

# GEO. KNOWLING

OFFERS THE FOLLOWING:

- FINE Granulated Sugar - - - 8c. lb.
  - Finest Quality West Indian Cane  
Crystalized Sugar - - - 7c. lb.
  - Very Choice Tea, quality usually  
sold at 40c. lb., for - - - 28c. lb.
  - Australian Corned, Roast or Boil-  
Beef—the 1 lb. tins contain  
16 ounces, and the 2 lb. tins  
32 ounces of finest possible  
quality meat not 12 & 24 ounces  
as in the American so-called  
1's and 2's - - - 20c. & 36c. each.
  - Good Sound Rice - - - 3c. lb.
  - Choice Grapes, splendid quality,  
only - - - - - 7c. lb.
  - A Large Bottle of Pickles, or  
Chow Chow - - - - for 12c.
- We have just received a carload of  
Choice Gravenstein Apples—Prices Right.

# GEO. KNOWLING.

Oct 6, 1911

## Evening Telegram

W. J. HERDER, - - Proprietor  
W. F. LLOYD, - - Editor.

FRIDAY, October 6, 1911.

### Important to the Insuring Public.

In the Royal Gazette of September 26th last, is published the first part of the judgment of the Supreme Court in which an application for a new trial was refused to the plaintiff in the case of Piccott vs. The Guardian Insurance Co. The judgment is dated June 29th, 1911, but the publication was begun in the issue of the Royal Gazette of the date mentioned and concluded in last Tuesday's issue. The judgment is of so much importance to those effecting insurance that we propose to draw attention to it. The note at the head of the report runs as follows:—

"The plaintiff obtained insurance upon a ship and its contents, but did not, at the time he applied for insurance, inform the Company that he had another policy elsewhere upon the same property. In an action to recover the amount of the insurance, the jury found that it was material to the Company in considering whether the risk should be accepted to know that such other insurance existed, and that the double insurance exceeded the value of the property. Judgment was directed to be entered for the Company. Upon an application for a new trial—

"Held—That it is the duty of anyone applying for insurance to disclose to the Company all material facts, and that as the jury had found that the fact of prior insurance was material and that no notice thereof had been given to the Company, the application should be dismissed."

The head note, just quoted, summarizes the case shortly and set out the judgment of the Court. The Chief Justice sets forth his reasons at considerable length. Mr. Justice Johnson expresses his concurrence also at some length. Mr. Justice Emerson dissented.

As there are very many persons who take out policies of insurance it is well that they should thoroughly understand their position.

It must be understood in the first place that there was no deliberate or designed concealment. That would

**JUST IN:**  
One cask IRISH HAMS,  
1 cask IRISH BACON,  
IRISH PIGS' HEADS.

A shipment of  
**P.E.I. BUTTER**—in tubs & prints.  
25 cases Tinned PEACHES,  
Our Choice Ambassador Brand,  
in heavy Syrops.

**J. D. RYAN**

Oct 4, 9, 11

have been fraud and would have in itself vitiated the agreement.

The real issue was whether it was the duty of the plaintiff to inform the Company of a policy in another office. In part the Chief Justice said:—

"Insurers are entitled to have all the facts disclosed so that they may be in a position to determine whether the total amount of insurance, compared with the value of the property, is such as to make the risk acceptable to them. 'Insurers should have had all the facts declared to them to enable them to decide whether, in their judgment, the total amount insured under both policies was such (having regard to the value of the property) as to deprive them of the protection offered by the margin of risk usually left to be borne by the insured himself.' (Per Griffith, C. J., in *Sinnamony v. New Zealand Insurance Co.*, 3 Q.L.J. (1897) 114.) 'If the insured is not in part a co-insurer, if the parties to the contract have not a common interest in the preservation of the property, one of the most efficient safeguards against fraud and crime is taken away.' (Per Taschereau, C.J.)

