

FITZ-RANDOLPH CASE FINALLY DISPOSED OF

Order Made Yesterday Dismissing the Libel or the Costs in Favor of Respondent.

OTHER PETITIONS BEFORE COURT

Made up a Fairly Heavy Docket—Returned Soldiers Figured in Several Cases as Petitioners.

Prediction, July 6.—In the divorce court, which opened here this morning, an order was issued by Mr. Justice Crockett dismissing the libel in the case of Charles Fitz-Randolph, formerly of this city, and now of Montreal, against Mrs. Elizabeth Fitz-Randolph, formerly of this city, and now residing with her sister, Mrs. Whidden, Graham, New York. This action was taken when P. J. Hughes, of this city, on behalf of the defendant, moved for judgment to dismiss the libel. The court ordered that the libel be dismissed with costs, such costs to be the costs of the second trial and not to include the costs of the first trial and all amounts previously paid to be deducted.

This is brought to an end what is probably the most sensational case which ever occupied the attention of the New Brunswick courts. Apart from the interest which was created by reason of the social position of the parties concerned, it was the first case of the kind to be heard by a jury in this province, and it was further notable for the stubbornness with which each succeeding step was contested by either side. Mrs. Fitz-Randolph, the respondent, was fortunate in having the services of two of the most brilliant members of the bar in this province, the Hon. J. B. M. Baxter, K. C., ex-Attorney-General, and Mr. P. J. Hughes, a junior who has already made a reputation seldom achieved at so early a stage in a legal career. It is largely owing to their skilful efforts that the proceedings did not have been turned into a farce.

The case of James Hilary Carson vs. Ernestine Carson was taken up and will be continued this afternoon. J. King Kelley, K. C., appeared for the plaintiff, and is moving for trial. The plaintiff is of Hampton, N. B., and the defendant of Lewiston, Maine. The two were married by Rev. E. P. Deussen, of St. John, and separated in May, 1918. The plaintiff enlisted in the 9th Siege Battery and stopped his assigned pay to his wife on account of her conduct. On June 3, 1918, she is alleged to have been a party to a bigamous marriage with Fred W. Carson at Hampton, then being known as a married man. The witnesses called in the case were Margaret Carson, R. W. L. Tibbitts, Rev. J. F. Rowley, Leo Melinger, Fred W. Carson and the plaintiff.

At the conclusion of the evidence immediate judgment was given that a decree of a vinculo matrimonii issue. The case of Lena Wilson vs. Thomas in the case was taken up and her defence was conducted by Mr. Crockett. The case of Thomas Whitten of the city of St. John vs. Matilda Whitten, of Saint John, was then taken up. The plaintiff, defendant and the case were married by Rev. Thomas Drummond, on July 20th, 1911, at Campbellton and removed to St. John, living there until January, 1912. In August, 1914, the plaintiff enlisted with the 1st B. A. C. He returned on a furlough to Canada in April, 1918, and remained in this country until September, when he returned to England and volunteered for service in Russia with the 6th battery. He was discharged in July, 1919. The defendant contracted a bigamous marriage with St. John with Francis W. Fulton, under the name of Nellie Demoreau, and is alleged to have given birth to a child by him. Adultery with divers persons is alleged. On the 14th of August, 1914, the plaintiff moved for trial and two witnesses, the plaintiff himself and Dr. Harold S. Clark were called to the stand. Dr. Clark testified that he had attended the defendant during child birth and stated that she was then living under the name of Fulton.

