

# The Standard

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ST. JOHN, N. B., SATURDAY, DECEMBER 16, 1911.

## FIRST FRUITS OF GOOD GOVERNMENT.

The Times reprints an editorial from the Toronto Star, with commendatory reference, on the subject of lumber duties, purporting to show that a lumber combine exists in the West and that on its representations the Borden Government, pandering to the trusts, has wrongfully placed a duty on American lumber, previously coming only into Canada free. The Star, according to the Times, "tells the story very well." As a summary of statements made by Mr. Knowles, Liberal member for Moosejaw, who moved for papers on the subject in the House of Commons, it will pass muster. The omission to supply any of the evidence submitted by other Western members, in rebuttal, and the absence of the clear and explicit statements of Mr. Reid, Minister of Customs, rob "the story" of any value and reduce it to the level of a fairy tale.

The facts may be briefly told. Mr. Knowles came armed with the report of a meeting of the Coast Mountain Lumbermen's Association held in Calgary on October 9, at which certain changes were made in the association's policy such as confining the output to one selling agency, reducing the staff of travellers, etc. Subsequently a delegation went to Ottawa to make representations to the Government that certain dutiable lumber, jointed and planed, which the Laurier Government had allowed to come in free, should be made to pay the duty required by the tariff. Mr. Knowles was highly indignant at a trust and a combine, and made the further charge that the Government by enforcing the duty had increased the price of lumber in the West where "good honest Canadians have to live in sod shacks because they cannot afford to buy the lumber." It was a harrowing story. The member for Moosejaw was quite worked up about it.

Now item 504 of the customs tariff covering this particular point reads as follows:

Planks, boards and other lumber of wood, sawn, split or cut, and dressed on one side only, but not further manufactured, free.

Item 505 reads:

Sawn boards, planks and deals planed or dressed on one or both sides, when the edges thereof are jointed or tongued and grooved, 25 per cent.

If the Borden Government on coming into office had taken some step to change the tariff arbitrarily or the Customs Board had given some order in violation of the tariff law, there might have been some grounds for the wild and fearsome charges of Mr. Knowles. The facts as disclosed by the Minister of Customs, I shall say in the contrary. For the first time in years the law is now being enforced. As a result of investigations, it transpired that the late Minister of Customs knew that lumber under item 505 was coming in free of the 25 per cent. duty, never submitted the matter to the Customs Board but winked at the wholesale smuggling that was going on. Mr. Reid told the House that when he referred the question to the board—a board appointed by his predecessor—they unanimously decided that lumber planed on both sides must pay duty.

Mr. Reid was in a position to supply Mr. Knowles with a complete answer to his charges and he did it very effectively. "I want to tell the hon. gentleman and the farmers in the West," he said, "that there has not been any change whatever or any other interpretation placed on the items in the tariff by this Government or by the Customs Department, or by any member of this Government since we came into power, and we shall give the farmers in the West every advantage we can under the tariff; but if the hon. member is willing to admit here that my predecessor in office winked at smuggling into this country, and was willing to see the laws violated, while I fill the office of Minister of Customs, I shall see that the law is carried out even although the statute was made by my predecessor."

The most damning feature of the whole dishonest business was the open and barefaced way in which the fraud was perpetrated. The Toronto Star and its friends the Times took very gingerly on this point. Quotes the Times:

"Dr. Reid overlooks the fact that much of the lumber which the combine is trying to exclude is not planed on two sides, but that on one side a fine saw is used. In every case where this is done the combine wants the importers worried by a sort of detective inquiry into the question whether the side is sawed or planed, and the combine's request is granted."

The reference to "the combine" is neither here nor there because, as has been shown, the law is on the statute book, placed there by the Liberals, and it is the duty of the present Government at this stage to carry it out. But the reference to "a fine saw" is another story. Mr. J. D. Taylor of New Westminister, B. C., gave the House some interesting revelations on this point. "So far as this being an accident or anything else than the plain evasion of the law," said Mr. Taylor, "one had only to go across to the American side and remain a day in any lumber centre to find out how this evasion of the law was practiced. We on the Canadian side were a laughing stock to the lumbermen on the American side. The American lumberman would refer with a broad grin to what they called the Canadian planer, which is a planer that gives a rough sawn effect to lumber which is really jointed and planed. With their usual shrewdness and enterprise the Americans have made this the Canadian planer so that it treats lumber in such a way that it appears rough sawn and thereby has been coming in free contrary to the border and they pretended to be no concealment, simply because they relied on the protection afforded by the Canadian Government, and did not realize that the protection which was given them early in September might be taken away in October or November. But while they were improperly sending lumber into Canada, were making their gibes against us, we were gathering material to proceed against them whenever we could get a Government which would administer the customs law free from political considerations. I think we have such a Government now."

There remains one further point in the Star's article to be dealt with. The article is headed "A Chance for Mr. White," and says: "There is a law on the statute book of Canada providing that when a combine exists and unduly enhances prices, the duty may be removed or reduced." The Minister of Finance is Mr. White. We accept Mr. White's statement that he is not a friend of the trusts and combines, and we look to him

to right this wrong, and to stand up for the Western farmer against the greedy lumber combine."

