

The Evening Telegram

to The Evening 'Pelegram, Its., and not to individuals.

Wednesday, October 28, 1925.

#### ie Avalon Agreement

For the information of those terest in the changes in rates class last year. After paying for proposed by the Avalon Telephone Company, we have obtained a copy of the contract entered into with the Government the class and leaving such a splendid in 1919, and it appears in full in balance on hand, further evidence of this issue. This is, we believe, the first time it has been pub-

subscribers have been notified, but that a method of dealing clearly laid down.

Every sympathy is felt for year was over seventy. the company or any other corporation which is given trouble by those who do not pay their bills, but the main objection is to the attempt of the company to enforce payments by methods for which there seems to

be no authority. One other point in connection elected. with the schedule of tolls for the use of trunk lines seems to ant organist call for attention. The rates Members to the following commit-

"For each conversation of five mittees. minutes or less, where the length new hymn books, A. & M., for the Sketch and Concert

	IIIIICO					COLLEGE	
10	miles				10	cents	
15	miles				15	cents	
20	miles				20	cents	
30	miles				25	cents	
and s	so on a	at t	the	ra	te of	5 cent	S
						nal te	
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From enquiries made at the Toll Station we are told that the rate to Topsail is 20 cents. Why with the Benediction pronounced by

### A Soulless Calumny United Church

The letter which appears in another column from the Minloss of the schooner Eliza.

information had not been forthion from any of the churches—to be
coming after proper enquiry, present at the hours named above, so there might have been justifi- that they may have the privilege and Music Store, First performance Canadian Act by substituting "herecation for publishing a calum- pleasure of listening to one who next Monday.—oct28,11 ny that could have no other time of its inception, and is an aueffect than to harrow the feelings thority on the whole question. of the bereaved, but under the circumstances the conduct of the writer can only be described as feelingless, and he has shown himself devoid of any feeling in his anxious desire to bring

# St. Mary's Young Peoples' Bible Class

oung Men's and Young Women's fible Classes of St. Mary's Parish bein their respective rooms. The members in attendance at both of these classes last Sunday were very enouraging indeed to all interested, and all are optimistic enough to look An especially pleasing feature about

both classes at the opening was the good sprinkling of new faces in these lasses. The new ones were welcomthey will, we shall soon find ourselves

ended business meeting of the day evening. It was without doubt the best meeting of its kind held since the class first came into being

The treasurer's report was a splenwho have shown such a keen in- did showing of the earnings of the over fifty books in the library and all sides paying the running expenses of outside funds. Two donations were made to the Permanent Marine Disas- Poll Tax. Payment was made in each Owing to the lack of time to ters' Fund last year, and through the case study it carefully werefrain from medium of the class missionary box further comment for the mo- the sum of twenty dollars was collected and given-to Queen's College as the ment, but a casual perusal makes | first contribution to what in future is it appear that not only has the to be known as "St. Mary's Men's Company no authority to adopt Bible Class Studentship." The Self the course of procedure of which | Denial offering of the class presented last Easter amounted to \$136.00 which went to the Diocesan Mission Fund.

The Secretary's Report showed an with delinquent subscribers is increase of thirty members last year. The following is the result of th

election of officers on the executiv for the ensuing year: -President-Mr. K. Payne, re-elect

Vice-Pres .-- Mr. H. Skirving. Secretary-Mr. G. Stone

Librarian-Mr. R. G. Stirling re Mr. Max Colton was appointed organist and Mr. Ed. Craniford, assist-

given in the agreement are as tees were then appointed: Look Out,

The meeting decided to purchase commodation to meet the immediate need. Gifts to the class of a table bell, a dozen bibles, three electric bulbs, were made by individual memhers of the class and were acknowclass was introduced by the leader, making a final decision.

The meeting was brought to a close Rev. J. Goodland.

### Conterence

The Newfoundland Conference of the ister of Agriculture and Mines United Church of Canada will open at less charges made yesterday in day), Oct. 29th, in Gower St. Church. their "Sea" Programme. -oct28,11 the Globe with reference to the address the Conference on "Some ence had been made to the dress on "Church Union." A most coraction of the Government in in- dial invitation is extended to all our stituting a search, or if the terested in the question of Church Unknows the Union movement from the E. C. FRENCH.

### In the Supreme Court

(Before Mr. Justice Kent.) In the matter of the alleged in-solvency of Percival Figary, of Chan-vista, had arrived early this morning at Hare Bay, three miles from Fogo.

