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Simon Jocular With Hisley In Appeal Case

LONDON, July 16 (CP) — An unexpected ripple of laughter was heard in the august Privy Council when Viscount Simon asked Jocularly if a Canadian provincial government had the power to "expropriate" a bank or a post office if it stood in the way of a new provincial highway.

"Certainly not a post office. My Lord," laughed J. L. Hisley, former Canadian Finance Minister, representing the Canadian Government in an appeal brought by the C. C. F. Government of Saskatchewan.

"That would be much too federal."

"How about a bank?" Lord Simon pursued.

Amid polite merriment, Hisley was heard to say he did not think it was likely a bank could be so expropriated.

The humorous interlude occurred during a discussion of whether the Saskatchewan Government had the power to enact section six of its Farm Security Act designed to make a mortgage holder take the same risks as a farmer in respect of crop failures.

The argument presented by Hisley for the Dominion Government is that this section is beyond the provincial legislative powers because it related to interest—a subject for Dominion legislation.

He held that under Section 96 of the British North America Act a province could make laws affecting its agriculture provided they were not in conflict with Dominion laws.

"In this instance the legislation is in direct conflict with Canada's Interest Act," he said.

Hisley said he could not find support for the argument that interest in this case is merely "incidental" to the agricultural provisions of the act.

Today was the third day of hearing of the appeal against a Canadian court judgment finding the mortgage legislation unconstitutional.

Hisley, wearing the traditional wig and gown, was formally welcomed by Lord Simon in the Canadian's new capacity as Privy Councillor. Hisley was sworn in Friday.

"It used to be said a Privy Councillor could not appear before the Privy Council," Lord Simon said. "This is disproved by your presence here today."

The Canadian Government's main argument against the validity of Section six was its provision that in the event of crop failure the mortgagor or purchaser of a farm should not be required to make payment to the mortgagee or vendor during the period of "suspension."

"My submission is that the true purpose and effect of this legislation is to relieve the mortgagor of a financial obligation equal to the amount of interest he is obligated to pay, in effect to cancel the agreement," Hisley said.

Western Allies Consider Force In Berlin Crisis

(By J. M. Roberts, Jr., Associated Press News Analyst)

The Western Allies are considering the use of force to break the Berlin blockade.

The emphasis is still on the "considering," and no decision has been reached on this or any other possible counter-measure against the Russians. Nothing will be done in haste. A further diplomatic move or an appeal to the United Nations is likely to precede any drastic step. If no change in the Russian attitude occurs before cold weather, the question of breaking the blockade with armed highway convoys will become uppermost.

Another consideration is the possibility of matching Russian pressure in Berlin with counter-pressure elsewhere.

Wes Gallagher, Associated Press correspondent in Berlin, reports that these are the only two measures likely to have any effect.

Outside pressure on Russia would take the form of economic sanctions, such as quarantining her shipping in Allied ports, barring her from key waterways and interfering with her trade and diplomatic activities wherever the Western Allies are in control.

That would be "cold war" with a vengeance. But Gallagher quotes a top diplomat as saying "the Soviet Union killed diplomacy in the 19th century sense... they have gone back to jungle law and must be dealt with on the same basis."

The Allies have made their strategic decision — that Berlin will not become another Munich. Now, in considering tactics, they are coming more and more to the idea that to win short of war, some risks will have to be taken.

There are indications of regret that this was not recognized earlier in the Berlin game—that the Western Allies didn't shove the convoys through without ever acknowledging any Russian authority over them. Gallagher says there is every indication that the Russians would not fight now over the convoys. That chance would have been even better before the blockade became really effective.

In considering any drastic action the Western Allies still face the problem of unity among themselves. It is noticeable that war-weary France still is going along with Britain and the United States, is keeping very quiet. The French are fearful, and with some reason, for they are right under the guns. But the Western Allies realize the power they can apply in Berlin is no greater than the willingness of the most cautious member to use it.

One thing being watched closely is whether the Russians will make an attempt to extend their Berlin policies to Vienna. It is desirable, whatever the Western Allies are going to do, that it be done before there are any more complications.

There are advocates of a brief note to Russia now, advising her that at a certain time Allied convoys will start moving toward Berlin with tank support, and that we hope there will be no trouble. They believe, as Gallagher says now is believed in Berlin, that no peaceful solution of the eastern rift is possible until it is made unmistakably clear that such things as the blockade will surely lead to quick physical counteraction.

Washington Spotlight

By Clyde Blackburn
WASHINGTON, July 15 (CP) — The United States is witnessing a sort of spontaneous acceptance in wide circles that the democratic party is dying and will be buried next November and will be buried.

Now, after a somewhat unpleasant three days of bickering at the national convention in Philadelphia, the party has given President Truman its grudging nomination.

Kiss Of Death

It was a performance likely to put the kiss of death on Truman and, of course, many think it has done just that.

However, in the minds of many experienced observers here, Truman and democratic party supporters may surprise premature mourners.

The lambasting Truman has taken from his own party adherents has created a wave of sympathy for him.

Truman has little to apologize for in his three years as president. He inherited the presidency from a man who was a great national and international idol.

President Roosevelt had a fine cultural background; the benefit of wealth and education and, above all, a powerful personality and magnetic style of presenting himself to the public.

Of The Common People

Harry Truman was just a man of the common people, lacking higher education, untravelled and unskilled in social graces. He is an indifferent speaker. But he has the asset of simple sincerity, courage to take a punch on the chin and to return it.

His hand now is strengthened by the convention's bold and successful effort to write a straightforward civil rights plank into the party platform.

It was a narrow and holy-conviction party and seemed certain to split the party beyond repair. But it may mean millions of votes for Truman that would not have been won otherwise.

Civil Rights Plank

When the convention adopted a resolution making the civil rights plank a detailed declaration for the protection of Negroes equally with whites and even condemned the segregation of whites and blacks in the armed forces, it wrote the Truman civil rights program in its entirety, a policy the republican-controlled congress refused to adopt and over which the southern democrats were prepared to wreck the party.

There are more than 13,000,000 negroes in the United States and a large percentage of them vote in spite of the poll tax and other obstacles placed in their way at southern polling booths.

There are probably millions of other persons who sympathize with the civil rights program.

Packers Fined On Butter Price Charge

HALIFAX, July 16 (CP) — Canada Packers Limited of Halifax was fined \$100 and costs amounting to \$121 following conviction today on a charge of selling butter at a price "higher than was reasonable and just."

County Magistrate R. J. Finn said it was a technical violation and that the company rectified its mistake as soon as it was notified. He added, however, that "a little care would have prevented the complications."

The company sold third grade butter at ceiling prices last spring because invoices for the product had come several days after the shipment, the company manager had testified.

FUNDAMENTAL SOURCE
Sunlight is the source of all colors as well as of heat and light.

By J. R. Williams

"DEAD" MEN MEET
HALIFAX (CP) — Two brothers, each believing the other had been killed in the Second World War, met when the liner Aquitane docked here recently. Both Tyrone Pedigree, a Halifax policeman, and his brother Daniel, said they had received official notification of each other's death.

FIREMEN SEE MOVIE
TIMMINS, Ont. (CP) — A movie on fire-fighting technique, made by the Los Angeles Fire Department, was shown for the first time here.

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