In the case of Parker vs. Parker, G. E. Logan on behalf of the plaintiff moved for trial. The plaintiff himself and Dr. Edward Loggie were called to the stand. The plaintiff stated that he and the defendant were married in July, 1914, by Rev. L. J. DeLustad. He enlisted in the 14th Battalion at Digby, N. S., and went overseas in March, 1918, being transferred to the 24th battery in France and later to the 26th Battalion. He returned to Canada in May, 1919. The defendant is alleged by him to have contracted a bigamous marriage with Alexander Cleveland Rathburn, of Hampton, in October, 1918, and of having lived with him in adulterous intercourse. In May she was arrested for bigamy, convicted in St. John and was allowed her liberty on suspended sentence. On September, 1919, she gave birth to a child and he alleged that Rathburn was the father. At various times while the plaintiff was overseas he alleges that she committed adultery with different parties. Dr. Edward Loggie was called and testified that he had attended the defendant during child birth and that she was then under the name of Rathburn. Mr. Justice Crockett ordered that decree "A vinculo matrimonii" issue immediately. The case of Paulkner vs. Paulkner and Stevens vs. Stevens were stood over as remanents until the next term. In the case of McAvoy vs. McAvoy, and Kinsdale vs. Kinsdale, G. E. Logan, on behalf of the plaintiffs, moved that the hearing be given in St. John, which was granted. The case of Kinsley vs. Kinsley was entered.

SIR THOMAS WHITE REFUSES TO CONSIDER LEADERSHIP

Tells Canadian Press His Health is of Paramount Importance and Will Not Permit Him to Accept Office.

Toronto, Ont., July 6.—(By Canadian Press.)—Sir Thomas White definitely stated tonight that he could not accept the leadership of the government even if it should be offered to him. He arrived here this evening from Muskoka and is on his way to Ottawa where he has been asked to act as a private councillor and member of parliament to confer on the political situation.

To a representative of the Canadian Press he repeated the statement which he has made on several previous occasions that he was not a candidate for any office in the government and that his name was not available for consideration. He said that he retired from the government a year ago on the basis that his health had been seriously impaired by the continued strain of his official duties. He would not allow himself to be considered for any office, business or financial consideration to stand in the way of public duty but with the matter of health it was different as the public interest itself was involved. It is clear that he does not regard himself as physically fit to undertake the heavy duties and responsibilities of the premier, even if the post had been offered to him, which he made very plain was not the case.

Sir Thomas added that he was confident that an acceptable leader would be found within the personnel of the present cabinet, and he will be prepared to support loyally the new leader.

French Sympathetic To The Canadians

Wife of Canadian Commissioner Says Canadians Popular in Paris—Madame Le Roy Lived Nine Years in Paris—Will Visit Old Home in Calgary.

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By LYDIA K. COMMANDER.
London, July 5.—For nine years M. Philippe de Roy, of Quebec, has been the Canadian Commissioner in Paris, and for the first time in all these years his wife, Mme. de Roy, who is a Canadian from Calgary, is returning to her native land for a four month visit. She is taking with her the four youngest of her children, two boys being already in Canada, in school. I saw her at the Grand Central Hotel, the evening before she sailed, and although at first she would speak only of her husband's work and service to the Dominion, I finally persuaded her to tell me many interesting things of Paris and the life there as seen by the wife of the Canadian representative.

"Paris is a pleasant place for a Canadian to live in," said Mme. de Roy. "The French are very sympathetic to the Canadians, perhaps especially to the French Canadians, but really to all Canadians. They always liked the Canadian colony. They were very fond of the Canadian soldiers, and since the armistice, they are particularly grateful to Canada for her fidelity to them. M. Gabriel Honsiaux, President of the France Armistice, told me the other day that since the armistice, Canada has been the most faithful of all countries in sending assistance to France."

"Naturally we meet all the Canadians who go to Paris. They call at my husband's office and we see them at our home. We receive every Sunday. We never have fewer than fifty callers, and sometimes nearly twice that number. During the war there were only soldiers, but of course now the civilians are returning, though as yet comparatively few have been able to find apartments. Ours is an interesting and delightful place. We constantly meet the finest type of Canadians, and they are from all parts of Canada so widely separated that ordinarily we would never see many of them. In general, Canadians in Paris meet one another more than they do in London. Here their homes are more scattered; there they live closer together."

"Do you think," I asked, "that French Canadians feel in visiting France that sense of going home that is felt by English Canadian visiting England?"

