

THE MARRIAGE CASE BILL BEFORE SUPREME COURT NOW

The Issue Before The Court—Legality of Provinces Legislation Questioned

(Canadian Press.) OTTAWA, May 27—Whether it lies within the legislative competency of the federal Parliament to enact a law on the subject of marriage is the vital question involved in the reference of the Dominion Government touching the Lancaster bill, the argument of which began in the Supreme Court this morning and may last all the week.

Herebefore the Provinces alone have legislated on the solemnization of marriage. A considerable agitation followed the promulgation of the Ne Temere decree and probably was the cause of the introduction of the Lancaster bill.

This provides that any marriage in Canada performed by any authorized person shall be valid without regard to the religion of the officiating clergyman or officer, or to that of the contracting parties.

SERIOUS questions have arisen as to whether or not such a bill could be passed by the federal Parliament, considering the provisions of the B.N.A. Act, the Government has asked the court for a specific pronouncement on the constitutional question involved.

The Province of Quebec disputes the jurisdiction of the court to hear the reference at all. Edmund L. Newcombe, K.C., Deputy Minister of Justice, appeared for the Minister of Justice.

The promoters and opponents of the bill, the Provinces of Quebec and Ontario are represented by counsel, but no other Provinces are represented. A lengthy argument was heard.

THE SPOKE CASG. KANSAS CITY, Mo., May 25—The third trial of Dr. B. Clarke Hyde, charged with the murder of Colonel Thomas H. Swope, is scheduled upon the docket of the criminal court to begin next Monday.

At the first trial, in the spring of 1910, Dr. Hyde was found guilty and was sentenced to imprisonment for life, but a new trial was granted, which came up last year. Hyde's second trial ended abruptly when Harry Waldron, one of the jurors, escaped from the marshalls.

The third was to begin on January 2, 1912, but at the request of the prosecution it was postponed until May 27, in the hope that by that time Senator Reed would be at leisure to give his attention to the case.

Dr. B. Clarke Hyde had been under suspicion in connection with the mysterious illness and deaths in the Swope family ever since the death of Colonel Thomas H. Swope on October 19, 1910.

It was proved at the trial that Dr. Hyde had purchased cyanide of potassium in five-grain capsules. Dr. Hyde claimed he bought the cyanide capsules to kill roaches in his office.

RESULTS OF THE QUEBEC RECOUNTS

(Canadian Press.) QUEBEC, May 27—An official recounting of the votes given in the last provincial election in Dorchester Co. resulted in the election of Dr. Morisset, Liberal, by a majority of 26.

The recounting in Berthier changed the victory of M. LaFontaine, Liberal, into a victory for Dr. Gaboury, Conservative, by a majority of one.

NEQRO BURNED. TYLER, Texas, May 25—Dan Davis, a negro, was burned to death at a stake in the streets of Tyler early today, after he had confessed to criminally assaulting Miss Carrie Johnson of this city a week ago.

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MOORS ATTACK CITY OF FEZ

(Canadian Press.) FEZ, May 27—By wireless to Tangier—A strong body of Moors made another fierce attack on the city this morning. Some got inside the walls but were dispersed or killed.

The French lost one officer killed and thirty soldiers killed or wounded. The Moorish casualties were heavy.

A REMARKABLE DISCUS THROW

(Canadian Press.) NEW YORK, May 27—Jas. H. Duncan, the unattached local athlete, not only broke the world's record when he threw the discus 156 feet, 1 inch, from the Olympic circle at the Post Office Clerks games yesterday, but he did it with a discus weighing 4 lbs. 7 1/2 ounces or 1 1/2 ounces over the required weight, according to the official announcement by the Chairman of the record committee today.

PROVINCIALIST PASSES AWAY IN EVERETT

(Special by Phone.) SUMMERSIDE, May 27—Mrs. Kim, 87 Side, received word today of the death of her brother-in-law, John McRae, Everett, Wash., and formerly of P.E.I. The late Mr. McRae, who was 62 years of age, succumbed while undergoing an operation for intestinal trouble. He was a native of Bonshaw and had taught for several years in Summerside. His wife was formerly Miss Lydia Morrison of Tryon. Three daughters and two sons survive him, also one brother, Alexander McRae of Emerald J.

