I think the mayor should call another meeting of the citizens at Massey Hall and endeavor to end the abominable conditions of the car service which exist. It has gone so far that it has to be stopped and the sooner the better, for the shareholders of the Toronto Railway Co. Men can stand a a good deal of trouble and worry, but they will not stand for the abuse that is now extended to their wives and families. I had to take a young girla stranger to me-to a shelter at the Helene School as she suffered ireadfully from the extreme cold, the to put her on a College eastbound car Dundas car was to be had I afterwards was forced to take a Col ege car going east on a Carlton trans fer for the same cause, reaching hom-at 7.15 o'clock, 45 minutes from Bloor corner Lansdowne, by way of Dundas. George Roberts.

marriage of a Catholic and a Protestant by a Protestant minister portion of the decree Provida, quoted above-that inasmuch as in a mixed invalid in the eyes of the state as well as of the church, the point community there are diversities of religion, therefore, in the cause of at issue becomes one of national importance. The majority of peace the ne temere decree ought to be withdrawn from application in Canlieve in civil and religious liberty. But they believe also in equallieve in civil and religious liberty. But they beach and there could be no shadow of equality in a law that would declare a mixed marriage celebrated by a Catholic netiest legal and valid, and a mixed marriage celebrated by a Proity before the law, and there could be no shadow of equality in could see a way of doing this it would go a long way toward increasing the the Cup. We saw this also in 1867 with Achievement and Hermit. Sir

be wrested to the support of a contention so inequitable. If legal present cure is for Quebec to clear up her code or for the Catholic authoriof that province will no doubt at once provide an adequate remof that province will no doubt at once provide an adequate rem-edy. Should it fail to do so the matter must become an issue in in our despatches of this morning that Mr. Henri Bourassa offers a suggesedy. Should it fail to do so the matter must become an issue in Dominion politics. If it is not now within the competence of the tion somewhat in this direction. In the meantime the agitation will go on Dominion Parliament to pass a general law for the solemnization in and out of parliament. of marriages a matter respecting which eminent authorities dis-agree an amendment to the British North America Act must be

sought transferring to the Dominion the exclusive control of the marriage laws, to that end that there shall be uniformity of practice, and that doubt shall not be cast upon the validity of marriages duly performed by authorized persons. Canadians will not remain content to have their marriage

laws made anywhere else than in Canada. \* \* \* \*

#### SIR WILFRID'S INCOMPLETE VIEW.

that the ne temere decree was intended to override the authority that the ne temere decree was intended to override the authority company of Canada for the year 1911. Sives proof of this on page 42, where he amount of the states that besides the Jewish and protest against any such interpretation. There is no such intention. The ne temere decree does not go beyond setting forth rules the total amount of new assurance in force in force monism, theosophy, spiritualism, and the temere decree does not go beyond setting forth rules the total amount of the was to have here in the set of the states of the total amount of assurance in force in the set of the s binding upon the consciences of Catholics. It is not intended to be a civil law. It is for the civil authorities, if they choose, to give civil effect to its provisions.

Mr. MACLEAN (York): But will the right hon. gentleman income of the company has grown to "To declare information or mere \$10,557,835, an increase of \$981,551, or hearsay to be fact, is to be ourselves say that the effect of the decree is not to affect the rights of the about 12.5 per cent., while the excess of untrue, for we are not in a position to

SIR WILFRID LAURIER: No. If a Catholic in the Province in 1911. Assets have been increased by may spring," (page 122). S5.736,095 and now amount to \$43,300,586, Mr. Mitchell proceeds of Ontario is married according to the provisions of the civil law while the surplus of the of the province, even the it be contrary to the provisions of the stands at \$4,417,073, or over 19 per cent. Ventional way on page 128, so that his ne temere decree, he is civilly married, his children are legitimate, and this marriage will carry all its effects. Is that plain? to policyholders during, the year fective as one might have hoped. But the Catholic who is married contrary to the provisions of the amounted to nearly half a million dol- appears to the unbiassed mind that it ne temere decree may be penalized according to the laws of his lars. Some of the principal figures was the child who must have been church. In his conscience he is outside his church. But, as I operations are: understand it-and I am sure I am right in this-it does not go operations are: beyond the conscience of the Catholic. In the Province of Quebec it has been understood that the civil authorities have given Assurance iseffect to the religious ordinances upon this subject. How far the sued and

civil laws of the Province of Quebec affect the question is now in controversy before the courts. Business in \* \* \* \* Assets