"It is hardly the same thing," replied Mme. de Roy. "There is no doubt French Canadians are very fond of France. On the other hand they really love England. They have been so long associated with Britain that they have grown to love her. Some French Canadians have told me they were happier and felt more at home in England than in France."

"But I think the French Canadian's deepest love is for Canada as it is his own country. Perhaps that is a heritage from his French ancestors, for I think the people in the world are so deeply patriotic as the French. In France love of country is an absorbing passion. But also, we must remember that there are more 'real' Canadians in the French section of Canada than in any other part. By 'real' Canadians I mean people whose fathers and grandfathers were born in Canada. I am a 'real' Canadian, as are my husband and children. My family have been Canadian for a hundred years, and my husband's family for longer. Canada is our country and our children's country. We are 'real' Canadians."

Mme. de Roy spoke earnestly, and she entered for next term and the case of McDonald vs. McDonald was not entered.

COMMISSION WILL BE SENT INTO RUSSIA

Berlin Labor Unions to Investigate Possibilities of Russo-German Trade.

EMIGRATION SKILLED WORKERS IS URGED

Advocate Cut in Eight Hour Day and No Overtime to Prevent Unemployment.

By A. B. CONGER.
Copyright, 1930, by Public Ledger Co.
Berlin, July 6.—The Berlin Federation of Labor has accepted the Russian invitation to send a commission to Russia to investigate the possibilities of developing Russo-German trade and the emigration of skilled German labor to Russia. The expenses of the commission of three, headed by the Radical Socialist Rusch, will be borne by the Berlin labor unions, and the body is expected to spend several months in Russia.

Radicals in the federation are confident the investigation will uncover extensive supplies of food and raw materials at moderate prices for Germany, but the moderate element is likewise in the proposal. The question of opening for German skilled workers in Russia to place industry on a modern footing, which long has been a favorite topic of discussion between bolsheviks and their German sympathizers, has been stressed of late owing to the prospect of extensive unemployment in Germany as a result of the expected period of industrial bustness, depression.

The federation has determined to arrange a great demonstration of Berlin labor to call the attention of the government and employers to the necessity of measures to prevent the closing down of factories wholly or partly. The federation proposes the reduction of the present eight-hour day and the prohibition of overtime work. Some relief will be afforded by the reported intention of the Russians to order in Germany large quantities of agricultural machinery, building material, furniture, etc., for the devastated regions, chargeable to the reparations account. That plan, if confirmed, will relieve the situation in many factories which are now suffering from a stagnant market.

DIED.

BARBOUR—At her home, No. 99 Hazen street, on July 6th, Elizabeth L. Barbour, wife of the late George L. Barbour.
Funeral from her late home, No. 99 Hazen street, Wednesday, 2.30.

FUNERALS

The funeral of Mrs. Mary E. Oram was held yesterday afternoon at two o'clock from her late residence of 102 Central street to Cedar Hill for interment. Rev. J. C. B. Appel conducted the services.

Enthusiastically. One felt her intense patriotism, her warm loyal love for her native land, young Canada, already read of her forefathers.

"But we are happy in France," she went on. "I love Paris and the French. To live in France one must always be polite. Remember that one rule and all life runs smoothly. The French are incapable of opposing courtesy. This fact makes service on every hand delightful. True, at present conditions in Paris are very trying, but that is because it is so crowded. I find London quiet and unexciting after Paris."

"The Servant Problem."

"Housekeeping here is more difficult than before the war," I explained. "The servant problem has really invaded England."

"Naturally," was the response. "Service in England used to be perfection—from the point of view of the servant, but it will never be the same again. The mistresses are learning now the principle of 'live and let live,' and it is a hard lesson. It is the same all over the world. Well-to-do French women are now doing many things which they never did before. Before all else the French are an economical nation, and the French woman of today is making her dresses, and hats, and blouses, and assisting in household duties. She takes regular lessons in all branches of housekeeping, and is thoroughly efficient."

"Do you think," I questioned, "that these newly trained women, like the always experienced Canadians and Americans, make more considerate mistresses, because they have more practical knowledge of housework?"

