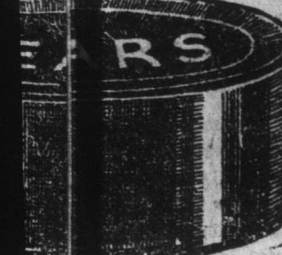


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from the table—"Now play away," "Two trumps lead one," "Loo him, Philpot," "Play bold,"—Philpot, looking triumphantly at his adversary, dashed the queen of trumps on the table. Rudkin, who had taken in one good trump, capped in with the king; led the nine of trumps, drawing the four from Philpot; then led the eight of diamonds, drawing the ace of clubs—and won the pool.

"You're loosed," "You're loosed, Philpot," cried the players, excitedly. "In with the pool." "Reckon it up." "Forty-eight shillings and sixpence." "You're loosed; who'd a thought it? I lead; I am not loosed, I'm d— if I am; he cheated," cried Philpot, in a loud voice, clapping his hands on the pool.

There was an universal burst of surprise. "Come, come, Philpot, don't be a fool, and spoil the fun." "Retract what you said," "You're loosed quite fair."

"I'm d— if I retract," cried he, violently, sweeping the pool towards his corner. "He did cheat. I'll swear to it. He drew the king from the pack. It was the bottom card. I saw it."

A start of surprise thrilled plainly round the table.

"You saw it, sir?" said Captain Rudkin, quietly. "You said you saw it, and said nothing about it, yet now pretend that I have cheated!"

"Gammon!" cried the player next to Philpot. "You are wrong, I tell you—wrong altogether; and making bad a confounded times worse. I saw the bottom card while he dealt; it was the knave, not the king. Turn up the pack and look."

As the speaker said, the bottom card was the knave of spades, which Philpot had evidently mistaken for the king; thus making his queen (as he thought) with the ace turned up the best card. It looked now very bad for Philpot. Not only had he wrongly accused a player of cheating, but by his own confession, had seriously compromised himself in the same light. With another man he might have retreated coarsely and foolishly enough out of the scrape; but with Rudkin his present feelings were intermingled with a far deeper sorrow, and blindly he determined to brave it out.

"It's a lie! a d— lie! I saw the king. He's cheated; and d— me if I give up the money."

"Do you really intend what you say?" said Rudkin, rising.

"Take that, and curse you into the bargain," shouted the excited player, dashing, as he spoke, the hot contents of his tumbler into the Captain's face. There was a general start from the table and about of disgust, while Rudkin wiped the scalding liquid from his face. Reaching down his hat, he turned to quit the room, while Philpot, barely restrained by two of the

company, rushed forward and made an effort to kick him as he passed the door. Of course, the party broke up in confusion, but before it separated a message arrived from Captain Rudkin, requesting Captain Withers at once to go to his quarters. All knew that meant, and Philpot, seeing his own second, snatched his hat defiantly, and left for his quarters.

In those days an apology was a rare thing either to offer or accept. A duel, not exactly a common, was certainly not a very uncommon occurrence; and was looked on by the community in general without that special abhorrence it now excites. This resulted chiefly from a less polished state of society, but more truly from the difference caused by the general harmoniousness of the community while distinguished weapons were in vogue. Deputies and revolvers at twelve paces have been the real pacificators of centuries of society, at least on our side of the herring-pond. Still, among the older classes in Newfoundland, as elsewhere, at that time, a strong feeling against such barbarities remained, requiring only a stirring remedy to call its life into action. It came to their expectations, as we shall see.

Rudkin, who was writing when Captain Withers arrived to his summons, looked up, and said—

"There's an end to all cards for you, Withers. It men cannot play except as brutes and beasts I'll have nothing more to do with."

"Always knew what you meant, temper that fellow had, but this is quite beyond all bounds."

"Ah! it's not the cards, there's something besides that at the bottom of his conduct, which makes me particularly anxious to avoid anything public. Perhaps the fool will come to his senses in the morning, and if he will write an apology, which can be read before the party, it'd better look over. But—"

"Apology! Well, of course you can do as you please; but when it appears to me a man has been grossly insulted, and then kicked, it's rather late for an apology."

"Kicked!" cried Withers, starting from his chair. "Kicked? Sir, he never kicked me. He only said 'You're loosed'."

