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GILLETT'S LYE
EATS DIRT.

Evening Telegram.
W. J. HERDER, Proprietor.
W. F. LLOYD, Editor.
TUESDAY, May 19.

Visit of the Duke of Connaught.

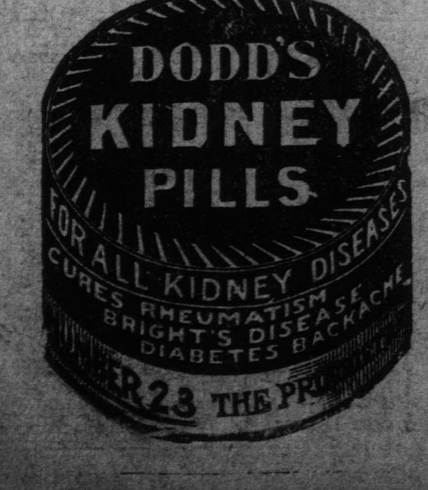
A cable despatch from Ottawa conveys the intelligence that the Duke of Connaught will visit here in July and will make a stay of ten days in Newfoundland. We have known for some time that His Excellency the Governor and the Government have been doing their best to induce His Royal Highness to pay us a visit, and we are pleased to find that their efforts have met with success. Newfoundland will give a right royal welcome to the Duke as a member of the Royal Family, as a son of Victoria the Good, a brother of Edward the Peacemaker, and an uncle of His Majesty the King. Newfoundland will also welcome him as one who has played his part well in the high offices he has held in the realm. She will not forget his services to the Empire as a distinguished officer at present as the Pro-Consul of one of the Great States of the Empire, the one which is nearest to us, and which has shown spontaneously her goodwill in the subscriptions, governmental, municipal and personal, to aid those whose distress is great from the effects of the two great disasters which fell on our seaports at the ice this spring. We have no doubt that adequate preparations will be made to show Newfoundland to His Royal Highness in a way worthy of her.

Supreme Court.

Kinsella vs. Hickey.
This is an appeal from the decision of the magistrate as to the setting of a cod-net at Outer Cove. The appellant, Kinsella, to keep a berth had set his salmon-net by placing it five or six fathoms below water, but not on the bottom. The respondent, Hickey, set his within fifty yards of Kinsella's. Rule 49 of the Rules and Regulations respecting the Fisheries of Newfoundland, reads: "No person shall set on any of the fishing grounds of this Colony or its dependencies any cod-net or salmon-net at a less distance than fifty fathoms from any other cod-net or salmon-net previously set." Judge Knight in the magistrate's Court held that Kinsella's net was not "set" within the meaning of the Rule and dismissed the complaint. Kinsella appealed against the judgment. L. E. Emerson appeared for the appellant. M. F. Summers for the respondent. Court took time to decide.

(Before the Full Bench.)
Job Bros. and Co., Ltd., vs. John D. McMartin, Duncan McMartin, Robert Reid and Daniel Ford.

The hearing of this suit was resumed at 3 p.m. yesterday. Mr. Howley intimated that he would not cross-examine Mr. Paulding as he had not sufficient data upon which to base such cross-examination, and would not have until the papers arrived by an incoming mail.
Mr. Furlong, K.C., then called Mr. J. J. McGrath, notary, to prove the presentation of note for payment. Mr. Howley objected. The court overruled the objection.
Mr. T. D. Carman was then called and examined by Mr. Furlong, K.C. "I am an accountant at the Bank of Montreal. This note has been in our



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FOR ALL KIDNEY DISEASES
CURES RHEUMATISM, BRUISES, NIGHT DISEASES, DIABETES, BACKACHE
323 THE PRO

custody, but I cannot say how long. We discounted it for Job's.
Cross-examined by Mr. Howley, K.C.—The Bank owns and holds the note. It was discounted for Job's by the Bank. It has not been paid. I cannot say when it was discounted.
Mr. Howley asked that the record of the Bank be produced and the transaction shown. The Court ordered the witness to return this morning with the data required.
The Court then adjourned until 11 a.m. to-day.

TUESDAY MORNING.
Mr. Carman.—To Mr. Furlong, K.C. The note was discounted on Nov. 18, 1912. It was not paid by the maker. After maturity the Bank continued to hold it until Oct. 31st, 1913. Then Job Bros. own note was taken in its place and since that time the note has been held simply as collateral.

Mr. Furlong, K.C., asks that the Bank of Montreal be joined as plaintiffs. Mr. Howley, K.C., consents on terms of costs and postponement to prepare defence. Mr. Furlong objects to terms. Mr. Howley submits terms necessary as the defence against the Bank differs from the defence against Job Bros., depending on set-off and counter-claim. Further argument here ensued. The Court then referred to consider Mr. Furlong's motion.
The Court decided to allow the addition of the Bank of Montreal as plaintiff. The Chief Justice gives decision of Court. Costs considered. Time will be allowed for additional defence, but in view of witness being here, the case had to go on. Mr. Justice Johnson objects.
Mr. Justice Emerson concurs with the Chief Justice.