## THE SCENES

Oct. 27th .- Talking this day with she knows not what costume to wear. At this, I did tell her that if she would madd that she throws a hair brush at the correspondence in reference me which do miss me by but the merest fraction of an inch. So abroad and save that I did take a little time have my daily cake of yeast, which pany her to the meeting that the omen's Suffrage League holds this night, which I was loath to do, hav-I yet convinced that all the women of he troubled in his mind about the City elections, being that he is persuaded to come out as Councillor, yet has little taste for it. But Lord, while I know not who will come, 'tis indeed

### Magistrate's Court

A resident of the Goulds was char-ged with being drunk and disorderly accounts up to date there was still a in the settlement on the night of Oct. house of Dr. Stauberman, After the facts of the case had been heard, the accused was convicted and fined \$10 self.

Twenty-five delinquents were sum-moned for failing to pay their annual

### A Daring Hold-Up

A daring hold-up occurred on New Gower Street this morning when a lady of that vicinity proceeding home one of the banks had her handbag torn from her grasp by an un known man. The footpad tore the bag from its straps which remained on the lady's arm after he had fled. For-tunately there was only a small sum n coin in the bag as she had taken the conviction for a breach of section 7 precaution to put a sixty dollar cheque of the Income Tax Act of 1918, for which she had cashed, in the pocket.

# Fatal Gun Accident

Samuel Humphries, a 50-year-old resident of Cape Freels, was shot dead at the home of Abram Rideout, Newown, last night, through the accidental explosion af a gun which Rideout was repairing. A message from the Postal operator at Newtown, B.B., to Capt. Winsor. Minister of Marine and Fisheries, reports the accident as follows - "Samuel Humphries. Cape dently shot dead at home of Abram Rideout last night. Rideout was repairing gun, which accidentally went

# at Aula Maxima ment or record of conviction made by him on the 30th day of September

For some time past a number of ex-For some time past a number of expupils of the Presentation Convent have been preparing to stage a sketch have been preparing to stage a sketch stage as sketch have been preparing to stage a sketch stage as ledged with thanks. The question of and concert in aid of the school. The purchasing a magic lantern for the presentation will take place at the Aula Maxima on November 9th, and judging by the rehearsals a treat is in had no jurisdiction to entertain the Mr. Goodland. The majority of those present were in favour of doing this, Grady is directing and this is sufficient was based. Upon the argument, countries of the conviction was based. but it was left over for awhile before guarantee of a successful perform-

### Here and There.

CONFEDERATION LIFE. as follows:-

SUSU REPORTED-S.S. Susu left Wesleyville at 10 o'clock this morning, oming South.

The tang of the Ocean will invade the Synod Hall to-morrow is a prompt refutal of the base- 10 o'clock to-morrow morning (Thurs- when the Madrigal Singers give 9), which provided for Conviction", that the Magistrate claims jurisdiction. It is argued that

RE-UNION DINNER .- The Mt. Cash-Were it the case that no referm. Dr. Chown will deliver another adtheir annual re-union dinner at the applicable to this Court, which pos-Institution to-night. Covers will be laid for 250. An enjoyable time is an-

> The tickets for "Mrs. Malone HETHPOOL SAILING TO-MOR-

ROW.—S.S. Hethpool sails to-morrow morning for Halifax and Boston, taking as passengers:—Miss Angela Short, Samuel Clarke, John Burke, Miss B. Fitzgerald. SCHOONER BONAVISTA SAFE AT HARE BAY.—A message was received this forenoon by Hon. J. J. Long, stating that the Danish schr. Bona-

### **Prompt Refutal** of Globe's Charges

Editor Evening Telegram wear her newest evening gown enough to publish the enclosed copy eastern circles, which makes her so Globe. I showed your Mr. O'Reilly all

W. J. WALSH. WHY THE NEGLECT!

Dear Sir In your issue of yesterday's date occurs an article in your the country desire. Nevertheless, the discourses mighty good, and in particular, Mr. Paton gives a fine address, nor indeed, could he do othergrave concern? Your Ill-advised writing is well calculated to add a grievtime for pronouncements with the ous sense of injury to hearts already election but six se'ennights distant. in the midst of their distress and anguish they were neglected by those whom they trusted to come to their Your writing also in a very repre-

nensible manner is to do injury public men including my You plainly insinuate, nay, not in-

sinuate, you holdly say that the Government neglected to take measures St. John's, for the rescue of those driven off to

Morris Sustained

Conviction by Judge

IN INCOME TAX CASE.

which he was fined on September

16th by Judge Morris the sum of

\$1,000.00, was dismissed in a judga

In the matter of an application by Sir

last past, whereby the said Sir R. Av

Squires was adjudged to have com-

The ground on which the applica-

sel for the applicant drew the atten-tion of the Court to the language of

is a clear repugnancy between Sec-

ive jurisdiction to hear and deter-

mine all questions that may arise

in connection with any proceeding

It is from the earlier section (Sec.