"Very true; he just released you with his foot because we held him back as you left the door. But, ma'lo, it's the same thing, mon cher. Que voulez-vous?"

Poor Rudkin sat down again, passing his hand heavily across his forehead. "You are right," he said at last, "it's the same thing; we must go out, that's clear; yet I would have avoided it if I could, but it's too much, too much. It will be better that you, Withers, being in the regiment, should not act. Ask Strachan to arrange it for me as early as you can to-morrow; and now, good-night. I have some affairs to settle."

Somewhere about a mile from the post-office of St. John's, behind the high hill above the town on which the Catholic Cathedral proudly stands, there winds a deep, sheltered ravine, through which, by dells and fields and gardens, a joyous, chattering stream pours its quick, water into the lake beyond—now, over rough rocks, which crest the course, with mimic waterfalls and spray daises of foam, now gliding swiftly into the little weir to turn the merry-humming wind-wheel, now eddying over stone and pebble, until the air is musical with soothing sound—past copse, and wild, and moor, and under many a little rocky bridge, where boys and trout play hide-and-seek for hours together on the warm spring days, then sweeping bodily into the broad meadow, to puzzle the cows with its many curves and folds, until its throbbings, like the heart of the human life, to which it has so often been compared, cease, in mingling with the great unknown level beyond.

It would almost seem as if the deep, hill-girdled cup of Quidi-Vidi, (Qui-Didia)—for so the early Spanish settlers, taking this as the boundary, named the bright-blue lakelet—was so fashioned expressly by the hand of Nature, to collect together for the city the delicious rills bounding off the mountain's side at every point; to save them from running to waste too quickly in the briny, unsympathizing ocean, through the wild fissure cleft in the rocks on the shore, past which the overflowing of the water rushes. Winding serpent-like among the meadows, across the slope of the hill, winding up to one of the bridges, and winding again up the opposite bank, on which to this very day a few scattered wind-blown pines stand sentinel over the landscape, we come to a little hollow, smoothly turfed, and screened from observation by copse and stream on one side, by cliff and hill upon the other. It was just the place, of all others about the town, where the tender buds of the wild azaleas and carnations, protected from the biting north-easterly winds, peeped at first shyly, and then pleaded for life with the golden sun above. Just a morning as this of which we write—a morning fragrant with loving answer from the King above, glorious with resurrection, restoration, beauty, life and health, a morning for sick creatures to throw open casements long sealed by winter's frost, and expand their lungs to the full with the soft southerly breeze, a morning for lovers to walk with linked arms through the shady ravines, carpeted with the dead leaves of a hundred summers; for children

to run wild with joy about the sprouting meadows; for old folks to stand and dream lazily over the misty memories of many such bygone delights; but not a morning, of all mornings, for two men, brothers professionally as well, to stand opposite each other with deadly thoughts of blood and murder. Yet so it was that here, concealed from all but the eye of Heaven, stood quiet and calm Captain Rudkin on one hand, placed with his back to the sun, by his second, Dr. Strachan, and, on the other, Lieutenant Philpot, still highly excited, with an eye gleaming bitter enmity on his opponent. Philpot was attended by the commander of a small man-of-war yacht, and was paced right opposite the full blaze of the sun.

"Very coolly and pleasantly did the less-interested functionaries perform their part of the proceedings. With an amicable nod Dr. Strachan placed the pistols behind his back, and having handed to Captain Morice the one selected, they proceeded to place the weapons in the hands of the principals."

"I tell you again, Rudkin," cried the Doctor, in a hurried whisper, "you have but one chance for your life; fire quick. He is a dead shot, they say, and looks hell at you. If he misses you once, he may not a second time."

"I will not fire at him," said Rudkin; "he is a widow's son. I deserve only to satisfy my own honour."

"You are a madman, then."

"Are you ready, gentlemen?" sang out the clear tones of Captain Morice; "very good. I will say one, two, three; and when I drop my handkerchief—fire."

Covering his man most carefully, at the instant the words were spoken, Philpot fired and missed. His ball just grazed the collar of Captain Rudkin's coat, when the latter raised his weapon and fired in the air.

