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Newfoundland Firm THE ACTION IN BARBADOS AGAINST AGENT.

Export Co. v. C. H. Kinch. Reece said that he thought it in 1915. ons or one of the other clerks Da Costa & Co.'s business. ek out the sales of fish from the have the whole of the consign- dence.

he would make out account

this extra by Walcott pointed out that the upheld the objection. has, and is. be entitled to put in evidence evidence and this was done. the Law" c

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k to take char we shall not e charge of o not observe th us, to have t us, and to st burable abid REE FLOWER

with \$1.50 more than the confish was sent, but Monroe & Co. did se actually received. With regard not do that. Before he sent up Account s fish sold duty paid, they stated | Sales to his principals, he waited une account sales the actual money til the fish was all sold.

hed, and at the foot of the ac- In answer to Mr. Walcott, the witequalled to 71/2 cents.

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v, "Magnola,

Nearly Driven Crazy By

Itching. Cuticura Healed. "I was bothered for a year with tesms all over my face and body. I was in pimples and I kept it irristed by scratching for it nearly though the crasy itching, and it kept the awake nights."

e swake nights.
"I was treated but it did not help me, so when I heard about Cuticurs Soap and Ointment, I bought them I used two cakes of Cuticura Soa and I was healed." (Signed) Alton Boosks, Charlotte, Vermont, Sept.

ily use of Cuticura Scap with uches of Cuticura Ointment as reded to soothe and heal. Cuticura

Mr. Reece: That only applies to the ds sold in bond, not the goods duty

The witness continuing said that his irm did business in fish with the eighbouring islands, and all fish exported by them was sold before exportation. No profit was made on fish

Cross-examined by Mr. Walcott, the less said that he would not say made up they generally put "D.P." on them. That was also done in the case of shipments to the Islands, but they did not put any mark on the Account Sales or write any letter to their principals to show that they had done this. They kept copies of the invoices. If their principals wanted them to account for a consignment, they could do so. They kept separate heads in their Ledger for each consignment. After a number of years they destroyed some of these records. The expenses for cables and telegrams were paid out of the commission they received. In billing the customer they took off \$1 44, and in making out their sales they added \$1.50. He had no recollection of any trouble with his firm over a consignment of fish by the schooner "Eddie Theriault."

Mr. Walcott here produced a letter written by Mr. Kinch to Monroe & Co.

inty to explain to the Court that Mr. Reece objected to the letter hooks had been found, but he being put in by the witness on the in no way accusing Puckerin of ground that it had nothing to do with them back into the safe. The him. He said that Mr. Nurse, who was Sales were made up in this a clerk at Da Costa & Co. at the time Mr. Taylor would often leave should not be asked anything about

mment Sales book. Taylor letter, pointed out to Mr. Walcott that then make out the Account the witness was giving evidence as to from the summary, converting the custom in the trade of this Island. hond prices to duty paid prices so The letter was not admitted in evi-

one basis as duty paid. Some- Mr. Walcott requested that the witness be allowed to produce an achimself, but he would say that count sales sheet from Da Costa & Co. used to make out 90 per cent. as made out by his firm. Mr. Reece objected and his Honor

Taylor was not cross-exam- Mr. Walcott thereupon asked that m this point, and therefore he his request be noted on the notes of

Mr. H. Jason Jones said that he was this stage, 1.30 p.m., the Court an agent for the sale of fish on conadjourned until 10.30 a.m. the fol-signment from Newfoundland and other Canadian firms. When a conhe further examination of Mr. signment of fish came down to him, was postponed and evidence the first custom was to offer it for given by other witnesses as to sale on list. If there was no sale, it tom of the trade of making up was then allotted at fixed prices. They sometimes sold fish in bond to the Is-Walter H. Nurse said that he lands, but always at the allotted price een a Clerk in the Commission less \$1.50. In the Account Sales the ent of Messrs. Da Costa & fish sold locally was duty paid, and the at was now a Director of that exact amount was stated thereon. He knew the account sales were With regard to fish sold in bond up as he had done work of this whether locally or to a merchant before. As a matter of fact the abroad they added \$1.50 per cask to it still came before him in the the actual price for what it was sold me of his duties. Da Costa & Co. in bond. All the fish in the Account fish on consignment. When a con- Sales was duty paid. He received a ment of fish was received, the firm commission on the gross proceeds and it on printed list to trade and which could be calculated on the duty he other islands. The firm re- commission on the gross proceeds n of 5 per cent, on paid price. In the charges they took it goss proceeds of the sale. That off at the rate of \$1.44. On the face of usual practice of all sellers it, it would appear as if he made 11/2c. The consignees guaranteed on each cask in addition to his commoney to the consigners, and they mission, but the additional expenses in talose it if their purchasers did connection with the fish exported ate by them. His firm was liable for up the whole thing. At present he was nceeds whether the fish was the agent for Monroe Export Co., Ltd., in bond or not. They made out all and had been such for three or four count sales at duty paid pri- years. He had been rendering them nd added to the bond price \$1.50 account sales in the manner described k To the fish sold in bond \$1.50 by him. He seldom put the letters. "D. ask was also added, and the con- P." on his account sales. Sometimes was credited in the Account consigners drew on him before the

It sales they credited themselves ness said that the expenses for the the duty at \$1.41 per cask on the cables were charged in the account consignment. As a result of this sales so that his principals were able in the \$1.50, one and a half cents other Islands. "D.P." on the Account than what it should be. This Sales meant that the consignment om in the trade resulted in the was accounted for by the agent at the resulted in the gross sum on duty price. With regard to fish sold in they got commission of 5 per bond he never put the word "Bond" being greater than the sum of against it in the Account Sales. The by actually received from the fish method described by him had been the in Bond. The 5 per cent. on \$1.50 custom in the trade in the Island for the past forty years. While he would hey gave credit to the consigner not say the method was strictly accents more than the \$1.44 actual- curate, he could not agree with Mr.