Mr. Taylor, in the course of his speech, dealt effectively with this cry that because smuggling had been stopped and the customs law enforced, prices had increased. "Let me point out," he said, "that the price of lumber in the North-West territories has been kept up, not by the Canadian manufacturers but by the American selling agents, the men who have a combine of their own and have been holding up this lumber, which they have been allowed to bring into this country free of duty, to the full price of the lumber of similar grades produced by our Canadian mills. The customer has not received any benefit from this evasion of our customs law." Mr. Taylor added that the lumbermen when in Ottawa offered a guarantee, if the law were enforced, to turn out 3,000,000 feet per day, with the assurance that there should be no increase in the price following the request to the Government.

"Is the new Finance Minister a friend of the trusts?" asks the Times. "He has said that he is not. But the test is coming at once, a sharp, decisive test that cannot be evaded, and the result cannot be concealed or misinterpreted." If the test referred to by the Times consists in enforcing the law against an American combine which had reduced smuggling to a fine art, with the full connivance of the late Administration, we are inclined to think Mr. White, Mr. Reid and the Borden Government have in this incident fully measured up to the expectations of the people of Canada who elected them.

## THE MARRIAGE LAW IN QUEBEC.

Arguments of counsel for Dame Hebert in the now celebrated Quebec marriage annulment case, arising out of the No Temere decree, present several features of general interest. The suit is being tried before Mr. Justice Charbonneau in Montreal and has already occupied the time of the court for several days. An Elizabethan statute has been one of the new points submitted and may have considerable bearing on the settlement of the case. This act, which was passed in 1558, is cited to show that no foreign prince, either temporal or spiritual, could "enjoy, use or exercise any manner of jurisdiction, superiority, pre-eminence or privilege within the realm or within any of Her Majesty's Dominions or countries." It distinctly forbids that the decrees of a foreign potentate shall have authority, force or effect in the British Dominions, and was declared by the Imperial Parliament in the Index of Statutes as recently as 1895, to be still in force.

Replying to the contention of the plaintiff that this statute is without effect in Canada, counsel for Dame Hebert maintain that whatever privileges were accorded to the Catholics of Quebec were subject to the King's supremacy according to the wording of the Quebec Act, itself. Hence by this provision in the Quebec Act, the statute of Elizabeth already referred to was continued in effect in Canada, and hence a decree of the Pope could not be considered as valid in this country. As a consequence the decree of the Pope, could not be maintained.

In the course of this argument the judge raised a point that the No Temere decree being Canon law was not unconstitutional, since it governed members of the church alone. Following the argument of counsel to an apparently logical conclusion, he said, even the exercise of the Catholic religion in the Province of Quebec, was his country to law—which could not be organized. He pointed out further that there could be no organized religious body without authority and that the adherents of no religious community could remain such without obeying the laws of that community. Thus the Catholic Church could and did enact laws whose one end and object was the preservation of the welfare of the community.

Counsel for Madame Hebert agreed, to this contention, provided such laws were not contrary to the statutes of Canada or any country in which they were promulgated. He closed his argument on this point in a lengthy reply to the effect that the Catholic Church, as such, could have no status as a court, in a British Dominion, and that, therefore, the decree of the Pope, and the subsequent ruling of the Archbishop based on that decree, were without effect.

Another point in the argument dealt with the question whether two Catholics could be married only before their own cure or parish priest. Madame Hebert's counsel denied the exclusive competency of a Catholic priest to officiate at a marriage of Catholics, and contended that if such a condition of affairs be made applicable to all the officers recognized as competent to officiate at marriages there would be no provision for the marriage of Buddhists, Mormons, Confucians, Mohammedans and Christian Scientists, as no ministers of those cults were recognized as ministers of marriage as far as the Province of Quebec was concerned. On the other hand, none of the officers authorized to solemnize marriage could be compelled to do so. This seemed to indicate that where an impediment, in the eyes of a certain church existed, the party desiring to contract marriage, could go to another church. Otherwise it would be inferred that a person with such impediment, excluding the natural and other impediments admitted in civil law, could not marry at all.

An exhaustive discussion of the historical side of the question, replete with technicalities, was also presented to the court, in which Roman law, French law, British common law and the law prevailing in the Province of Quebec before the Cession in 1760 were passed in review. It was argued for Madame Hebert that under all these laws the one great essential for the validity of marriage was the mutual consent of the contracting parties; that Catholic priests officiating at marriages in the Province prior and subsequent to the Cession acted simply as officers or witnesses on behalf of the State in the matter, and that consequently, all attempts to read into existing statutes exclusive powers for Catholic clergy to officiate at the marriages of Catholics could not be based on the contention that such exclusive privilege existed prior to the promulgation of the present civil code.

