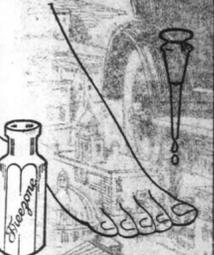


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An Old-Time Horse Case

For Evening Telegram. **BY THE EDITOR.**—Dear Sir.—As many of the horses tried from time to time, in the District Court, have had a peculiar and humorous side to them, though tall swarthy and comical, I thought the subject worth recording for publication. This case, never, was tried some sixty-one years ago (1859), in the Supreme Court, before Acting Chief Justice and Justices Robinson and Hickey. **James Hickey vs John Lench**—Mr. Hickey for plaintiff; Mr. Flood for defendant. This was an action of assumpsit for breach of warranty of a horse, which, according to plaintiff's evidence, had been sold by defendant to plaintiff's wife last fall, warranted in wind and limb, of seven years old, and which afterwards turned out to be an old horse over twenty years old. The plaintiff accused defendant of having been guilty of a fraud; that the head and body of the horse, grey from age, had been painted black, and that after the first rain all paint or varnish washed off, and the horse to be an old animal, comparatively useless animal. **James Hickey, son of plaintiff,** was called to prove the warranty. He, his brother, and sister, with one Thomas Hickey, called at defendant's house on their way home some time last Sep-

tember, about eight o'clock, to look after the purchase of the horse, which, after negotiations, had been purchased and paid for at £15, and defendant engaged the horse to be seven years old, lately from Prince Edward's Island, and warranted to be sound in wind and limb. Witness did not ride the horse before the purchase, and kept it for about five days. It was sold as a coal-black horse, but when the rain came the blackening or paint washed off, and the horse turned out to be one whose head was grey with age, and to be an old one owned by one Foley of Torbay, and over twenty years old. The horse was then returned to defendant, who refused to receive him.

James Milley, deposed to being present at the bargain, spoke as to the warranty being given by Lench—the horse sold as a coal-black horse, the paint washing off after rain some days after, leaving the horse's head grey.

Defence—Denial of warranty of any sort. The horse had been given to defendant by one Courtenay to sell on commission. He was limited to £15; there was no deception practised in any way. The horse was not painted or colored, and was sold as it stood at plaintiff's risk.

John Lench, defendant, said **Jas. Hickey** rode the horse twice for a quarter of an hour to try him before the sale. Milley was not there at all. He expressly refrained from giving a warranty, knowing nothing about the horse, which had been given him only a few days before the sale on commission. When asked by Mrs. Hickey if the horse was good, said he did not know; there it is for £15, and they might take it or leave it. Witness denied in the most positive terms giving any warranty, or saying anything about the age or the horse, or having come from the Island.

Richard Courtenay proved he gave the horse to Lench to sell for him. He was a good sprightly horse; he was not painted, and no fraud or collusion was practised between Lench and himself.

Acting Chief Justice Little charged the two points for the consideration of the jury were—First, was there a warranty, as described by the testimony for the plaintiff, given; and secondly, was there a breach of that warranty. (The learned Judge then read the evidence.) If they believed there was a warranty, or fraud on the part of defendant, they ought to find for the plaintiff; but, if they believed the evidence of defendant, which denied in any way warranty of the horse to be sound, and at the age alleged, or having in any way by fraud imposed upon the plaintiff, they should find a verdict for the defendant.

Verdict for plaintiff for £15. The defendant Lench, as I know him in later years, was a tailor by trade; of fine personality, and well known as a practical joker. He died, however, in Harbor Grace many years ago, where he had resided for some

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Pneumonia and Colds exhaust in the short period of their course more of the nerve tissues of the body than weeks of hard work. After them take
Asaya-Neurall
THE NEW REMEDY FOR Nervous Exhaustion
which contains Lecithin (concentrated from eggs), the form of phosphates required for nerve repair.
PREPARED BY **DAVIS & LAWRENCE CO.**
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time. **Mr. H. F. Shortis,** Conception Bay's esteemed historian, I have no doubt, knew the party referred to while residing in the old Bay metropolis. I don't think that **Lord Morris,** while in quest of material for his "Old Law Proceedings," could have located this case. Because, if he had, he certainly would, from his fine sense of humor, have published it ere this. Yours truly,
OLD ST. JOHN'S.
July 23, 1920.

