80c. Value for 40 cts.

BE AT

This Afternoon and To-morrow,

At 8.80, and get your share of the big snap in

Two more days will see the end of this great

J. M. DEVINE. 302 Water St.

avoid the crowd Bring your neighbor.

The Man who knows what you want.

Evening Telegram

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

MONDAY, May 8, 1911.

The Cable Case.

Judgment Against the Commercial Cable Company.

Donald Morison, Attorney General of Newfoundland vs. The Commercial Cable Company,

In which the Government sues for Government.

judgment and his written judgment of finding and reasons have not yet been filed in the Registrar's Office. The judgments of the Chief Justice and Mr. Justice Emerson are in favour of the Government, Mr. Justice Johnson dissents. It follows therefore that the judgment of the Court is in favour of the

We are able to give some extracts from the judgments filed, viz., those of Justices Emerson & Johnson. The the defendant and Vice-President of the company, deposes that relays are contract referred to in the extract im, used in all very long land-lines, and February 9th, 1909, which was not submitted to the Legislature,

Extracts from the Judgment

Emerson, J. "I have to hold that such an agreement, as a binding and valid contract. could not be made by the Executive Government of this Colony. In law it never was a contract, because of eterments of a contract, viz. capacity on the part of one of the contracting parties. No contract can be made by the Executive Government to remit a tax, and as such a contract was not valid without the authority or con-sent of the Legislature, it could not be admitted in evidence for or on behalf of the defendant in the action. The Executive Government knew or should have known that it had no such power The agreement could not have been intended to be binding upon the Government without the approval of the Legislature, especially view of the fact that the Statutory Rules of the House of Assembly, provide that no contract made with the Government extending over a period years shall be binding unless ratified by the Legislature. Besides, the document is plainly one, which, in view of the Taxing Act and the contract of 1905, could not have been intended by those who signed it to have any binding effect as a contract. unless and until it had been ratified by Statute of the Legislature. "I am therefore of the opinion that there should be a judgment for the plaintiff for the sum of \$16,000 (including

SHADES.

For Dwelling or Store,

MADE TO ORDER.

Lettering a Specialty. Satisfaction Guaranteed.

Ladies Underwear Shop early and

600.

Goods for

35 cts.

the payment into Court.'

This Eth day of May, 1911. GEO. M. JOHNSON, Judge."

House Burnt Down.

the news that a dwelling house of

to the ground yesterday morning. The fire broke out at 9 o'clock and soon got control. Mrs. Russell who

was in bed on the fifth day of her confinement had to be borne down stairs out of the building with her paby and had a narrow escape. The

fire was caused by a defective chim-

Coastal Boats.

REID'S BOATS.

The Argyle arrived at Placentia at

a.m. yesterday and sailed to-day for

The Clyde will leave St. John's for the Trinity Bay route to-morrow.

The Dundee left Port Blandford at

The Ethie left Carbonear at 12.40

The Glencoe left Port aux Basques

at 8.25 a.m. to-day on the South West

The Home left Port aux Basques at

The Invermore arrived at Port aux

Pasques at 8.30 a.m. yesterday from

Train Notes

The express from Port aux Bas-

The west bound express left Bish

The incoming express left Port aux

Pasques at 9.15 a.m. yesterday.
The local via Brigus arrived at St

ohn's at 12.30 p.m. bringing Rev. Mr

vife, B. Parsons, T. Hayden, Captain Dunn, Mr. Chalker, Dr. Richards, Rev. Fr. O'Flaherty and W. G. Greenland

The 8.45 train to-day took out Capt

Titzgerald, Capt. Bonia, Messrs, God

den, Franklin, Moore, Burden, Walsh Carroll, Stone, Marshall, Gardner, De-

For Concentration.

ELPASO, To-day. M. Madero, has ordered all insur-

ecto troops to abandon their posi-ions along the States' borders, and

oncentrate their attack on the cities

f the interior. Madero's decision is ue, it is said, to a desire to avoid

ntervention, and the stopping of this

ction will bring the recognition of

the insurrectos as belligerents by the

THE CARTHAGINIAN'S PASSEN-

Miss Brown, Mrs. W. Clouston, Mort. Green, J. P. Gorton, Capt. Linklater

wife and child, Herbert North, Miss Cahill, Miss Cullen and Mr. Wills.