"I think that is doubtful," replied Mme. de Roy. "A mistress who cannot serve herself must accept what service she can get, but the competent mistress is critical and generally expects more and better work."

"The fact is, the whole world is changing; people all over the world are growing freer, more capable and more independent. That is as it should be. Certainly it makes every nation more congenial to the children of a strong, free, young country like Canada."

"Never before have I seen human beings in such abject misery due to the imbibing of rank poison!"

"Never before have I seen a man suffer so much agony before death took place from drinking diluted alcohol!"

"Never before have I seen men absolutely unconscious of their surroundings, and beyond possibility of arousing for days at a time due to recently acquired drug addiction!"

"And I presume that I have seen no more than my share. What is to be the result? If the present state of affairs is allowed to exist. Who can say? May it not substitute one form of intemperance for another?"

MILSON'S FLY PADS
MADE IN CANADA
STICKY TO CATKIN
Clean to handle. Sold by all Druggists, Grocers and General Stores

MEN WHO KNOW



THE DOCTOR.

Many of us live on the surface of things, going along in our smug, self-satisfied way, judging all men by our own standards without knowledge very often of terrible tragedies in the lives of men and women working by our very side. But there is one man who is brought squarely face to face with the vital issues of life, who knows much—but does not publish to the world—of the inherent weaknesses of mankind. Laid bare to him are the secrets of the confessional and vouchsafed to him is the miracle of the healing touch. The famous painting reproduced above fairly breathes the trusting spirit in which THE DOCTOR is held.

With this conception clear to them, how can the people of New Brunswick really question the good faith of the leading members of the medical profession when they protest against the injustice, inconsistency and actual harmful effect of the New Brunswick Prohibitory Act?

WHAT DO THE DOCTORS SAY?

Dr. J. S. Bentley

Dr. J. S. Bentley, president of the N. B. Medical Society, at the 1919 convention in the course of an address said of the use of alcohol:

"Consider the external use alone, which plays so great a part in the care of bed cases. In the past such alcohol was simply purchased from the dealer and no one heard anything about it. Now it is necessary to have a prescription for the smallest quantity, and a new prescription for each replenishing."

"We all know that many of our patients had to keep on hand whiskey or brandy for various conditions of syncope, heart failure, shock, collapse, etc., but this, too, was obtained from a licensed dealer and never came to our notice. And we have been, I think, surprised to find that the number for whom such stimulus is necessary is very large."

"Perhaps nothing has more forcibly brought to everyone's attention the great necessity for good stimulants for medicinal use than the recent epidemic of influenza; and I am of the opinion that the results obtained in this province for at least in this city—heart failure, shock, collapse, etc., as evidenced by the comparatively low death rate, and the small percentage of complications were in some measure due to the fairly free exhibition of alcohol."

"None will dispute its action in acute bronchitis and many cases of pneumonia; its usefulness in the early treatment of diabetes; its place in shock, collapse, heart failure; its effect of bridging over the summer diarrhoeas, and other exhausting effect in debilitating disease of other extreme of life; its happy result in some form of insomnia; its assistance during convulsions from the acute infection of diseases. These are but every day experiences of us all."

"Dealing with the working of the Act Dr. Bentley said:

"Have we not, to a great extent, been forced to discontinue prescribing anything but the original bottle? And even then has not a great proportion been of very inferior quality, and entirely unfit for the purpose for which it was indicated?"

"It is an offence to sell impure food to people who are well, it is certainly a crime to supply adulterated stimulants for people who are ill."

"As I write, the evening paper states that there were sixteen men before the court this morning charged with drunkenness. The hospitals and practitioners are treating many men suffering not from drunkenness but from acute alcoholic poisoning. And drug fiends are, I fear, becoming more numerous."

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Dr. L. M. Curren

Dr. L. M. Curren, spoke at the 1919 conference and said: "This prohibitory legislation has brought disgrace upon the whole country. People say that we are working for the downfall of the people, but I believe that we are working for their uplift. They have made us vendors of liquor; they have made us bar-tenders. The act only affects us in that it disgraces us. We have to treat this drug differently from any other drug. We are not helping people by this; we are only making dope fiends of them."