Is there any other disability? The World claims that there is a disability or discrimination in the Quebec act and we will try and make it Profits paid clear, and it is this:

The argument is that the ne temere decree was mainly promulgated to protect marriage, and above all, to prevent secret or clandestine marmue and Dundas-street last evening riages, and it seeks to prevent secret marriages by insisting on publicity. And very naturally, as a Catholic document looking to Catholic communi-And very naturally, as a Catholic document looking to Catholic communi-ties it says the way to get publicity is to appear in the parish church before the parish priest and before two witnesses and there have the marriage sol-emnized. That decree and this rule under that decree was made part of The community of the states is to appeal to minds altogether open and unbiased. emnized. That decree and this rule under that decree was made part of The appeal alone is almost sufficient to

Now for a moment let us leave this proposition at this point until we biased? But, says Mr. Mitchell, "I becan go to the decree Provida which prohibits the operation of the ne temere seech all who may read to believe ab in Germany and a few sentences from which we now desire to quote:

Nevertheless, as happens in all human affairs, it has occurred stand the meaning and spirit of the in places, especially in the German Empire, that ceitain grave and thoughts conveyed, that they may be of inconvenient results were connected with the aforesaid law, due true service to you as well as to to the lamentable and widespread division in religion and the daily others." increasing intercourse of Catholics with heretics. Namely, since inder control," he adds, with a proper it was the intention of the fathers of the council that the decree sense of the mind which is not Tametsi would not have binding force until it had been officially based as it might be. "He who cannot promulgated in each parish; since concerning many places it is read the contents of this book without doubtful whether this promulgation has been made: since it is fre- feeling grieved or disturbed condemns quently uncertain the law of the council is likewise obligatory upon non-Catholics dwelling in this or that place; as a result, the great-et diversity and dissimilarity of law has arisen in many localities. est diversity and dissimilarity of law has arisen in many localities ingly without any foundation in fact."

We do not believe clause 127 of the civil code of Quebec can together irrespective of any differences of religious belief. The easiest ties to withdraw the ne temere decree from Canada. We are glad to see

> SUN'S LIFE BIG YEAR This may be disputed as a non sequitur. But Mr. Mitchell girds himself. "Furthemroe, he who is not willing to discard his old or hereditary thoughts for the truth is dishonest with income in 1911 Was \$10,557,335, Increase of \$981.881.

himself; for he robs his inner self of Substantial increases in the amount the pure and true thoughts with which of business done, in income, assets he must build his just and wholesome of business done, in income, assets he must build his just and wholes he and surplus are shown in a report just settles on page 131 that there is no SIR WILFRID LAURIER: There has been an impression completed of the Sun Life Assurance knowledge without experience, and Company of Canada for the year 1911. Sives proof of this on page 42, where he

income over expenditure was \$5,180,452 prove the actuality from which such

proceeds to place the company cart before the horse in the usual conef-

Increase preserved the appetite, and had final-1911. over 1910, ly to be satisfied.

paid for .....\$26,436,781.19 \$2,924,403.38 clear that he has gone further than 



scare away the average reader, for which of us can truly say he is un-

\$3.00, for WREYFORD&CO.

Income ..... 10,557,335,52

penditure .... 5,180,452.99

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A Bit of Ancient History

course.