BALLOON DESTROYED

LEPSEIG, Germany, May 25—The dirigible balloon Parseval VI, was completely destroyed here this morning, by being torn from her anchors by a squall of wind. One of the soldiers on guard near the balloon, was injured by flying tackle.

The Parseval VI, had arrived only this morning, and had been anchored in an open field. The flexible dirigible balloons of the Parseval type have been almost as unlucky as the rigid Zeppelin dirigibles. Parseval VI, which was destroyed this morning, had already met with several accidents.

FRENCH CRUISER ARRIVES. CAPE HAITIEN, May 25—The French cruiser Descartes has arrived at Port au Prince to support the protest of the French Government against the decree expelling Syrians from this country.

Hayti refuses to concede the French demand for a detente in the execution of the order, and the Syrians have asked England and America for assistance. The French protest is condemned unanimously by the citizens of Hayti, and also by all the foreign merchants here.

CONDENSED ADS TOO LATE FOR CLASSIFICATION

Half cent per word each insertion in this column. Cash must accompany order and five per cent discount allowed. Minimum charge twenty-five cents.

WANTED A GIRL AT THE MORNING HOUSE. LOST IN THIS CITY, GOLD PIN engraved "Muriel," Finder please leave at 249 Prince St. FRESH LOBSTERS EVERY DAY at Stewart's Restaurant, 103 Queen St.

ACTIVITIES OF FLEETS THIS YEAR

Programs Mapped out By the Powers For Training in War Vessels

(Canadian Press.) NEW YORK, May 27—A London cable says: The coming summer seems likely to witness the usual activity in the fleets of the principal powers, most of which will carry out their manoeuvres on a large scale. The British fleet as in other years will be placed on war footing at the end of June and the strategical work as well as the tactics of exercising in which it will be engaged will present features of exceptional interest and importance.

SUPREME COURT DECISION GIVEN

(Canadian Press.) WASHINGTON, May 27—The Supreme Court of the United States today affirmed the Massachusetts judgment by which Albert A. Bigelow of Boston is directed to pay the old Dominion Copper Mining and Smelting Co. \$2,100,000 as secret promoter's profits.

THE LAURIER BANQUET

MONTREAL, May 26—A feature of the Laurier banquet here Wednesday night will be the recording of the ex-Prime Minister's address by phonograph. Some of the records will be placed in storage vaults and others sent to the Ottawa archives.

A READY REMEDY. DUSHORE, Pa., May 24—With his clothing ablaze and death threatening, Dr. William Randall, a prominent physician of this place, took desperate chances in a leap for life from the top of a stone wall into the waters of Lycoming Creek.

THE TITANIC INQUIRY. LONDON, May 27—Eva Anstruther writing in the Westminster Gazette, says: Outside the hall, a couple of police commissioners or two, an old man selling evening papers.

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THE WEATHER AND THE TEMPERATURE

(Special to The Guardian.) TORONTO, May 28—Fresh south west winds mostly fair and warm with a few scattered thunderstorms.

MESSAGES EXCHANGED REGARDING SUPPOSED AMERICAN INTERVENTION

WALES LABORITES EQUAL SUFFRAGE

(Canadian Press.) MERTHYR, Wales, May 27—Walesman suffrage scored one of its greatest victories today when the independent labor party in annual conference here adopted a resolution declaring for equal suffrage and favoring legislation to that effect.

THE NEW JERSEY PRIMARY ELECTION

(Canadian Press.) NEW YORK, May 27—The New Jersey primary election tomorrow will bring practically to a close the spectacular campaign for the Presidential nomination that has resulted this year from the adoption by several states of the Presidential preference laws.

RECTOR NOT GUILTY. MOUNT VERNON, N. Y., May 25—In less than one minute a jury in Judge George C. Appell's court, Mt. Vernon, today acquitted a verdict for the Rev. George H. Houghton, But defendant in the suit of Mrs. Catherine L. Wetmore for \$1,000 damages for an alleged assault. Mrs. Wetmore is a member of St. Mary's Mission Church, Yonkers, of which Mr. Butler was in charge until he resigned a few weeks ago.