He described how he had seen a dope fiend groping around the streets on Tuesday evening, and he was reminded of a trip he had taken through the Chinatown of a city and had seen the opium fiends snatching pieces from garbage cans thinking that they were stealing something and getting away with it. He was told by the druggists that there were a great many more dope fiends in the city to day than there were before prohibition came into force.

"People think it a clever thing," he said, "to violate this act, and you will hear people about the street priding themselves on the fact that they had got a bottle. These same people would not think of violating other laws. We are taking this stand because we feel degraded, and we are merely giving vent to our feelings."

Dr. G. A. B. Addy

"It is a disgrace the way in which people talk about the profession abusing the Act and its practice in this province. The hereditary results of even the inebriate would fade into insignificance with the appalling debauchery in all its horrible phases of the disease, attributable to alcohol and upon which these enthusiasts attempt to throw the blame."

"Did we hear of lemon extract, vanilla, paraffin or shoe-polish as beverages before the adoption of the Act? What has brought them into use? They are now the poor man's beverage while the rich continue to draw from an almost inexhaustible supply of the best."

"What the public desire and what they will get if this prohibition Act is defeated, is a rigid, and a very rigid liquor Act, which will overcome the many deficiencies of the present one, recognizing the liberty of the subject, putting at bay the unscrupulous boot-leggers and the liquor profiteer, now protected by legislation, but protecting the interdict from an evil over which he has no protection."

Dr. J. B. Mackenzie

Dr. J. B. Mackenzie, of Foggville, said: "The act as it stands today is a disgrace to the medical profession and it is also a menace. He related an incident to illustrate the fact that it was a nuisance, and said also that sometimes the measures taken to 'spot' those who were selling liquor illegally was to say the least questionable."

Dr. J. M. Barry also spoke strongly against the legislation and made mention of the fact that within the last three or four months only one drunk in the city had been fined, whose intoxication was obtained through a doctor's prescription."

Dr. N. J. Nugent expressed his sympathy with those who favored some change in the law.

Dr. A. P. Crockett

At the 1919 convention Dr. A. P. Crockett as reported by the Daily Telegraph assailed the Prohibitory Act as one of the most disgraceful and outrageous inventions that human minds could create. He said that it was opposed to all the principles of democracy, for while our boys were overseas fighting for liberty, truth and freedom, the people of Canada deliberately enacted a measure that affected those boys very much without even giving them the least opportunity of having a say in the matter.

The Act, he said, may have been a makeshift for war time, but it is certainly an abomination to the country in time of peace.

Dr. Crockett's views are set forth at greater length in a letter appearing in the press during the present campaign. He writes:

"As a physician my lips are sealed, but were I to unfold my experiences of the past twenty-four years of active practice in this province the hereditary results of even the inebriate would fade into insignificance with the appalling debauchery in all its horrible phases of the disease, attributable to alcohol and upon which these enthusiasts attempt to throw the blame."

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"I am thoroughly convinced that the great majority in this and other civilized countries are temperance people. Why divide a party with one mind as to an ultimate object? Why the necessity for befooling an honest issue? Would it not have been more in the interests of real temperance to 'get together' and insist upon an Act which was workable and had the moral support of the public behind it than to alienate those of moderate views by legislation all too radical to be respected, the daily, yes hourly, violation of which brings the law in to ridicule?"

"It is not a question of temperance vs. intemperance but a question as to the best method of obtaining real temperance. We have had upwards of three years of 'prohibition.' As a physician I have seen it in all its nakedness. I am fully in accord with Padre Hooper, whose duties have brought him in touch with the very conditions in question and who should be in a position to speak with some knowledge when he says that real temperance must come through education."

"To my mind the un-British character of the Act insures its ultimate collapse."