The ship takes a small cargo of fish.

A WIDOW'S LUCK

luit the Thing That Was Slowly In-

A woman tells how coffee kept her

"I suffered for many years chiefly

rom trouble with my heart, with

evere nervous headaches and neu-

algia; but although incapacitated at

imes for my housework, I did not

ealize the gravity of my condition till

was rejected for life insurance, be-

ause, the examining physician said.

ny heart was so bad he could not pass

"This distressed me very much, as

and my appetite came back to me.

reatest of all, my heart was strength-

gight with my heart trying to fly out

"Then I again made application for

life insurance, and had no trouble in

It was seven years ago that I be

gan to use Postum and I am using it

still, and shall continue to do so, as

find it a guarantee of good health."

Name given by Postum Company, Bat-

are genuine, true, and full of human

passing the medical examination.

of my mouth!

tle Creek, Mich.

juring Her.

rom insuring her life:

-Hon, R. Watson, Miss Schulze

tates and other powers.

special to Evening Telegram

vine, White and Veitch.

T. P. Connors, Dr. Shankell and

Field, Rev. Canon Temple, Miss Del-

a.m. yesterday for the north.

m. yesterday.

Coast route.

passengers who came in from

Roberts to-day by train we get

Russell, Coley's Point, was burnt

Court) with interest thereupon of six per cent per annum from the 30th Jan. 1910, to the date of judgement, and costs of suits to be taxed.'

Extracts From Judgment of Mr. Justice Johnson.

"It is established by the evidence that before the year 1909 defendants had four separate and entire transatlantic cables extending between Europe and the Continent of America at Canso, Nova Scotia. These cables were and had for some time been in regular and effective use for trans-mission of telegrams between these termini. They had a fifth cable extending from Europe via the Azores to Canso. It is immaterial to the present case whether this fifth cable was or was not in two independent

Between the 30th June and the 31st December, 1909, the defendants cut one of these four cables, as paragraph 3 alleges; they spliced on at the cut a cable extending from the Hut in Newfoundland; then continued a sub marine section westward from the Hut to New York. The Hut stands tax on four cables, and the Company within 100 yards from the points have paid into Court taxes for two where these cables leave the Atlantic cables, judgment was given in the and are returned to it. This cable Supreme Court this morning for the extending from Waterville to New York via the Hut is, by the defend-The Chief Justice gave an oral ants, called one transatlantic cable or one through cable. The eastern extremity of the section west of the Hut has never been actually spliced or joined at the Hut to the western extremity of the section east of the Hut, but electric connection has been there made and maintained between those two sections by means of apparatus known as the Taylor-Brown-Deerlove Relay.

Mr. Ward, an expert witness for the defendant and Vice-President of of renewing current. They become sine qua non in submarine cables as well as in land-lines when the distance is so great that, with the best means of applying electric impulse so far known, a cable or line cannot

otherwise be made to convey the telegraphic signals from the point a que o the point ad quod. And in answ o cross-interrogatory 68 Mr. Ward says—and there is no evidence to the contrary—that the distance be tween New York and Europe is too great to work successfully without relaying; that it would be necessary

to relay a cable between New York and Europe. And in answer to crossinterrogatory 70 he deposes that the distance between Canso and Europe is not too great, and that "there would be no advantage, nor would is be desirable or necessary," to relay cable between Canso and Europe gather from the evidence that, though this company had four submaring cables direct from Waterville to Canso before 1909, they had no cables from Waterville or from Europe di-