The contract between the parties is necessarily based upon the application or proposal as submitted by the plaintiff to the defendant. In the absence of any information by the plaintiff that other insurance existed, the defendant company must be taken to have contracted presuming there was no other insurance, for it was the duty of the plaintiff to have disclosed it and its nondisclosure, raised the presumption that there was none. The facts as disclosed to the defendant company and upon which its policy issued were not the whole facts affecting the risk and the difference, the fact concealed, was material to the defendant company."

Mr. Justice Johnson said in part:—

"To my mind, it must be material to a company to be made aware of other insurance whenever the aggregate of the insurances approximates the value of the property. A fortiori, where it exceeds that value. No honest jury of average intelligence could help finding, in the circumstances of the present case, that it was material to the defendants, in considering whether they would incur or continue this risk, to be made aware that other insurance existed which, added to the \$3,600 of the present policy, would exceed the value of the property by so great a proportion."

### Police Court News.

This morning an insane man was sent to the Asylum and several drunks were up. One was discharged; others fined.

In the Central District Court the owner of some straying cattle was sued for damage they had done to crops and had to pay \$3.45. Mr. Higgins appeared for the plaintiff; Mr. Squires for defendant.

Mr. W. C. Hannah of St. John, N.B., arrived by the express yesterday to take charge of the Adventist School of this city.

**RINARD'S LINIMENT CURES DIB-  
LIPPER**

### Latest War News.

**Special Evening Telegram.**  
LONDON, To-day.  
The Italian flag floats over the Sultania forts at Tripoli, which were occupied by landing parties. Part of the fleet is anchored in the harbor, and other warships lie a short distance from the dismantled fortifications. A few bodies of Turks have been found among the ruins of the forts. Apparently no great number of Turks were killed by the bombardment. According to a Constantinople report, not yet confirmed, Italian warships bombarded Bengazia and Derna. There are various rumors concerning naval engagement in Turkish waters. An attack against Mytilene, the blowing up of the battleship *Conte di Cavalcigis* at Tripoli, not confirmed. An interesting report is current from Constantinople that while Germany favors the adoption of the Italian ultimatum as a basis for peace negotiations, Britain proposed that Tripoli shall become a privileged tributary Turkish village under a joint Turkish-Italian administration, thus retaining the suzerainty of the Sultan.

### Marines Protecting the Consulates

ROME, To-day.  
A despatch from Tripoli says the Italians have occupied the Sultania fort and that detachments of marines have been landed at Tripoli to protect the Consulates and the Italian Church Hospital.

### More Bombardments.

**Special Evening Telegram.**  
LONDON, To-day.  
The Daily Chronicle's Constantinople despatch from Tripoli says the Italian warships are bombarding Bengazia and Derna and that the former is vigorously returning the fire.

### Aeroplanes for Tripoli

**Special to Evening Telegram.**  
NAPLES, To-day.  
Nine military aviators with eight monoplanes and two biplanes will be sent to Tripoli, and will be under the command of Captain Piazza, who won the air race from Bologna to Venice.

### No Bombardment of Prevesa.

**Special to Evening Telegram.**  
CORFU, To-day.  
The ultimatum threatening the bombardment of Prevesa has been withdrawn.

### The New Viceroy

**SAILS TO-DAY.**  
H. R. H. the Duke of Clarence, and uncle of His Majesty, the King, is scheduled to leave England to-day and to take up the office of Governor General of the Dominion of Canada next week-end. By virtue of a proclamation of His Majesty, and owing to the exalted birth of the Viceroy elect, he will not assume the title of His Excellency but will be addressed as hitherto as His Royal Highness. The experiment of placing the Governorship of one of the great dominions in the hands of a Royalty will be favourable for the venture. Everything is watched with interest. The attainment of manhood in self-government both tend towards the success of this attempt to make the office of the Viceroyalty of the Dominion approximate more closely in dignity and duty to those of His Majesty the King, leaving responsibility of government more and more to Ministers who are responsible mainly to the Electorate.

