

A Lad They All
Would Like to Be

Here's the youngster of everybody's
dreams, glorifying childhood in his
most human photoplay—

JACKIE COOGAN

in **A BOY
OF FLANDERS**

Supervised by
Jack Coogan, Sr. Directed by
Victor Schertzinger

Scenario by
WALTER ANTHONY From OUIDA'S
"A DOG OF FLANDERS"



Metro
Picture

Thursday, Friday & Saturday
at **THE NICKEL**

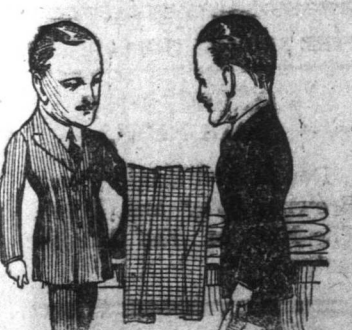
He is satisfied—so will you be if you use
MUSTAD'S
HIGHEST QUALITY



FISH HOOKS
aug 5, 1924, tcy

SEE
Dodge Bros.
New Models
FOR
1925

Royal Garage,
Carnell St.
sept 20, eod, tf



WE SUBMIT OUR FABRICS FOR
YOUR APPROVAL

Good tailoring begins with the selection of exclusive, serviceable and distinguished woolsens and worsteds, different from the common run found in ready-made clothing stores. The cutting, fitting and workmanship follow as a matter of course—here.

J. J. STRANG,
LADIES' & GENTS' TAILOR,
Corner Water & Prescott Sts.
sept 17, eod, tf

THE TRAINS.—Sunday's west-bound express arrived Port aux Basques 8:40 a.m. The local Carbonear train arrived at 12:35 p.m.

(1924 No. 629)

**In the Supreme Court of
Newfoundland.**

In the matter of the alleged Insolvency
of William Harris of St. John's,
Cooper.

Upon hearing the Petition of Wm. Harris of St. John's, Cooper, alleging that he is insolvent and praying that a time and place may be appointed for the hearing thereof, and upon hearing Mr. Barron, Counsel for him, I do order that the said William Harris and his creditors do appear before me in Chambers at the Court House at St. John's, on Thursday the 16th day of October instant at ten o'clock in the forenoon to be examined and heard touching his said insolvency and I do further order that Sir William Lloyd, Registrar of the Supreme Court be and is appointed Interim Trustee of the estate and effects of the said Wm. Harris. In the meantime let all further proceedings be stayed.

Dated at St. John's the 6th day of October, 1924.

J. M. KENT, Judge.
oct 7, 14

DUTCH BULBS.

Best Quality
Daffodils, Tulips,
Hyacinths, Freesia
and Mixed Gladioli.

**The
Valley Nurseries,
Limited.**
Waterford Bridge Rd.
Phone 1513. sept 18, eod, tf

From Cape Race

Special to Evening Telegram
CAPE RACE, to-day.
Wind west, blowing strong, weather
dull and showery. An Anchor liner
and a Norwegian liner passed east
at 7 a.m. Bar. 29.50; Ther. 53.

**In the Central
District Court**

Michael O'Reilly Plaintiff and Edward Boone, Trading under the name of The Red Taxi Co. Defendant.

The statement of claim sets forth that the Plaintiff suffered damages by the killing of his horse by the motor car of the Defendant, negligently driven by Robert Sellars, a servant of the Defendant, on Cornwall Avenue in the suburbs of St. John's. The Plaintiff claims \$200 damages.

The Defendant denies the alleged negligence on the part of the Defendant and pleads inevitable accident by the Plaintiff's horse running across the road from the ditch, where it had been grazing at the moment the Defendant's motor car was about to pass, and further there was contributory negligence on the part of the Plaintiff in permitting the horse to roam around the highway and not under the control of the Plaintiff or his servant.