SALT LAKE CITY, Mich., May 27—Aiming from loopholes in a curtain five unseen marksmen poured a rifle volley into the breast of a blindfolded man seated in a chair in the death house of the State prison here. Steel nosed bullets ruptured the heart of the prisoner, Julius Sirmay.

ST JOHN'S VISITORS. ST. JOHN, May 25—St. John had as visitors today the members of the Portland Maine Board of Trade. They were given an auto trip through the city and nearby districts by the St. John Board.

MELROSE, N. B., May 25—On Thursday evening the N. B., and P. E. I. train came down for the Cape and landed at this station 40 bags of phosphate, or fertilizer. This was thrown out on the platform of the station and remained there all night in that down-pour of rain. The fertilizer, about 2 tons, is now worthless.

PARIS, May 27—The Compagnie Generale Transnationale announces its decision to establish a service of hydro-aeroplanes between Calais and Dover, to enable passengers to cross the Channel in about 15 minutes. The company announces also that the dirigible Astra will soon inaugurate the new tourist service above Paris and the surrounding country.

LONDON, May 27—Several anarchists have been arrested, at Rome, Bolzano, Milan and elsewhere, according to a Milan despatch to the Chronicle, in connection with an anarchist plot against the King's life. It is alleged that the plot was discovered through disclosures in prison, by Antonio Dalba, who attempted to assassinate King Victor Emmanuel at Rome, last March.

CHICAGO, May 25—The United States vs. "2,659 glass eyes." is the title of a suit brought in the Federal Court here by United States District Attorney Wilkerson. The action is in the form of a libel against the glass eyes seized by the collector of customs from a Chicago optical concern. The government charges that the eyes were smuggled.

HALIFAX, May 27—Sir Charles Tupper arrived in Halifax yesterday forenoon, bringing with him the body of his loved wife which will be laid to rest this afternoon in the family plot at St. John's Cemetery.

BERNE, Switzerland, May 25—King Manuel is staying here in a modest pension. He is very much amused at the stories about his leading an expedition across the Spanish frontier. He apparently came here to consult a famous nerve specialist and also to have a change of climate.

CHARLES HIBBERT. CHARLES Hibbert reached Halifax yesterday forenoon on a special train, which left Lewis Saturday forenoon, the night before having been spent at Quebec to afford opportunity for a rest after the sea voyage to Halifax. With him came Sir Charles Hibbert Tupper—William J. Tupper, and I. Stewart Tupper, having arrived the day before.

THE VETERAN STATIONMAN. The veteran stationman was met at North Street station by a few

SS LADY GREY NOW IN KINGSTON

(Canadian Press.) KINGSTON, May 27—Alex Johnson, Deputy Minister of Marine and Fisheries, arrived here today on the Government yacht Lady Grey. The yacht will remain until Friday morning when their Excellencies, the Duke and Duchess of Connaught, will arrive and proceed down the river.

JUNE THIRD A PUBLIC HOLIDAY

OTTAWA, May 26—Canada on June third, will celebrate the King's birthday as a legal and bank holiday. Its observance may be fixed by the day as a general holiday will as last year, be optional with the public, throughout the Dominion.

The statute states that the King's birthday shall be a holiday, but that its observance may be fixed by the Government for some other day. King Edward was born on November 9, but as that is a poor month, for holidays, he asked that it be celebrated on May 24. This was done throughout his life. King George was born on June third and he had communicated his pleasure to the Government that this day shall be observed as a holiday. Accordingly a proclamation will be issued, declaring June 3rd to be a legal holiday.

SHOT TO DEATH FOR MURDER OF A BOY

When the silent signal was given and the five rifles spoke at once, his bound feet plunged forward, the chair was pushed back with an upward jerk, the neck twitched, and the jaw of the dead man dropped into his open shirt front.

DRANK BUG POISON

KINGSTON, Ont., May 27—Mrs. Walter Coxall drank bug poison in mistake for medicine and almost died. Four doctors succeeded in pumping the poison out of her.

HANDSOME CHECKS!