Section 18, and that the words "sum-

Our attention is drawn to the origin

batim transcript of a Canadian Sta-

ing Statute of 1922, "hereinafter"

"Summary

costs in connection therewith.

spect thereof.

which reads as follows:-

Richard A. Squires for a Writ

What then is the true meaning of should the Court be guided in deter-mining it? It is true, as the applicant's counsel has argued, that ordinarily where repugnancy is to be found between sections of the same statute, the latter of two conflicting provisions has to prevail, but this rule is not invariable and must depend upon the circumstances of par-

ticular cases. The object aimed at by every Court is to give effect to the intention of the Legislature so far as that is capable of being obtained from the statute under consideration. A Court endeavours to guard against reading an Act ment handed down to-day by the as meaningless, or rendering it inat Newtown Chief Justice and Mr. Justice Kenty operative and where contradiction appears, it seeks the reading most con- the Statute, nor taking from the Magsonant with reason. By section 7, subsection, it is enacted that "Every perliable to taxation under this Act shall on or before the thirty-first day R. A. Squires for a Writ of Cor- of March in each year, without any tiorari to be directed to the Hon, notice or demand, deliver to the Min-F. J. Morris, Stipendiary Magis. ister a return on oath, in such form as the Minister may prescribe, of his total income during the last precedthe application of Sir Richard A. complying with the provisions of the it is enacted that for every default in Squires, calling upon the Hon. Frank said section, the taxpayer shall "be Mrs. Thos. Tiller, Miss M. Mullett, G. Morris, K.C., one of His Majesty's liable on summary conviction, to a Dominey, C. W. Spurrell, Miss Grace

> move into this Court a certain judg-ment or record of conviction made by use of the term "summary conviction." Then does the later section, giving exclusive jurisdiction to this Court, "except as hereinafter expressly provided," have the effect of cancelling the

terpretation of statutes that if there are two inconsistent enactments, it tion is made is that the Magistrate must be seen if one cannot be read as a qualification of the other. Then how is this to be done? The rule is, says Romilly, M.R., in Pretty vs. Solly, 26 Beav. 610," that whenever there is a particular enectment and a general enactment in the same statute, and the status and contended that there the latter, taken in its most compre tion 18 and Section 9, and he argues that section 18 must prevail to the hensive sense, would over-rule the former, the exclusion of section 9, Section 18 is must be taken to affect only the other "Except as hereinafter expressly parts of the statute to which it may properly apply." Applying that rule provided, the Court shall have exclusto this statute, we are able to give effect to each section by reading the one as a qualification of the other and applynig the particular enactment to taken under this Act, and may award that to which it is related by the statute, and at the same time, limiting the application of the general enactment by the terms of the express exception. The Legislature has given here a magisterial jurisdiction by enacting that taxpayers in default are liable to "Summary Conviction." Efmary conviction" are explainable and fect can be given that section without sesses all civil and criminal jurisdiction subject to this qualification or ex-

On receipt of message from the father of two of the men on the Eliza Saunders of the Anglo Office, asking him to service all offices to discover if possible any trace of missing vessel. Postal Telegraphs were also were communicated with. Messages were at once sent to the Captains of the Caribou and Portia asking them to make a diligent search for the vessel. This action was noted in the public Press of the time, and it is surtween the different offices and parties involved-both telegraphic and in writing-are on my desk for your in-

spection should you wish to confirm my statements that everything humanto the reputations of responsible I would ask you to give this the same prominence you gave the article

omplained of. W. J. WALSH.

Stipendiary Magistrates for New benalty not exceeding one hundred dollars for each day during which the

foundland, to show cause why a Writ dollars for each default continues."

of Certiforari should not issue to re-It is a cardinal principle in the in-

particular enactments

of the Act. It is almost entirely a ver-The Supreme Court of Canada "the City of Ottawa vs. Hunter, (31 S.C. 7)", where there was conflict beclined to treat the enactment which was later in position as over-riding the does not appear, but "herein" is used as in the Canadian Statute from which it was copied. The question presented by this application arises from the way of the most status applied by a later one incompatable with it cannot be from the use of the word "herein- applied here. These two paragraphs after" in this section, and is as to became law at one and the same moment." He refused to construe them the meaning which should be accorded that term. Counsel for the respondent argues that, to give it full and "no," and said that it would be so irrational for a legislative heavy to any force would not only empty "sum-mary conviction", in Section 9 of its accustomed meaning, but would take from the Minister the power express-

Complete Change at the Popular STAR MOVIE T'O-NIGHT

Constance Talmadge Constance Talmadge "Her Night of Romance" IN TEN PARTS. When it's a First National, it's a picture which cannot fail to be pleasing. See "Her Night of Romance."