And so it may be inferred that the

was a widow and had a child decompany, knowing that messages could not be sped between Waterville endent upon me. It was to protect ner future that I wanted to insure my and New York without relay en route decided to substitute for one of the four through cables from Waterville to Canso a cable from Waterville to Fortunately for me, I happened t ead an advertisement containing a New York through the Hut, and to relay there instead of forwarding estimonial from a man who had been from New York to Canso. I differentiate the company's cable between affected in the same way that I was New York and Waterville through the Hut from its other cable through the ising Postum. I grasped at the hope Hut between Canso and Waterville: and I hold that the former must for his held out, and made the change at the purposes of this suit be considapplying the same evidence to the "My health began to improve. im able between Canso and Waterville nediately. The headaches and neualgia disappeared, I gained in flesh,

ered as two cables, not one. hrough the Hut, I hold that it is one cable, not two, for it was through a cable within the intendment of section 4 of the contract of 1905 when it was landed and it needed no quickning or relay to render it capable of transmitting through messages between its termini. The Waterville-Canso cable had been one entire and efficient cable before it was taken ashore at the Hut. Without the Goyernment's permission the defendants would have had no right to land any elegraph cable, for it is to be noticed that the terms of the contract of 1905 are that the Government "will grant "right to land the company's through 'cables on terms and conditions," etc. the plaintiff has not suggested that this Canso through cable was landed without its permission; the fact that this suit is aimed at this cable and that the plaintiff has not seen well to take proceedings for its removal is suggestive that the Government assented to the landing. In these circumstances it is reasonable to hold that it was landed with the plaintiff's permission as a through cable be-

tween Waterville and Canso, and the interest.

In the Police Court

but are ad necessitates to use a re-lay with it at the Hut (and show a In the police court to-day Judge Knight had a big docket to deal with. sufficient reason why they use that relay, namely, for recording and checking messages — not because without relay the messages would not

in such an action as this as sufficient proof that the Waterville-Canso cable 3 days. is anything but one through cable." A disorderly was fined \$5 or "In these findings, I adjudge no days, and three others \$2 or 7 days. more to the plaintiff than the defendant has paid into Court, and I therefore direct that judgment be entered for the defendant with costs since

took up-\$12.

Two butchers summoned by Inspector O'Brien for having unclean slaughter houses were let off on paying costs. A resident of Stephen Street, con-

LEGACY FOR ST. PATRICK'S. Rev. Fr. McDermott received notice from the executors of the estate of the late Mr. John Ryan lately to the effect that he had bequeathed \$100 to St. Patrick's Church.

CONSUL-GENERAL HERE. - The Consul-General of Norway, Aroes Jacobsen, Esq., who resides at Montreal, arrived here Saturday accom-panied by his secretary, Mr. Gerard Maquies. He will remain here a short

lady named Wall, mother-in-law of Councillor M. W. Myrick, in passing along Duckworth Street this foreseverely. She had to be driven home

ABANDONED THE SCHOONER.-The boat Mary, which left here Saturday morning to go to Bay Bulls. sprung a leak and had to be abandoned by the skipper, T. Williams, and his man off Shoal Bay, near Petty

n boxes, 15c. GEO. KNOW-LING, China and Glass Department.—m1,5fn,eod

A RECORD RUN .- The schr. Nelie N., T. Nagle Toad's Cove, arrived ere yesterday, making the run of 21 miles in 2 hours and 45 minutes from Toad's Cove to Cape Spear. The main boom was carried away owing to the orce of the storm

A. Dickinson has taken an action for slander against the Committee of the privileges there, alleging certain reasons therefor. He claims an injunc-GERS. — The Carthaginian sails for liverpool at 6 p.m. Her passengers tion and \$2,500 damages.

THE CORONATION FETES. - We understand that on Friday, the 23rd June, there will be a joint parade of ne City Brigades with sports b them on St. George's Field in the af rnoon. A grand display of fireworks vill be given at night.

MORE DIPHTHERIA. - Saturday case of diphtheria was reported rom Duckworth Street, the patient eing a girl, aged 14, who will nursed at home. A little girl, a resident of Sebastian Street, aged 6, was also stricken with the disease this morning and was sent to Hospital.

ANOTHER FIRE ALARM.—At 12. brought the Eastern and Central firemen to Mr. John Gallivan's house Hoylestown. A spark falling on the roof fired the shingles and before much damage was done a few buckets of water quenched the blaze.

DIANA'S TURN OUT-11,409 young harps, 862 bedlamers, 1,891 old harps, 138 young hoods, 31 old hoods, 1 with my heart trouble, and who was square flipper. Total, 14,332. Gross benefited by leaving off coffee and weight, 309 tons, 11 cwt., 3 qrs., 3 lbs.; nett weight, 289 tons, 1 cwt., 1 cr., 13 lbs. Gross value, \$23,786.09 nett value, \$23,147.49. Men's share, \$45.92. Young harps averaged 37 lbs.

sne ran into the litle schooner Ocean Bride of Trepassey, which was "hove" d from the beginning, and soon all have been killed.