The evidence of Robert Sellars, driver of the car, shows he was driving along Cornwall Avenue and when about fifty or sixty yards away he observed a horse on the side of the road. The horse was grazing in the ditch and he was grazing away from the car. The Plaintiff went along and had nearly approached the horse when he pulled across to the left hand side of the road to avoid the horse in case it would jump and he slowed his car to what he thought was a reasonable rate, about fifteen miles an hour. When he was between eight and ten yards from the horse it jumped out in front of the car and he immediately applied both brakes which were in perfect order. By that time he had hit the horse and knocked him down but no part of the car went over any part of the horse. After knocking down the horse the car had moved ahead a short distance, hardly noticeable. The stretch of the road where the accident happened was fairly straight and the road is about thirty feet wide.

An eye witness of the occurrence, who was unable to attend at the trial but who has since been called by the Plaintiff, testified that she witnessed the accident having seen it from the window of her house which is situated on the north side of Cornwall Avenue, opposite the scene of the accident. She says the horse was on the right hand side of the road with its head over the fence. The horse went west of the gateway and west of the pole also. The horse backed out and turned ed around and crossed the road but it did not get right across. It did not jump across or go in a hurry it just walked across leisurely. The car then hit the horse somewhere behind and the horse fell and rolled over and then scrambled up and jumped high in the air and limped over to 18th Street. The car just went apast and stopped at Kelly's gate. It did not bring up when it struck the horse.

Since the hearing of the case I visited the locus in quo in company with Mr. Silverlock, an expert motorist, who drove his car from the point indicated by the defendant where he had first seen the horse; at a speed of fifteen miles an hour, applying the brakes at the spot indicated by the Defendant where he had applied his brakes. Mr. Silverlock brought his car to a standstill within fifteen feet and some few feet from the spot indicated by the Defendant where the horse was supposed to have been struck. At the speed of ten miles an hour over the same distance and applying the brakes at the spot indicated by the Defendant, Mr. Silverlock stopped his car within seven feet, which would be about ten feet away from where the horse was said to have been knocked down.

As to the allegations made by the Plaintiff that the Defendant's car was negligently driven at the time it struck the horse, the driver, Robert Sellars, admits the car was going about fifteen miles an hour. This rate of speed was in violation of Section 10 of the Motor Act which says "within one mile of any town or settlement the speed shall not exceed ten miles per hour." Had the car been driven in compliance with the Law the horse would not have been struck, as the car could have been stopped within seven feet of the horse after the application of the brakes. As to the Defendant's plea of contributory negligence because of the fact that the Plaintiff's horse was at large on the highway the Law is well defined on that point. The Plaintiff may have been guilty of negligence by leaving his horse on the highway and that negligence, in fact, contributed to the accident, yet if the

Defendant could, by the exercise of ordinary care and diligence, have avoided hitting the horse the Plaintiff's negligence will not excuse him.

In the case of Davies vs. Mahon, reported in Vol. 10, Messen & Welsh's Reports, the following dictum is laid down:

"The declaration stated, that the Plaintiff theretofore and at the time of committing the grievance thereinafter mentioned, to wit, was lawfully possessed of a certain donkey, which said donkey of the Plaintiff was then lawfully in a certain highway, and the defendant was then possessed of a certain wagon and certain horses drawing the same which said wagon and horses of the Defendant were then under the care, government and direction of a certain then servant of the Defendant, and along the said highway, nevertheless the Defendant, by his servant, so carelessly, negligently, unskillfully and improper conduct of the Defendant, by his said servant, the said wagon and horses of the Defendant then ran and struck with great violence against the said donkey of the Plaintiff, and thereby then wounded, crushed and killed the same and etc.