It may be noted that Mr. George V. Cousins and Mr. Arnold Wainwright, the counsel for Madame Hebert, are taking a position in their line of arguments in direct contradiction to existing jurisprudence in the Province of Quebec and their task, for that reason, is by no means a light one. Judgments by Mr. Justice Jetté and Mr. Justice Levesque, in two famous cases, are against them. They take the ground, however, that an extraordinary error has crept into the jurisprudence of the Province, as exemplified in previous rulings, and that it is in the interest of the people generally that the alleged basis of these rulings should be thoroughly examined.

An unusual feature is that the proceedings are being held under reserve, the attorneys for Mr. Hebert, Mr. St. Germain and Mr. Lefebvre, having entered an opposition to the re-opening of the case. Their claim is that as Mr. Hebert entered a desistment to the judgment rendered by Judge Lacombe, and has, therefore, renounced what rights accrued to him as a result of that judgment, and moreover as Dame Cloutier has also entered consent to the desistment, the matter cannot be legally re-opened before the courts. Both attorneys announced that they would take no part in the proceedings and on the opening day left the court in protest.

(Bobcaygeon Independent.)

The law courts are now wrestling with the question whether old man Fraser of Midland late gentle decay or gentle despatch. About all that is fairly certain in regard to the old man is that he had some money and the courts will get it.

## STEAM HEAT MARS THE BEAUTY OF THE LATE CALIPH'S NIE

New York, Dec. 15.—Steam heat is deadly on delicate skins. All the beauty books say so. This steam at the Museum of Natural History has played hide-and-seek with the hide of Caliph, the Central Park Hippopotamus, who passed away a year or so ago and was stuffed with plaster. His complexion was an inclined when it was exposed first in the African department to the radiator-dried atmosphere.

It did not take long for the sirocco-like breath of the place to attack the velvet skin of Caliph. Just now he is chapped along both sides. The chapping and flaking required has been let by the cubic foot, and the repairs to the face alone will amount to a sum which would be a severe strain on the lion factory to supply the demand.

There will be no better with Tip, the famed pachyderm, late of Central Park, whose skin is mostly assured and whose complexion will have to be drawn around him again in several places. Tip and Caliph may be dead ones but they have not been a long time so. They are infants compared with the mastodon, who may have been two or three millions years in some glacial discard. Even fossils do not seem to be able to withstand this modern day steam heat.

Caliph will be put in a glass case after his skin, in which his beauty is so thinly invested, has been resurfaced. Tip will have a little repainting and the mastodon has been having a few restorations in his impressive facade.

There will be a withdrawing of radiators about the museum before long for the temperature is too tropical and too dry. The plans for the new wing of the building are being revised so that there will be some means of hydrating the air to take the curse off the steam. It has been found that a little moisture is essential, even to keeping the complexion of human beings intact, and although the effects are less sudden on fossils they seem to be marked in the course of time.

Dr. Frederick Lucas, the director of the museum, is contemplating having more attention paid to the tanning of the skins of specimens with leather hides. The buckram binder for works in constant use is considered more desirable, and likewise Tip and Caliph would last longer if they were bound in buckram.

## WOODEN AMMUNITION.

Three years ago civil war was raging between two Afghan tribes, the Al Khel and the Mala Khel. The latter tribe built great hopes of success in a campaign of such size that 160 men were required to draw it. A Sikh, trained in a British battery was engaged to work the gun, on the understanding that he received 30 rupees every time he hit the village fort of the foe. This did not prove remunerative, for according to the witnesses, the ammunition consisted of "olive wood balls bound with iron bands which have a highly eccentric flight and are calculated to do about equal damage to friend and foe." After a three days' bombardment, in which the fort was hit only three times, the hostilities came to an end.

## DREAMSTICKS

YES CHARLEY WAS ALL SET IN HIS GLAD RAGS AND WAS ABOUT TO BEAT IT TO THE PLAY WHEN THE PHONE RANG. THE VOICE ASKED HIM THIS, "IF THE CORN-COB-PIPES WILL THE BARN-DANCE?"

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Local Examinations in Theoretical music for six grades will be held on April 12th, 1912. Examinations in Practical Subjects will be held about a month later. Application forms, filled in and accompanied by fees, must reach the Central office in Montreal on or before April 1st, 1912. Forms and fees copies of the Official Syllabus containing full information as to the Local Examinations, may be obtained from the Local Secretary, Mr. D. Arnold Fox, 183 Princess St., St. John, or from the General Secretary, Mr. H. J. Macdonald, 100 St. John St., Montreal. Information about the Yearly Examinations for Diplomas of Licentiate and Degree of Mus. Bac. can be obtained from the General Secretary, Montreal. The Examination Board, on application being made, will be glad to consider any additions to the present list of Local Centres.

## BOY FREED AS INNOCENT.

Charles H. Lee, fifteen years old, of No. 207 East Seventy-fourth street, who was arrested Saturday after he had called for a package from Tiffany's which had been delivered to K. Van Rensselaer at his home, No. 39 East Sixty-fifth street, was discharged in Children's Court yesterday by Justice Olmstead. The Court decided that the boy had not been trying to steal and was telling the truth when he said he had been requested by a man to call for the package.

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Cloth Bound Alger and Henty Books, Regular price 25 cents Our Sale price, 19c.  
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