Two drunks were discharged, as was a domestic of Rose Blanche, takpass through) is not to be construed in such an action as this as sufficient Two drunks were each fined \$1 or

A disorderly was fined \$5 or 1 A drunk and disorderly in his mother's house will quit it.

The Broad Cove man who deserted

the Ranger will pay for the crop he A domestic, a loose and disorderly character, was fined \$5 or 14 days.

victed of stealing 6 oil casks from Geo. Neal's premises on different oc-casions, was fined in the aggregate \$20 or 58 days.

Here and There.

ove at 4.20 p.m. yesterday bound

DIED YESTERDAY .- Mr. Thomas Pike, a well known resident of Freshwater, died there yesterday in his 85th year.

CANCER IN HIS FACE. - Elijah Roberts, of Upper Gullies, came in to Hospital Saturday to have a cancer

SPRAINED HER LEG.-An old noon, slipped and fell, hurting her leg n a cab.

FAIRY LAMPS—a variety of colors, from 11c. up. Fairy Lights

SUIT AGAINST CITY CLUB,-Mr. City Club for depriving him of certain

HER PURSE STOLEN .- Saturday night a lady visited an uptown store to make a purchase and while en gaged with the clerk left the purse containing over \$8 on the counter purse she found that it had been

50 to-day an alarm from box 12 proof

STEAMER DAMAGES SCHOONER. -As the s.s. Nancy Lee was berthing at the dock pier Saturday afternoon down for repairs at the head of Franklin's wharf. The schooner's the distressing symptoms passed main boom was broken, mainsail p.m. Tuesday, May 9th, from her late way. No more waking up in the torn, bulwarks and stanchions smashed, and the skipper, Wm. Curtis, narrowly escaped being killed. He with his two sons were in a dory at the chas. Williams. Funeral on Tuesday, vessel's side, and but that the boys at 3 p.m. Friends and acquaintances pushed their father away and jump- | will please attend without further no ed clear themselves all three would

> FOOTBALL LEAGUE MEETING .-The annual meeting of the Nfld. Football League was held Saturday night n the office of the President, Mr. M. Chaplin. All the clubs were represented and the reports for last year,





will not fade, peel or rub off.

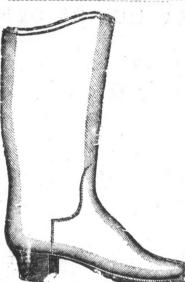
It is Healthful, Beautiful, Sanitary, Economical, Fire Proof and easy to apply. Where it is used the air remains pure and sweet.

Ask for Color Card.

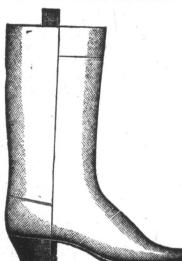


AGENTS FOR NEWFOUNDLAND

Life Saving Station!



SMALLWOOD'S Hand-Made Water proof Tongue Boots. Fishermen who wear these Boots will have dry feet and no doctor's bills this season.



SMALLWOOD'S Hand-Made Water proof Wellington Boots. These Boots have been worn and proven to be waterproof by fishermen throughout

Fishermen who want dry feet and comfort during the fishing season

WELLINGTON BOOTS. HIGH 34 BOOTS. LOW 34 BOOTS.

TONGUE BOOTS.

N.B.-None genuine without the name Fred. Smallwood on the Heel

The Home of Good Shoes.

** I H.D.

On Saturday, May 6th, '11, Nellie Crowley, passed peacefully away, after a short illness. Funeral 2.30 On Sunday morning, May 7th, at Petty Harbor, Emma, beloved wife of

This morning, 8th inst., after a long and tedious illness, Thomas Cain, a native of Scotland, aged 78 years. from his late residence, No. 9, Barnes' Place, off Barnes' Road. Friends and acquaintances will please accept this the only intimation. R. I. P.

Read the big little book, "The Road of Wellville," in pkgs. "There's a elected, viz.: President, Mr. M. Chap-Reason."