> NEAL BURNS, in "Call the Whack"

IT'S A "STAR" CAMEDY. 'NUFF SED.

### THE LUBY VAUDEVILLE **COMBUNATION**

IN AN ENTIRE CHAINGE OF SELECTIONS. See Mr. O'Toole in new Acrobatic Feats, and Messrs. Luby and McDonald in a change of Vocal and Instrumental numbers. This combination is the theatrical talk of the city.

DO NOT MISS THEM TO-NIGHT.

Watch this space for Inriday's Special Attraction.

tion 18 as not repealing any of the several special provisions contained in istrate the jurisdiction given him by

For these reasons this application must be dismissed with costs St. John's, Oct. 27, 1925.

GERS—The following additional pas-sengers sailed by the Meigle this sengers sailed by A. Spurrell, Mrs. J. Winter, Miss E. Mullett, Mrs. Mullett, besides 7 in

On Oct. 24th, at George's Street Church, by Rev. Mr. Moore, Frederick Giles to Hazel Goobie.

DIED.

Tuesday, 27th Oct., at Akron, Ohio, Charles J., third son of the late J. N. and Margaret Foran.

IN LOVING MEMORY of our dear son and brother, No. 82. Pte. William J. Collins, who died at Alexandria Hospital, Egypt, Oct. 28th, Inserted by his mother and sisters.

IN LOVING MEMORY of Albert Charles Duffett, who was ost at sea sometime about Oct. 28th,

Tis eight long years ago to-day Since our boy sailed away; Yet his memory is with us And forever more will be. May God keep him with Him

Until the day will come; When we shall see his face again In that everlasting home.

—Inserted by his parents. IN FOND AND LOVING MEMORY of our dear father, W. J. Sinnott, who

died Oct. 28th, 1924. Till the dawn breaks and the shadows free away."

-Inserted by J. J. and W. J. Sinnott. NOTE OF THANKS.-Mrs. Chancey

and family wish to thank all kind

friends who helped and sympathized with them in the loss of their dear husband and father. For wreaths and flowers: Mr. and Mrs. Willis Chancey and family, Mr. and Mrs. E. G. Chancey and family, Mr. and Mrs. Lloyd Chancey, Wesley Sunday Morning Society Class, Fellow Carpenters Nfid. Govt. Railway Dockyards, Mr. and Mrs. W. R. Neal, Mr. and Mrs. David Neal, Mr. G. C. Neal, Employees Nfid. Govt. Railway Dockyards, Mr. and Mrs. J. Barnes, Mr. and Mrs. Whitemarsh and family, Mr. and Mrs. in his anxious desire to bring the Government into disrepute.

In the matter of the alleged insidence of the content of the co

### Playground and Recreation Association of St. John's.

A General Meeting of Tie Association will be held at the Old Colony Club, Snaullwood Building, on Thursday, October 29th, at 8 p.m., to consider the following Notice of Motion:—"When as Article 4, By-Law 2 of the Association calls for the retirement of five members of the Executive annually, in alphabetical order, that this By-Law b's changed to read that the five members to be retired annually be retired as per their non-attendance at meetings of the Executive of the Association.' AND AT 8.15 P.M.

#### ANNUAL GENERAL MEETING OF THE ASSOCIATION. Business:

1. Reading of the Playgrow id Director's Report for

1925. 2. Presentation of Hon. Treasurer's Statement for 1924-25. 3. Election of Officers for 1925-26.

A full attendance of Ladies and Gentlemen interested in this movement is carnestly desired. VINCENT P. INTIRKE, Hon. Chairman. P. E. OUTERBRIDGE, Hon. Sec'y-Treas.

- IN OUR -

### Glass & China Departments.

JUST RECEIVED ANO THER SHIPMENT OF CHINA TEA SETS Fancy Decorated and Gilt finish-21 Pieces for \$3.410.

TOILET SETS PLAIN WHITE, SHADED, FLORAL. 2.75 up. 5.25. 7.50 up.

G. KNOWLING, LIMITED.

### Newfoundland Mo(2)r Association.

The final General Meeting; of the Association for the season, will be held at the Sterling Restaurant, on Friday, October 30th, at 1.10 .m.

A full attendance is particularly requested. R. C. HARVEB7, Chairman. P. E. OUTER RIDGE, Sec'y.-Treas.

Labrador Report

A LONG STORY. nes-"What did your wife

night?" (A)nes-"Don't ask me vet. Wh sha gets through with the subject,

a fair s over, graduate Litera

For IN ompai

t and Di Co., Ltd. loney. d.,) Inve Hunter vanced hn's to above ntiality answer stock

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4 o'clock

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ands, it MEIGLE