McMurdo's Store News.
SATURDAY, July 24.
In summertime some people suffer from fetid perspiration, which is extremely unpleasant to both the subject and those who are near him. A good plan to prevent or correct this unpleasant condition is by the use of some Lysol Soap in the bath. Lysol Soap also cures any skin troubles due to excessive warm weather, cools and soothes the skin, and prevents soreness. The occasional use during the day time of our Perspiration Deodorant too, will greatly help in preventing fetid or unpleasant odor. Price (Lysol Soap) 45c. a cake. (McMurdo's Perspiration Deodorant) 40c. a crock.
P-E-B-E-C-O stands for PURITY, CLEANLINESS and BEAUTY. jne8.eod.t

300,000,000 Bushels of Wheat
IN THE CANADIAN WEST.
Calgary, Alta., July 19.—Three hundred million bushels is the estimate at present placed on the wheat crop of the three Western Provinces by J. M. Cameron, General Superintendent of the Alberta Division of the Canadian Pacific Railway, who returned to Calgary this morning after a close inspection of some portions of the Province's Alberta's crop, he said, would be somewhere about seventy million bushels.

Municipal Commission.

WEEKLY MEETING.
The regular meeting of the Municipal Commission was held Thursday, July 22nd. The Chairman and all the members were present. After the preliminary business was disposed of the following matters were given attention.
It was decided to instruct the Sanitary Supervisor to put some lime on dump, head of Quidi Vidi Pond.
Two letters were read from the Colonial Secretary, in connection with the resignation of certain members of the Commission.
Permits were ordered to be given to the following, in connection with buildings, etc. R. James, Monkstown Road, conversion of a building into a garage; George Williams, Bond Street, to lay a concrete platform front of his house with the understanding that the line and height is obtained from the City Engineer; J. F. Lynch, to erect a temporary shed to stow coal provided an undertaking is given the structure will be taken down by the 1st of June next; Chas. Percy, house Franklin Avenue, provided water and sewerage are installed at once; Mr. Cummins, two houses Franklin Ave.; Philip Murphy, a garage LeMarchant Road; W. T. Penney, house Merrymeeting Road; Alexander Westcott, house Franklin Avenue, provided water and sewerage are installed. Plan of new street, off Leslie, submitted by Ayre & Sons, was approved for building purposes, provided cost of sewer, water, etc., is borne by the owners.

G. I. Anderson can connect with the service pipe on Torbay Road, with the understanding that annual cost for same may be readjusted at any time.
A letter was read from Walter Clouston in connection with straightening the line of the General Protestant Cemetery, Waterford Bridge Road. The City Engineer to examine the place.
Decided to ask the Government for a rebate on all imported materials used in the houses built by the Council on Quidi Vidi Road; and also to ask for free entry for all materials to be used in any other houses that may be built there.
It was decided to issue public notice warning all the occupants or owners of houses to have leaky services and plumbing fixtures repaired, as, owing to the dry summer, the water in Windsor Lake has fallen somewhat. Any persons not taking notice of same will be prosecuted.
Decided to appoint James King in charge of the Swimming Pool and also to have the stones raked off King's Road.
The weekly reports of the Plumbing Inspector and Health Officer were read. In the former case eleven applications were shown to have been made during the week for sewerage installations for houses.
A petition from the members of the



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START washing-day well with Sunlight Soap. Have the clothes on the line early, and the meals ready to time. The afternoon is then yours to spend at your own sweet will.

Pleasure follows in the wake of efficient work. With Sunlight Soap the housewife does her work most efficiently, most easily. There is no mystery. You get out of soap just what the makers put into it. The cream of soap materials go into Sunlight Soap.

The Sunlight environment is in keeping with its mission of cleanliness and efficiency—no soap is better fitted to serve the British housewife, than Sunlight Soap. Prove this to-day.

£1,000 Guarantee of Purity on every bar.



The name Lever on Soap is a Guarantee of Purity and Excellence.