**Dr. de Van's Female Pills**  
A reliable French regulator; never fails. These pills are exceedingly powerful in regulating the reproductive portion of the female system. Refuse all cheap imitations. Dr. de Van's are sold at 25c. a box, in three for 75c. Mailed to any address. The Scoobell Drug Co., St. Catharines, Ont.

August 31st, 1911.  
**M. J. WALSH, Duckworth st.**

**APPLE PIES,**  
6c. & 12c. each.  
**BLUE BERRY PIES,**  
6c. & 12c. each.  
**SPONGE CAKES,**  
15c. dozen.  
**CUP CAKES** . . . . . 10c.  
All Fresh To-Day.

**M. J. WALSH,**  
Duckworth Street.

### Attempted the North West Passage

Four of the crew of the s.s. Arctic, who were with Capt. Bernier in the Arctic Ocean, returned to the city by the express yesterday. Their names are T. Holden, J. Brace, W. Doyle and J. Leary. They state that Capt. Bernier attempted the North-West Passage, but the ice was found to be too heavy to get through this last season. They have made good money and a cheque for it will be sent to them shortly.

### Invermore's Passengers.

The S. S. Invermore arrived at Port aux Basques at 10 a.m. to-day bringing C. R. Stranger, A. Nardini, A. M. Rogers, Rev. C. Hackett, W. J. Stower, W. T. Petrie, R. H. Wilcox, Miss J. L. Whitten, Mrs. James Moore, S. H. Hare and L. M. Teask.

### Glencoe's Passengers

The S. S. Glencoe sailed west from Placentia last evening taking Sir E. P. Morris, C. H. Emerson, George Brocklehurst, Sergt. Sparrow, W. Forsey, Rev. R. Hills and wife, E. Vallance, Mrs. (Capt.) Blandford, Mrs. C. Buffett, Mrs. J. Harding, W. Robinson, J. Dalton, Sergt. Benson, W. Butt, J. Bugden, Miss Hartigan and 5 in second cabin.

### Here and There.

**AT THE DOCK.**—The Mildred and s.s. Diana will come off dock to-morrow.

**GENTS WATCH CHAINS.** In all varieties of pattern and price, 25c. to \$45.00 at TRAPNELL'S.—sept. 27, 11.

**STILL GETTING FISH.**—Boats are still doing well with fish on trawls at Witless Bay. Yesterday they had from three to five quintals.

The young Ladies of St. Andrew's Church are holding a **Hallow'en Party** on Oct. 31st, in the Presbyterian Hall. Keep that date open.—11.

The famous Autopiano. This splendid Player Piano is one of the wonders of the age. **CHESLEY WOODS,** Sole Nfd. Agent.—aug 28, 11

**WILL LOAD AT BATTLE HARBOR.**—The schr. John Pritchard will sail for Battle Harbor this afternoon to load fish for Baine Johnston & Co.

**THE Regular Monthly Meeting of the St. John's Mechanics' Society will be held in their Hall on Monday evening, at 8 o'clock. JAS. LEAHEY, Sec.**—advt. lin

**MR. W. ALLAN DYING.**—Word was received from Grand Falls this morning that Mr. W. Allan, who was injured so severely in an accident there a few days ago, is dying.

**WIRES AND POLES DOWN.**—Horsemen driving over the Portugal Cove Road say that the wires and poles that are still down on the road here and there makes driving particularly dangerous. Matt Church's horse got tangled up in the wires there yesterday and fell over on its side.

**REPLACING SUPT. GRIMES.**—Supt. Grimes, of the police force, has gone down north on an inspection tour. He will be back in about ten days. While he is away Inspector Collins will do the Superintendent's work. Inspector Collins is a most capable officer and will worthily perform the Superintendent's work while he is away.

### FIG PILLS

**CURE BACKACHE, BLADDER AND KIDNEY TROUBLE.**  
Sold with a positive guarantee. At all dealers, 25 cents per box, or The Fig Pill Co., St. Thomas, Ont.  
Sold in St. John's, Nfld., by T. McMurdo & Co., Wholesale & Retail Druggists.