Walcott that it opened the gate to fraud. He kept a Warehouse Delivery Book. If his Delivery Book were lost his principals could trace the sale of every consignment from his ledger. Each sale was kept separately in the Ledger. If all his books were lost except his account sales his principals would not be able to trace the sale of any particular consignment. He never sent on account sales for goods which he still had in the warehouse; because if the fish went bad, he would lose the money. Good fish kept in a cool place would remain good for

about two months. Mr. C. H. Kinch recalled said that a consignment book in his office generally lasted for three years. Some of them could not be found, but he produced one beginning from June, 1922 to January, 1925. When he went to England in 1922, he left the books in his office, and they were there when he returned in 1923. In May, 1924 when he returned to St. John's Mr. Walter Monroe told him that his company had been informed by Taylor that certain manipulations had been going on with the account sales of the consignments, and he told Mr. Monroe

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uld do so on his return to dos from his Consig ok as that was the only book from which he could get a proper state-ment. In Halifax, he wrote Mr. Carichael about these books, and when that the books could not be found. He put in as a specimen copy from the Consignment Sales Book produced, showing the manner in which a ship-H. Adams" on the 9th June. 1924, was

When a consignment of fish arrived from Monroe & Co., it was fish bonded. Very often he would cable the Islands at once or would write by the earlies opportunity. He would allot the prices in round figures. As regards local sales he usually allotted the goods at fixed prices. He exported fish to the Islands less the duty in bond. Some of the fish was sold locally in bond, and a transfer was given to the local purchaser. The price received was entered in the Consignment Sales Book, he guaranteeing amount. In making up his account sales from 1904 he always

made them out at the duty paid prices.

membered, was in the case of a cargo of fish landing here from the schooner "David C. Ritcey." which arrived here in distress. Large quantities of this fish were shipped to Pernambuco on the instructions of the shippers. The cargo was never intended for Barbados, but for Brazil. The quality of the fish sent to Pernambuco was better than that sold locally. Mr. Monroe had always requested him to sell the fish for the best price he could get in the other islands, if he could not get it sold in Barbados.

In adding \$1.50 to prices of the

goods in bond, he was following the custom in the trade in this Island. It was nothing invented by him. He had been brought up in the commission office of Mr. Bancroft, but Mr. Bancroft never handled fish on consignent. He had heard Taylor say that he manipulated the Account Sales when making them up, but that was an absolutely false statement. Sometimes he would sign the Account Sales in hurry to leave the office. These account sales were generally made up at the close of the sale of the consignment. In one or two cases if three or four casks were left and a mail was ready, these casks would be priced at the last price received,-sometimes at a lower price, never higher,-and the account sales were completed and sent on instead of losing the mail the object was to let the consigner know that he was ready for another shipment. He never, purchased on his own account a single cask of fish from any consignment. Monroe & Co. had written him on several occasions expressing their satisfaction with the manner in which

he had been doing their business. At this stage, 1.30 p.m., the further hearing was adjourned until 10.30 a. on Monday.-Barbados Advocati

Landslides Versus Snowstorms

Californians "declare their state to be the ideal place to live, and we won't say it isn't," says an editorial writer in Aera (Albany and New York), "but it looks as if old Mother Nature was determined that even in an ideal climate the street-railway men shall have something to trouble them." He refers to landslides that have disarranged the tracks of a San Francisco street-railway, and he suggests that it probably costs the operating company as much to make repairs after such slides as it costs a big eastern or northern railway company to remove snow and keep its lines open through a blizzardy winter. Brief details of the toptigraphical conditions that make operation of the San Francisco railway a complex engineering problem

are given: "The Market Street Railway operates a double track around the cliff leading to the Cliff House, overlooking the Golden Gate. The tracks are along the bluffs, about 200 feet above sea-level. At several places the line passes through ravines, where the surface is sand on a thin layer of blue clay lying directly on a slanting rock foundation. During the rainy season the drainage from a large area seeps in on this clay, and the entire surface of the ravine begins to slide. The ravines are from forty to seventy-five feet in depth and from 100 to 200 feet wide. In some of them there is a continual slide, throughout the year, but it does not cause any material dam-

During the heavy rains of last February the line was destroyed in several places.

SCOTT'S APPEAL

AGAIN REJECTED. CHICAGO, June 15.

The second appeal by Russell T. cott, former Toronto promoter, from sentence of death on July 17, was rejected to-day by the State Supreme Court, and the only hope of saving his life now lies in the hands of the Governor, who reprieved his death sentence already in order that the appeal might be made.



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