"Load again, I say!—load again!" cried Philpot, with the voice of a baffled demon. "I'll shoot—"

No, no, sir; that is not for you to decide, Morice. I think this matter ought now to be arranged."

"Certainly," said Captain Morice; "I see no reason why it should not be. My principal will leave—"

"I insist on having another shot! I will not settle till," shouted Philpot, with an oath. "He called me here; not I him. I say I have a right to as many shots as I please."

Dr. Strachan approached Captain Rudkin, and said—

"What shall I do? The man is beside himself. Are you satisfied on your part?"

"Yes, I am. I don't want to injure him. I was obliged to call him out, you can tell him, to vindicate my own honour, but I shall now be glad to drop it."

"He called me out, I repeat," shouted the angry man, lashing himself into fury at the hesitation; "and I have a right to my turn. Why the hell don't you load the pistols?"

The seconds consulted again. "I fear," said Captain Morice, "we must give in to his argument, eh?"

"If it is of no use? My principal, was given to call him out, and has fired in the air. Surely that ought to satisfy him."

"You see the state he is in. We cannot deny his argument. I fear we must load."

So the fatal weapons were placed again in the hands of the combatants with the same precautionary nod, while Strachan whispered hurriedly to Rudkin, "I tell you, unless you wing him first, you are a dead man." In less than a quarter of a minute the signal was given, and at that instant Philpot sprang at least his own pistol into the air, discharging his own pistol wildly as he rose. Shot right through the heart, he fell back upon the young spring turf without a word or gasp—dead—dead.

"He would have it," said Morice, "God help him, poor fellow! Is he really gone, Doctor?"

"Gone," said Strachan. "Gone! not a doubt of it. Heart shot right through. I suppose. How terrible! I acquit you Rudkin; I do, from my soul. You fired this time to save your own life. We must think of ourselves now. Heaven!" he sighed, wiping the frothy lips of the dead man, and looking upward at the soft blue sky. "What a morning for such work as this!"

"Cover him with your cloak, Strachan," said Captain Morice, "and let us gain time to conceal ourselves. I will let them know at Fort Townshend that there has been an accident, and they will send out a party, no doubt. How ghastly it looks! they will soon see that dark blotch on the grass. Now, begone. You know where to."

Strachan nodded, and passing his arm through that of Captain Rudkin,

hurried off the ground. Honour or no honour now, when too late, what would he not have given to have undone the work of the last hour?

In less than an hour a party of soldiers might have been swarming over the wooden bridge, at the head of the valley, and scattering in all directions over the grassy meadow which leads towards the sentinel pines on the crest of the opposite hill.

In a few minutes a host about proclaimed their search successful, and they were soon seen carrying gently along the body of the miserable man who had just paid so terrible a penalty for passion and folly. As they passed up the slope towards the fort, numbers of people swelled the procession, and curses were loudly leaped on Rudkin's head, the more when it was known that he had been the challenger. Most likely had he merely winged the dead man, or had the duel resulted harmlessly, there would scarcely have been a talk about it.

But because the bullet had gone as high or two out of the ordinary line, and struck a vital part (as if such a contingency in duelling had been quite lost sight of) the popular feeling in favor of the victim bubbled up, and boiled over. It was on this account, well that, for the first day or two, Captain Rudkin remained quiet; but it was known before the end of the week, that, partly miserable with his own thoughts in solitude and partly on account of hearing that Dr. Strachan had been arrested, he had surrendered himself voluntarily into the hands of justice.

There was yet another spectacle the most solemn of all to be beheld before the tide of feeling turned, and the truth began to be better understood. Three days after the duel, a vast crowd had assembled before the gates of Fort Townshend, between which, heralded by the muffled drums and the reverberations of the dead march, were seen issuing the formations of the young officer prematurely dead.

As the slow procession filed down the steep slope of Garrison Hill, it was joined at each corner of the streets by many hundreds of all classes; until, in the old churchyard in front of the rectory, where now stands the English Cathedral, were collected a great part of the population of St. John's, to witness the ceremony which deposited the dust of what was hearty life and health among them three days before, to mingle with its kindred dust. The poor fellow whose remains were there laid to earth had friends, of course, among this motley crowd; but it was mainly the universal horror which had arisen in all hearts, aided by the reverberating volleys of musketry, re-echoing on the spot into each palpitating heart the cause of death—sudden death—living listener with dread, and did much to put a veto on all such future deeds in this colony. The early grave was filled in, the last covering sod placed over, the last toll of the melancholy knell struck on the wounded ear; the crowd duly scattered, each to his tent, with words of grief and pity; and then, as usual, the other side of the story began to circulate, and a feeling of sympathy and pity to react in favor of the survivor of the wretched drama.