**BORN.**  
On the 3rd inst. a daughter to Mr. and Mrs. James Sparkes.

**DIED.**  
Killed on the 3rd inst., by falling from the yard arm of the barq: Rosina, Lorenzo, son of Peter and Naomi Hiscock. The deceased was a young man, 20 years of age. His parents were formerly of Trinity, but now residing in this city. He leaves a father, who is now at Battle Harbour, Labrador, also a mother, two brothers and three sisters, and a large number of relatives and friends to mourn the loss of one cut down in the bloom of youth. The funeral took place this afternoon which was largely attended. Rev. Bell officiating, Mr. T. Martin, undertaker.

**LOST—This morning,** on Water Street, between Goodridge's and Franklin's, a sum of money, the property of a poor fisherman. Finder will be rewarded on leaving same at this office.  
Oct 6, 11p

## Prepare for the Cold!

A STITCH IN TIME SAVES 9.

# Miller Oil Heater

Saves Fuel and Money,  
Ensures Comfort and Warmth,  
Excludes Cold.



Hardware Dept., Pitts' Building. **Ayre & Sons LIMITED** Hardware Dept., Pitts' Building.

## Comfortable, Stylish & Up-To-Date

Are the principle features of our

## Ladies' Black

# Velvet Turbans.

They make an excellent

READY-TO-WEAR HAT, and are Cheap at

# \$1.20 each.

See Window.

# S. MILLEY

## BIG DISPLAY Fall MILLINERY

We have just opened our selection of FALL MILLINERY, consisting of some of the NEWEST and DAINTIEST CREATIONS from London and Paris markets. The Moderate Prices will astonish you.

It is impossible to describe the beauties of our Ladies' TRIMMED HATS. You want to see them.

Ladies' and Children's Felt Ready-to-Wear Hats are gems.

# A. & S. RODGER.

# RO

## Baking Absolu

The Star Agent

Contains all the ingredients

Insures tizing

No Alum

## Cable News

**Special to Evening Telegram.**

LONDON, Oct. 6.—The Telegraph publishes an account of a view with a prominent Portuguese Royalist, who declares that a War is inevitable in Portugal. Royalists, he says, have ample resources and possess two warships which are only waiting the signal.

**Special Evening Telegram.**

LONDON, Oct. 6.—A despatch to the Standard, Dublin says a rough draft of the Home Rule Bill has been used for submission to the cabinet. It provides for a grant of \$5,000,000 to start the new Parliament. The nationalists asked for \$75,000,000.

**Special Evening Telegram.**

GLASGOW, Oct. 6.—Elliot and Company, a firm in Glasgow, says this afternoon received a telegram from Venice, Italy, saying the Italian flag now floats at Tripoli.

**Special to Evening Telegram.**

LONDON, Oct. 6.—A despatch from Constantinople says: A cablegram has been received here from Turkish sources at Tripoli, via Malta, which states that the Italian battleship *Conte di Cavour* has been blown up by a Turkish mine off Tripoli, and that her crew, as well as troops on board, perished.

**Special Evening Telegram.**

LONDON, Oct. 6.—The Chronicle's correspondent, Constantinople says that a start report has been received by the newspapers to the effect that the Italian and Turkish fleets are engaged in a fierce battle north of Mytilene. Star information has reached the Arian post office here.

**Special to Evening Telegram.**

LONDON, Oct. 6.—A despatch from Rome says the correspondent to one of Rome's news telegraphs that the Italians effected a landing close to Tripoli.

## Ex S.S. STEPS

No. 1 Gravenstein  
No. 2 Gravenstein  
Good Gravenstein

## John Gray & Co.

In tumbler—6 doz  
Scotch Mixtures, 4 lb  
Butter Pats, 1 lb  
Jars Assorted Me

## Monkhouse & Glas

Viz—Swiss Trifle,  
Chocolate Mould, Co  
Cake Mixture, etc.,

Cranberries, Partr  
New

## C. P.

Duckworth