The Defendant pleaded not guilty. At the trial before Erskine, J., at the last Summer Assizes for the county of Worcester, it appeared that the Plaintiff, having fettered the fore feet of an ass belonging to him, turned it into a public highway, and at the time in question the ass was grazing on the off side of a road about eight yards wide, when the Defendant's wagon, with a team of three horses, coming down a slight descent, at what the witness termed a smartist pace, ran against the ass, knocked it down, and the wheels passing over it, it died soon after. The ass was fettered at the time, and it was proved that the driver of the wagon was some little distance behind the horse. The learned Judge told the jury, that though the act of the Plaintiff in leaving the donkey on the highway so fettered as to prevent his getting out of the way of carriages travelling over it, might be illegal, still, if the proximate cause of the injury was attributable to the want of proper conduct on the part of the driver of the wagon, the action was maintainable against the Defendant, and his Lordship directed them, if they thought that the accident might have been avoided by the exercise of ordinary care on the part of the driver, to find for the Plaintiff. The jury found their verdict for the Plaintiff, damages 40s.

Under the facts as given in evidence, and the Law as quoted I give judgment for the Plaintiff in the sum of \$200 and costs.

Dated at St. John's this 7th day of October A.D., 1924.

F. J. MORRIS,
Judge.
Mr. E. S. Pinsent, B.L., for Plaintiff.
Mr. T. P. Halley, B.L., for Defendant.

TO-DAY'S MESSAGES.

LABOR PARTY'S DEFEAT EXPECTED ON WEDNESDAY.

Events seem to be moving with ever increasing momentum toward a general election which all party leaders do not tire in progressing. It looked to-night as though the crisis might mature as early as Wednesday of the present week. Every political speech delivered now adays is an election manifesto, and Premier MacDonald himself, contrary to custom, is giving to the press interviews in which he accuses the Liberal leaders of forcing an election on the country on unjustifiable grounds. Apparently convinced that the Liberals are determined to force the situation, Ministers are disposed to meet the challenge immediately without awaiting defeat on the Russian treaty at the end of the month. A Cabinet Council discussed the situation to-day and, according to the chief Labor whip, Ben Spoor, the Ministers have decided to offer the strongest resistance, both to the Conservative motion for a vote of censure and an amendment to the motion to be moved by Sir John Simon, Liberal, viz: that instead of ensuring the Government a Select Committee shall be appointed to investigate the circumstances leading to the withdrawal of the prosecution of the editor of the Workers' Weekly on a charge of sedition. Premier MacDonald will deliver a lengthy speech at the Labor Party Congress to-morrow, and should he confirm his decision, it can hardly mean more than a defeat of the Government next Wednesday, with the consequent dissolution

To-Night-MARY PICKFORD-STAR MOVIE

Mary Pickford in
**"DOROTHY VERNON
OF HADDON HALL"**

From the romantic novel by Charles Major—adapted by Waldemar Young
Photography by Charles Rafter

Her Beauty Makes You Gasp!

Never was Mary Pickford so gorgeously beautiful as in this, her most beautiful photoplay—a picture story filled with tender romance, thrilling action and delicious comedy.

**Supremely
Appealing
Fascinating
Enthralling**



COMING! COMING! COMING! ???

Gorgeously
Beautiful
Mary
in her first
Beautiful
Screen
Triumph

Special
Music
by the
Now
Celebrated
Star
Orchestra

**ADMISSION
30 cents
Matinee
as usual.**

of Parliament and elections during the second week of November.

**PRESIDENT OF UNIVERSITY DIES
SUDDENLY.**

NEW YORK, Oct. 7.
Dr. William A. Shanklin, President of the Wesleyan University died suddenly this afternoon in the Grand Central Subway Station. Death was due to heart failure.

DAMAGE BY FLOOD.

ST. THOMAS, Virgin Isld, Oct. 7.
Ten lives are reported to have been lost at Dominica, Leeward Islands, West Indies, yesterday, when torrential rains caused the Roseau River to overflow. The town was flooded with four feet of water. Damage is estimated at several thousand pounds.

A LEAP TO DEATH.

QUEBEC, Oct. 7.
Mrs. Alfred Corriveau who sustained a fractured skull, early yesterday morning, when she jumped from the third floor window, during the course of a fire at her home, died to-night in hospital here.

HEARING OF PIRACY CHARGE BEGINS.