SUNLIGHT SOAP.
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Vacation Days

Take Along a Gillette

For the Gillette owner, life is one long holiday from stropping and honing. It is a round of daily luxurious shaves. The shaving quality of the hard-tempered, keen and lasting Gillette Blade is a never failing source of satisfaction.

You, who are planning a vacation, should include one pleasure you can enjoy twelve months each year—buy a Gillette Safety Razor. Free your holiday from strops and hones.

The new Kit Set—the Pocket Edition Gillette Safety Razor—in a limp leather roll case, complete with twelve double-edged blades and a mirror, takes only a few inches of space in your kit.

Remember how the Gillette was the choice of the soldiers of all the Allied armies. You will need a Gillette to remove your open-air growth of beard.

The price is \$5.00.

DEALERS IN ST. JOHN'S
Bishop, Sons & Company, Limited.
Martin-Royal Stores Hardware Co., Ltd.
T. McMurdo & Company, Limited.
G. Knowing, Limited.
Ayre & Sons, Limited.
T. J. Duley & Company, Limited.

Board of Trade and Business Community, addressed to W. G. Gosling, I. C. Morris, C. P. Ayre and N. J. Vinicombe, was read. The petition expressed appreciation of the valued services given by these members and their predecessors in the preparation of the Charter. As no election could take place for twelve months they asked that the herein mentioned commissioners would give their decision to resign reconsideration and put their services at the disposal of the citizenship of St. John's. After a short discussion on the matter it was decided to defer action until Saturday at noon. The meeting then adjourned.

Magnanimous.

(From the New York Tribune.)
The reporter was sent out by a certain city editor to question a well-known young amateur sportsman who was being sued for divorce. The reporter called up a couple of hours later and said: "Boss, I can't get anything out of this fellow. He's a big whale, and when I rang the bell and asked him how about this divorce action he just reached out and clipped me on the jaw and knocked me down. Then he slammed the door. I waited around awhile and brushed myself off, and then I tried it again. He came out, and said: "Oh, you're here again, are you?" and he took me by the collar and threw me down a flight of stairs. So I guess there's nothing doing on getting anything out of him, boss. I'll come right in."
"No," said the city editor, "You go back and tell that big loafer he can't intimidate me."

H. M. S. Canopus.

(From the Westminster Gazette.)
The news that the "Canopus" is to be broken up will recall many memories, and some tragic ones. In the old "wooden wall" days, a ship of the line not yet twenty-three years old would have been considered still in her prime; nowadays twenty-three years is old age. There is something pathetic in the thought that a ship, which, when she was launched in 1897, was regarded as a miracle of power and efficiency should have been the "lame duck" of a sea-battle only seventeen years later, and that the Admiralty should have been censured for the use of what was then called a slow and lumbering ship in comparison with those of the later development. But she did her work when the opportunity offered, and will not lack grateful memory.

THE AUTHOR—The few helpful Don's For Coxwains, which appeared in last evening's Telegram, was written by Mr. E. Cooper of Parson's Studio, one of our veteran carpenters and Coxwains.

It sweetens your mouth because it destroys all mouth acids. Pebecco Tooth Paste at all Druggists.—jne8.eod.t

Glenn Mawr
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Outdoor Games.
School Re-opens New Prospectus from Miss Stuart.
September 16.

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A RESIDENTIAL AND DAY SCHOOL FOR GIRLS
FULL ACADEMIC COURSE FROM PREPARATORY TO HIGHER MATRICULATION, POLY-COMMERCIAL COURSE, MUSIC—ART—HOUSEHOLD SCIENCES—PHYSICAL EDUCATION—GAMES—SWIMMING
Mrs. GEORGE DICKSON, President
Miss FLORENCE H. M. NEILLANDER, B.A. Principal
School Re-opens Wednesday, Sept. 15th
Calendar sent on application.

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Term commences Sept. 15th at 9 a.m.

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A RESIDENTIAL COLLEGE FOR WOMEN STUDENTS ATTENDING MCGILL UNIVERSITY.
Founded and endowed by the late Sir, Hon. James Spadina and Miss Royal.
Courses leading to degrees in Arts, separate in the main from those for men, but under identical conditions; and to degrees in music.
Applications for residence should be made early as accommodation in the College is limited.
For prospectus and information apply to the Warden.

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