But, though the good folk of the town soon began to reason fairly enough, yet the causes which influenced the ebbing tide of popular opinion to run swift as a mill-course in favor of the prisoners, were due to the extraordinary indiscretion of one of the great authorities of the community. Captain Rudkin and his seconds were duly committed to take their trials for the crime of wilful murder, and although nothing could be fairer than this trial so far as the prosecution under the crown was concerned, luckily, as it resulted for the prisoners, though very much the reverse for the dignity of justice, the presiding Judge threw the enormous weight of his own personal feeling and bias into the scale against them. The sifted detail of the circumstances which led to the violent sudden death of the young officer, left a favorable impression on the minds of the listeners towards the prisoners at the bar; yet, to the great surprise of the public, the Judge summed up with extreme virulence against them; and after charging the jury and bidding them to retire to consider their verdict, he was observed, even by them, conspicuously to turn down the pages of the great book which recorded the last dread sentence of the law, and to insert the piece, ready to pronounce from it the awful form as there prescribed. It need hardly be said that the Court-house of St. John's was crammed to suffocation, while its doors and walls outside were besieged by hundreds unable to enter. The serious nature of the crime, the possible consequences which might result, the well-known bitterness of the Judge, and the rank of the accused, raised an unaccounted interest within those walls, where bright eyes, for weary years, had grown dull in catching monotonous pleadings to prove that salmon and herring are not "fish" in the eye of the law, or a wrangle over a broken head, a violated contract, or the robbery of a cabbage garden. Still the glad spring sun; dyeing this long windows with his golden flood, sank lower and lower in the west, while the door of the jury-room yet remained closed and guarded. But for the charging of the Judge after the evidence, no doubt existed as to

what the verdict would have been, for until that moment the jurymen, honest, plain, unsophisticated planters, were their opinions plainly in their faces; but their continued absence proved the counter influence spring up, and who could foresee the result? At length—ah! what a thrill it sent through the beating hearts of the spectators, and made the hot faces of the prisoners in the dock blanch with sudden dread—the clack of a little bell is heard, and then one by one the jurymen filed into the court. Solemnly rose the clerk, and cried with a loud voice—no need for that, for the chord of a canary would have sounded like an organ—

"Gentlemen of the Jury, are you agreed as to your verdict?"

"We are."

"How say you then? Are the prisoners at the bar guilty or not guilty?"

"Guilty—guilty, without malice."

Down came the large, bony hand of the Judge upon the desk, making his very framework quiver under the blow, while his stiff wig trembled with the agitation bubbling beneath, as his long form dilated up and up.

"What verdict is that?" cried he, steadily eyeing the ashamed foreman; "what verdict is that, I say, sir, you ask me to record? Who desired you to give an opinion other than guilty or not guilty? Did you listen to my charge, wherein I clearly laid down what shooting a man in cold blood was? Go back to your rooms, and find a verdict in accordance with the law which you have heard expounded, or I'll keep you there until you do." And the book with the fatal mark, which had been opened for business, was again closed, still duly indexed.

Then rose the counsel for the prisoners, a long-headed, clever man—(what a thing that is to have on watch at such a crime of life or death!)—and looking at the angry Judge, while the Jury paused, half angrily, half doubtfully, and all ears were strained to catch his words, said—

"My Lord, I beg your Lordship's pardon, but I must ask—"

"Well, sir—what—what is it?"

"I must ask, my Lord, that you will be pleased to record the verdict just given by the Jury."

"Record it, sir! Certainly not. It is no verdict at all. I have refused it." "I beg your Lordship's pardon, but I must maintain that it is a verdict, and that a verdict of guilty without malice is a verdict of not guilty of murder, which needs malice or aforethought. It is not possible for the Jury to bring in a verdict of guilty now."