Ever read the above letter? A new cne appears from time to time. They are genuine, true, and full of human interest.

Ever read the above letter? A new cne appears from time to time. They are genuine, true, and full of human interest.

Ever read the above letter? A new cappears from time to time. They are genuine, true, and full of human ditors. The first match will take place on Monday, June 5th.

Ever read the above letter? A new cappears from time to time. They are genuine, true, and full of human ditors. The first match will take place on Monday, June 5th.

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COMPANY

NOTRE DAME BAY SERVICE.

S.S. "CLYDE,"

will leave DRY DOCK WHARF, To-Morrow, TUESDAY, May 8th at 4 a.m., and will make regular ports of call on South Side of Notre Dame Bay into Lewisporte, leaving there FRIDAY, May 11th, after arrival of Express Trains for North Side of Bay, thus resuming regular service for this season. The following will be the ports of call:

EVERY MONDAY .- Campbellton, Kite Cove, Botwood, Exploits. You ton's Harbor, Tizzard's Harbor, Twillingate, Herring Neck, Change Islands, Fogo, (returning) Change Islands, Dog Bay, Beaver Cove, Harver ton, Herring Neck, Twillingate, Tizzard's Harbor, Moreton's Harbor, Exploits, Botwood, Kite Cove, Campbellton,

EVERY FRIDAY .- Lewisporte, Exploits, Fortune Harbor, New Par Head, Leading Tickles, east and west, Triton, Big and Little, (alt.). Fill y's Island, Boot Harbor, Springdale, (alt.), Wellman's Cove, Ward's Harbo Little Bay Islands, Little Bay, Three Arms (alt.), Harry's Harbor (alt.) Jackson's Cove (alt.), South West Arm (alt.), Rattling Brook (alt.), Nor West Arm (alt.), Nipper's Harbor, Snook's Arm (alt.), Tilt Cove. Sho Cove, (returning), Shoe Cove, Tilt Cove, Snook's Arm (alt.). Nipper's Harbor, North West Arm (alt.), Rattling Brook (alt.), South West Arm calt. Jackson's Cove (alt.), Three Arms (alt.), Harry's Harbor (alt.). Little Ba Lush's Bight, Springdale (alt.), Boot Harbor, Pilley's Island, Triton. Big and Little Triton (alt.), Leading Tiekles, E. and W. New Bay Head. Fortun

Passengers from St. John's will Emberk at Midnight.

Reid Newfoundland Company

WE'RE EASY!

Five Dollar Greenbacks are Burning Holes in Our Pockets Do You Want One?

Save the Alphabet Cards in all Pound Packets of Union Blend · Tea, bring to us and get the money

de FOREST TEA

-It is likely that Capt. C. W. Green The returns for the Norwegian fis with a crew of men from St. John's ery to date are 44,600,000 fish caus should get our Hand-Made, Water- with a crew of men from St. John's will leave here shortly for New York to bring down the new church ship splendidly fitted up and put in thor- ginian after being at ough order for her work.

TO BRING DOWN CHURCH SHIP. | THE NORWEGIAN FISHERY. as against 44,000,000 last year

Mr. Jas. Foley, of Bowring's coa Amazon, which vessel has been al office, arrived here by the Carth where he received medical treatme He is now thoroughly recovered

T. J. EDENS.

	STATE OF STREET STATE OF STREET
LUMP STARCH, 5c. lb., 5 lbs. for	220
CORN FLOUR, 1 lb. package	6.
TABLE PEACHES, 3 lb. tins	150
CORN COB HOMINY 2 1h ting	10-
WHOLE BEETS, 3 lb fine	150
TAKSNIPS, 3 ID. tins	10
Chollets Mixed Vegetables 100.	ake
200000000000000000000000000000000000000	, 01101

Fresh Halibut--8c. lb.

200 Bags OATS,

200 Bags HOMINY FEED, 100 Bags CORN MEAL, 100 Barrels LOCAL POTATOES.

T. J. EDENS.

What to

Dear Sir. be an atten accumulatio disfigures o but the q "What is to after it is be dumped ever the sai posit it. at allowed to usual? No allows its skirts of to nuisance, as to the heal

Last sum

from one k