MONTREAL, Oct. 7.
Charged with piracy, Captain Samuel Ford, a New England shipmaster appeared before the court of the King's Bench this afternoon. Mr. Justice Dwyer presiding. The evidence submitted was a repetition of the testimony given last July on board the

steamer "Lutzen" when the super cargo declared that together with a Winnipeg lawyer named Isaacs he had been kept a prisoner on the vessel, while its cargo or liquor had been "pirated" by Captain Ford. This incident took place according to the testimony a year ago, when the Lutzen was within two days of St. John, N.B.

HIGH SCHOOL TEACHER ASSAULTED.

CHARLOTTETOWN, P.E.I., Oct. 7.
Ethel Tanton, teacher in the Summerside High School, who lives alone on her farm, at St. Eleanors, was beaten over the head while asleep last night, and was discovered some time later by her little nephew, who happened to be sleeping the night with her and was awakened by her groans. Miss Tanton was able to tell him, to phone for his father, Dr. Tanton of Summerside, before she became unconscious. Her skull is injured, her shoulder and forehead cut, and two fingers are broken. This morning she was removed to Prince County Hospital. Hopes are held out for her recovery. Suspicion rests on a neighboring farm hand whose cap was found in the kitchen, but as yet has not been located by the police.

TRUCE CONCLUDED WITH WAHABIS TRIBESMEN.

JERUSALEM, Oct. 6.
Emir Ali, eldest son of former King Hussein of Hedjaz who abdicated last week has concluded a truce with

the Wahabis tribesmen. According to the terms of the truce, Ali, who to-day was elected King of the Hedjaz, promises to abandon his claims to the Caliphate and agrees to pay a yearly subsidy to the conquering power.

TRANSATLANTIC RECORD LOW-ERED.

PLYMOUTH, Eng., Oct. 7.
Once again the liner Mauretania has lowered her transatlantic record eastward. She has just completed a voyage from New York in 4 days 21 hours 51 mins. The best previous record of the Mauretania was 4 days 21 hrs, 57 mins, in September last.

SEVEN KILLED AND SIXTY INJURED IN CLASH WITH POLICE.

HAVANA, Oct. 7.
The Government has despatched 400 troops in a special train from Camp Columbia to Camaguey and Oriente Provinces as precautionary measures against further disorders. President Zayas has also issued a proclamation calling upon the people and political leaders to remain calm. The proclamation said "for the time being President Zayas could not say who provoked last night's clash at Camaguey between the police and adherents of former President Menocal in which seven persons were killed and about sixty were injured."

PREMIER MACDONALD ADDRESSES CONFERENCE.

LONDON, Oct. 7.
Addressing the 24th annual conference of the Labor Party at its opening in Queens Hall to-day, Premier MacDonald head of Great Britain's Laborite government, scored communism, which he declared, "had in it nothing practicable and in the product of Czarism and war brutality."

he said, "and as such we will have nothing to do with it and unless we are prepared to engage against this we had better put up our shutters." The Premier's speech had been heralded, as likely to throw a deal of light on the present political situation in England, and to clarify to some extent labor's attitude toward the votes of censure which are to be moved in parliament by the Conservatives and Liberals before this conference is over. "We shall know what fate have in store for us," Premier told his hearers. "Depend upon this: we shall surrender nothing, and if there be election responsibility it is not ours, when it is time for the Government to dissolve, thousands of men and women gathered here, will turn to their posts and step in their armour, until word is given that the Labor Party is to take the field, not to defend itself, but to attack its enemies."

Jackie Coogan,

YOUNG MOVIE STAR, RECEIVED IN AUDIENCE BY POPE.

ROME, Sept. 29.—(United Press).—Pope Pius to-day received Jackie Coogan in audience at the Vatican. The American boy movie star is one of the youngest communicants ever received by the head of the church, an honor usually reserved for only persons of the highest rank. Jackie has been in Europe several days, visiting important cities in connection with a shipment of supplies for needy children of the Near East being made by the Near East Relief Association.—Montreal Star Sept. 30, 1924.

SNOODLES



Some Diversion!

By CY HUNGERFORD