"To your rooms, instantly, gentlemen," cried again the enraged Judge, turning round to the Jurymen lingering on the threshold. "Retire, instantly, and reconsider your verdict again."

"Very well, my Lord; but I must recording to the law I have laid down, respectfully enter my protest against your Lordship's decision for future argument."

It was never needed that future discussion. Happily, the lingering Jury had caught the argument of the counsel, and in less than ten minutes the tinkle of the bell was again heard.

"Are you now agreed, gentlemen," solemnly spoke the clerk.

"We are," replied the foreman, boldly and loudly.

"How say you now? Are the prisoners at the bar guilty or not guilty?"

"Not guilty." The words were scarce out of his mouth when a burst of applause, like the rush of a sliding avalanche, rent the Court-house, and the vibrating waves of stormy sound ruffled the very wig of the Judge as they tore confusedly along. Heavily came down the hand once more on the desk, as with a voice of thunder he roared—

"I'll commit the first—clerk of the Court—silence—disgraceful—insult to justice—commit—"

He might as well have roared to the winds of heaven. Leaping over the barriers, throwing open the doors, pushing aside the keepers and constables, the multitude rushed pell-mell into the dock, and hitting Rudkin and the other prisoners on their shoulders, bore them triumphantly along to receive an ovation from the crowd outside. Then arose a yell of ringing acclamations, seldom heard save from lusty British throats, the roar of which might almost have caused the bones of the dead man, lying not far off, to rustle and shiver in their bed. They carried Rudkin up Garrison Hill, back to his barracks in Fort Townshend, in triumphant procession; and that night St. John's celebrated the stirring event of the trial and the escape of the prisoners in full libations of rum-punch or whiskey today. Alack! for the applause, for the discernment of mobs, for the certainty of human discretion or wisdom! Had the Judge been a temperate, or even a cunning man, the prisoners, at the moment the people were toasting them to the skies, might have been under sentence of death in prison, or, at least, condemned to heavy bonds and miserable servitude for many years of life.

Better as it was, for the punishment (if any were needed) of the soul was harder yet to bear, and followed quickly enough. The doctor died of consumption within a year, the disease probably accelerated by the sharp ordeal he had undergone. Rudkin became a drooping spirit, and

soon after left the Old Royal Newfoundland Companies. All that is really known of him is the fact that, his first act on reaching England was to seek out the mother of his unfortunate adversary, and made a provision for her necessities from his own slender income. It is not difficult to imagine what must have been the tender and acute feelings of a man who could act in this way, in reflecting upon that miserable passage of a half-wasted life.

This is the pith of a sad tale of Newfoundland; one of its few traditional stories, well-nigh forgotten, save by a few of the older residents of St. John's. For many years after it occurred the road running across the stream was avoided after night-fall. For, at a point close to the wooden-bridge, where a latticed cottage once stood, and where it was said Rudkin's horse shied three times on his way to the duel, and refused resolutely to go on, the restless ghost of the dead soldier was said to flit about, with one single blood-red spot upon his breast, which, superstition said, was shaped like the ace of hearts. But now the memory of that spectral tale has likewise vanished, and the latticed cottage, the abode of much love-begotten sorrow, is gone too. All down the road other pretty

cottages have and there have started up, fronted by meadows, where the mowers in the hot August days may and turn the long bending grass. Yet ever and anon, as some ancient white-bearded resident of the place saunters slowly along the pleasant road with wife or grandchildren in a sabbath evening stroll, he will point to the pines still standing guard on the hill-top, and say, "Yes, do you remember, Sam, that in the very spot where the young officer was shot?"

And the glad rivulet leaps along close by merrily as ever, tempting the children to run from the old man's wife and dip their feet in its laughing waters; and raising all the winding way between the heights of Three Pond Barrens and the blue lake near the sea, misty ghosts of its own for the fresh winds of ocean to chase away each morning. It says oh! so plainly—to the saunterers on its banks, "For men may come, and men may go, but I—Ah! plaintive little river! would indeed the 'forever' of the poet's boast were true even for thee. But surely, as the purity of thy sparkling waters were once blood-stained and dishonored, surely must the change, common to all things of earth, touch even thy rocky bed and flowing banks at last.

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