NEW YORK, May 27—Each member of the Irish American Athletic Club team, which completed at the annual games for the benefit of the benefit of the Manhattan State Insane Asylum, last Saturday, is the proud possessor today of a check for one million dollars signed by one of the inmates.

U.S.A. vs GLASS EYES.

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KEEP MINARD'S LINIMENT IN THE HOUSE.

Minard's Liniment used by physicians

Taft allays Gomez' Fears as to America's Course

(Canadian Press.) JERSEY CITY, May 27—President Taft today sent a message to President Gomez of Cuba, saying he would not intervene in Cuba. President Gomez yesterday sent a cable to President Taft in which he protests in friendly but firm terms against intervention by the United States.

It is his duty to say that so serious a resolution alarms and hurts the feelings of a people who love and are jealous of their independence, he said, after reciting that he had received from the United States Minister Beaupre a note informing him that the Washington Government had ordered a gunboat to Nipe Bay and a strong naval concentration at Key West in anticipation of possible eventualities.

(Canadian Press.) WASHINGTON, May 27—President Taft today replied to President Gomez' telegram of yesterday regarding the attitude of the United States towards Cuba. He declared the United States Government activities in mobilizing war vessels at Key West and despatching them with marines to Guantanamo was not in any sense an intervening move.

He explained that the ships were merely there to protect the life of Americans and assist the Cuban Government if needed.

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friends. F. B. McCurdy's automobile was there for his accommodation and he proceeded to Armdale, whither the body of Lady Tupper was also removed.

HON G. E. FOSTER REGRETS MAD RUSH FOR MONEY

OTTAWA, May 25—Evelyn Wrench, of the London Daily Mail, founder of the overseas club movement, was banqueted by the local branch last night at the Grand Union hotel. The guests also included Hon. Messrs. Burrell, Crothers and Foster, of the Dominion cabinet.

Refuting the idea that the overseas club was Anti-American, Mr. Wrench said: "We are not anti anything; we are too busy consolidating our empire." The speaker thought that perhaps one day the club might help to consolidate the United States as an adjunct of Great Britain, instead of the United States making an adjunct of Canada.

Earl Grey was characterized as being the "fairly god-father of the club."

Hon. Mr. Foster in the course of a notable address, urged a turning point in the Canadian life for materialism and the mad rush for money-getting thru real estate speculation. Mr. Foster said that Canada is facing a serious peril. "We are in danger of cutting the connection between our future and the past history of our race and the world," he said, "We

are set down here in such a bewildering and fascinating wealth of material resources almost unimaginable that we run the risk of forgetting the past and immersing ourselves in money-getting features.

"You're getting rich by swapping houses here in the city of Ottawa," declared Hon. Mr. Foster. "If you set your minds on it too much you have made a mistake and lost the sweetness of contentment. The curse in the midst of Ottawa is the new wealth and this senseless extravagance of that new wealth. I would like to throw mildew and ashes on a lot. We are possessed with the idea of getting, because we hear of a man who bought a property for \$1,200 and then sold it for \$12,000. Every man that is so much poorer because of an astonishing rise in price, and every man will pay his share. Think of prices of land in Vancouver. What could be bought for \$1,000. Now it is now selling for \$100 a foot years ago is now selling for \$1,000.

"The people are no wealthier, but every man is paying more because of this inordinate rise in the price of land. The man who swaps houses

and land on account of the increase to which he does not add is not adding to the wealth of the land. "He should begin to modify this mad rush in wealth accumulation. Public service is the thing. Preach it in the clubs and home society, and do not make bodies mere clothes racks on which to accumulate garments for mere accumulating machines for adding money. This is not the purpose of citizenship. Minister to the good of somebody else."

TIDES, SUN, MOON AND LENGTH OF DAY

The tide will be high this morning at 8.13 and tomorrow morning at 8.57; it will be high tonight at 9.15 and tomorrow at 10.20. The sun sets this evening at 7.40 and tomorrow at 7.41; it rises tomorrow morning at 4.13 and Thursday at 4.13. The moon sets tomorrow morning at 3.13. The full moon will be Thursday, May 30. The length of today will be fifteen hours and twenty-six minutes. Ask for Minard's and take no other