Common Council Meeting Yesterday

Decided to Buy Both Shamrock and Armstrong & Bruce Properties—Enter Into Agreement With C. N. R. for Laying Tracks on Water Street—Other Business Transacted.

The City Council yesterday decided to buy both the Shamrock and Armstrong & Bruce properties and lease the latter to the North End Improvement League for development as a playground for the North End; to enter into an agreement with the C. N. R. for the laying of the two new tracks on Water street, and to further consider the Harbor Commission Act at a special session to be held at eleven o'clock this morning. A communication from the Trades and Labor Council asking that James L. Sigsbee be appointed to the Board of Hospital Commissioners was read and received. Mayor Schofield said he had been informed by a gentleman that the intended to make application for appointment on this Board, and the matter would be taken up after his application had been received. Commissioner Frink brought up the matter of a public incinerator, and stated he thought it was the duty of the Mayor to take the lead in this matter. The erection of an additional bathing house at the downtown will probably have to go over, as objection was taken to the amount coming out of the general revenue. The Commissioner of Pensions and Public Affairs reported payments for the month of June amounting to \$13,879.88; the Commissioner of Pensions reported the following departmental accounts for the month of June last, namely: Treasury Department, \$792.48; Harbour, etc., Department, \$3,611.11; Public Works Department, \$2,524.19; Public Works Department, \$3,774.49; Water and Sewerage Department, \$3,085.90. Adopted.

The report of the committee of the whole, as already published, was adopted, with the exception of that section relating to the erection of an additional bathing house at Indiantown. Commissioner Thomson objecting to the amount being taken out of general revenue. Commissioner Bullock withdrew the recommendation.

W. B. Lane wrote again about damage done to his property on Water street, claiming the city was liable. Referred to the Commissioner of Public Works.

A communication was read from the Trades and Labor Council calling attention of the Council to the recommendation that James L. Sigsbee be appointed to the Board of Hospital Commissioners, and stating that any other appointment would not be satisfactory to the body. Received.

The agreement between the city and C. N. R. for the laying of tracks on Water street was read. It provides for a yearly rental of \$300, for the planking of the entire area from the sheds to the east side of the tracks and the removal of snow, the keeping in repair of the planking, that the tracks shall be laid at an elevation provided by the city engineer, that the street shall be kept in good condition, that all cars shall be moved at the will and pleasure of the commissioner of harbors or his deputy and may be terminated by either party on three months' notice. On motion of Commissioner Bullock it was approved and ordered executed.

Mayor Schofield reported and recommended the purchase of both the Shamrock and Armstrong and Bruce properties, the former at \$7,000 and the latter at \$10,000; the latter contains 33,485 square feet and the former 650 by 290 feet. That the Armstrong and Bruce lot be leased to the North End Improvement League at a nominal rental for the purpose of developing a playground for the purpose of the city. He pointed out that the Shamrock grounds was needed for the purpose of extending Metcalf street and the lower end had a large amount of rock which could be used for street making. Mayor Schofield suggested that when the rifle range was purchased by the city it would then have a fine site for an exhibition grounds.

The report was received and the recommendation for purchase adopted. Commissioner Frink called attention to the need for a public incinerator and claimed it was the duty of the mayor to move in the matter. A resolution to have such was already on the council minutes and it was time something was done. Mayor Schofield promised to look into the matter and report. He also called attention to the fact that the effort of R. W. Wigmore, M. P., to have an amount of money voted for the extension of the Victoria town Breakwater had failed and urged action on harbor commission.

The commissioner of water and sewerage was authorized to purchase a terra cotta pipe to the amount of \$1,000.

MOTHER!

"California Syrup of Figs"
Child's Best Laxative



Accept "California" Syrup of Figs only—look for the name California on the package, then you are sure your child is having the best and most harmless physic for the little stomach, liver and bowels. Children love its fruity taste. Full directions on each bottle. You must say "California."

These are the opinions of these men of superior education whose mission in life is to heal the sick. Are they to be trusted?

Vote AGAINST PROHIBITION and FOR WINES AND BEERS