The person who commences the week with the knowledge that the past week's salary is gone, and with a mortgage on the coming one, has little, incentive to work, and as a rule, does not give value received to his employen. Open a savings account with this company. The four per cent, compound interest which we pay will assist the growth of the fund. Cockfighter was undoubtedly a good horse, and it may be of interest to state that the first and second in the greater horse horse whose reputation lives in trotting history, who was the champion of his

time and winner of the great match for f1000 a-side at Newmarket against Diamond. At the York Summer Meet-ing 1795, Sir Charles Turner purchased THE DOMINION PERMANENT --- LOAN COMPANY ---Beningbrough. Hambletonian, and Oberon for 3000 guineas. A week or two later at Doncaster, Beningbrough upset the odds of 7 to 4 that were laid 12 KING STREET WEST . T

Where is Your

Salary?

on Bennington in a four miles match for f500, and on the same day Ham-bletonian won the St. Ledger. The for f500, and on the same day Ham-bletonian won the St. Ledger. The following day Beningbrough won the Doncaster Stakes and Hambletonian Dencaster Stakes and Hambletonian the Cup, and the day after that Ben-ingbrough won the Subscription Plate. them, listen eagerly, storing the de-tails to be told over and over again to There were only seven races at the meeting, and Sir Charles Turner won their sons and their son's s they are tribal traditions of the six of them. For the seventh he had post. As they talk the painter sits upon nothing running. This is almost equal the ground with his steer hide spread to "Ned" Smith at Beccles in 1857, when the ground with his trute before him and paints with his trute them. For the seventh he had

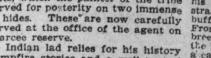
he won every race during a two days meeting with the exception of one in which he had nothing engaged. The idea of buying three such horses as Beningbrough, and of engaged for the horses he of animals stand for the horses he Oberon for 3000 guincas seems almost of animals stand for the horses he appalling in these days of f50,000 for, has stolen; a galioping horse with a one horse. Hambletonian was beaten man on its back suggests the story of only once, when he bolted out of the a wild flight across the prairie before pursuing enemics; a flag may mean a bloody battle won; a tadpole-like mark course. What Sir Harry Vane, in whose colors he first ran in 1791, when Vane, in he won the Doncaster Cup, gave is not a scalped Indian. The figures are very stated. The racing jacket of Sir\*crude, the drawings no better than Harry Vane was lilac body, yellow those a four-year-old child makes on sleeves and black cap, and it is the its slate. But some ingenuity is exer-same with Lord Londonderry now. cised in the grouping, and each sketch

Another entry is:--"Sunday, September 18, 1826-Lord tales which in time become history." Graham is to marry Miss Peresford." The following year Lord Graham be-came Duke of Montrose, and Miss Beresford was the identical Data (11)

Because as one might have hoped. If appears to the unbiassed mind that it was the child awho must have been didentified.
The following year Lord Graham bear tord graham bear the biggest herd of buffalo in the days of the biggest herd of buffalo in the days

### A PIANO AT 75c A WEEK.

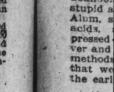
One by one the old men stand forth when one can buy a good square plano, Music in the home is easily attained es of their lives. They tell thrilling a sum ranging from \$50 to \$150, and in tales of their lives. They ten thrilling a sum ranging from 350 to this is the tales of the battles in which they have payments of 75c a week. This is the fought, of the scalps they have taken offer that the old firm of Heintzman and the horses they have stolen. These three achievements are regarded as the most honorable and valorous exploits of the making at the present time to clear a surplus stock of square planos, taken in exchange when selling their own.



Sweater Coats-For Men and Ladies ed, where a famous Indian interpreter greys, fawns, white, Regular 2.00 and painter meets the aged mer

before the people and recount the stor- guaranteed in first-class or

# 85 King St. West of the great men. Sometimes their meetings last several



lutely nothing written herein, but to seek rather to know and truly under-

All other qualities at reduced prices. Ribbed or Worsted Heather and 1.00 Black Half Hose. Special 5 pairs 1.00