Mr. O'Brien (cross-examined by Mr. Howley, K.C.)—I entered the employment of J. McMartin Dec. 1911, left April, 1912. Did not know him previous to that. Mr. R. H. Reid put me to work on building when I met McMartin. Mr. Reid knew me 16 to 18 years. Mr. Reid put me in touch with J. McMartin in March, 1912. I ceased superintending for John McMartin in March 1913. I was outside superintending. I received orders from Mr. Reid, who had charge of the work. I met McMartin 15 or 20 times during this period. I met Mr. Reid every day. Mr. Reid paid me and settled my wages and my duties. I did no office work. McMartin had an office in New York of four compartments. Mr. Reid gave orders and paid money on construction work. I do not know if there was any other business transactions except construction work. On one occasion I had to do with McMartin after business hours. This was in December, 1912. This was the only occasion I remember. I remember in March, 1913, Mr. Erskine and I had an argument as to my powers. Mr. Reid was out of town then. Mr. Erskine's stenographer, Miss Hunt was present. I told him he would receive telegraphic instruction from J. McMartin as to my authority. I don't remember having any conversation as to my relations with Reid. I don't know where Reid is now. I saw him last four or five weeks ago. I left New York by the Florizel on May 8th I was in New York a month before that. I saw Reid in New York three or four weeks before I left. I had a telegram and a letter since I saw him last. I received the letter in New York in May from Montreal. I understood he was to come to give evidence in this case. After leaving McMartin I kept up my friendship with Reid. I met Mr. Reid and Mr. McMartin at the Belmont Hotel about 12:15 on Oct. 20th or 21st, 1912. Mr. Reid was going away to Halifax. I did not consult about work. He stated he was going to Halifax. It was desirable I should know his whereabouts. I met him in the lobby. Mr. J. McMartin and Mr. Massey were there. Mr. Reid told me a month ago it was Mr. Massey. We were talking about the evidence in this case. We discussed the note. I never discussed it with Mr. McMartin. I discussed it with Mr. Paulding. I don't remember discussing it with Mr. Reid and Mr. Paulding together. They were great friends. Mr. Reid asked Mr. McMartin if he had the note. Mr. McMartin said he had. Mr. McMartin look out a note. Mr. McMartin handed the note to Mr. Reid. It was not folded. It was open. I was about two feet away. I saw the note was for \$100,000. I saw three names on it. It was the largest note I had ever seen.

TRAIN ACCIDENT.

CAR TURNED TURTLE—PASSENGER INJURED.
A train accident occurred near Come Bay on Sunday and one passenger, Mr. Joseph L. Ross, our veteran farmer and cattle dealer, who was coming home from Nova Scotia with a cargo of cattle that he had purchased, was injured. On Sunday afternoon, between three and four o'clock, when the east bound freight train was passing the place mentioned above, the caboose, which is the rear car of a freight train and which is used for the train hands to house in, left the rails, the car turning bottom up. Mr. Ross, the only person in the caboose at the time of the accident, was knocked about violently and sustaining three broken ribs and was otherwise badly injured. He was rescued later by the train hands and had to be taken out of the disabled car through a window and brought on board the east bound express, which stopped at the scene of the accident. Mr. Ross arrived in the city last night in a very weak condition and had to be tenderly lifted in a carriage and driven to his home near Quidi Vidi Lake. This morning he was attended by Dr. Macpherson. Mr. Ross received a severe shaking up internally. A man of advanced years and though of robust physique, it is thought that the accident will materially affect his old-time vigour.

KNIGHTS OF COLUMBUS—
The Regular Meeting of Terra Nova Council, No. 1452, will be held to-night (Tuesday) at 9 o'clock. W. H. TOBIN, Recorder.—may 19, 11

Bread Cake AND Pastry

JOHN B. AYRE.
Reids' Boats.
The Argye left Paradise at 7.40 a.m. to-day, going west.
The Bruce is in port for general repairs.
The Clyde leaves Lewisporte this afternoon.
The Dundee left Bonavista at 8.30 a.m. to-day, outward.
The Ethie left Clarendville at 3.55 a.m. to-day.
The Glencoe left St. Lawrence at 6.15 a.m. to-day, going west.
The Kyle arrived at Port aux Basques at 6.35 a.m. to-day.
The Lintrose leaves North Sydney to-night.
The Meigs left here at 7 p.m. yesterday to take up her regular route from Bay of Islands.
may 19, tu, wed, th, fri, sat.

Assault Case.

Last night a young man was arrested under warrant, charged with assaulting an 18-year-old girl. To-day the case was heard before Judge Knight. A summary of the evidence showed that the defendant was passing along Duckworth Street when the complainant, without provocation, made a hurtful remark that was intended for the defendant. The latter caught hold of one of the girl's hands and shook her. After some cross-firing between I. G. Sullivan and Mr. Blackwood, Counsel for the accused, the defendant was fined \$10 or 30 days.

Exhibition.

Mr. H. H. O'Neill, of the Wales Goodyear Rubber Co., Naugatuck, Connecticut, makers of the celebrated Bear Brand Rubbers, is showing his samples this week at the sample room of the Cleveland Trading Co., New Martin Building. Mr. O'Neill has a very interesting collection, amongst which are a pair of rubbers one hundred years old, made in Brazil, and a pair made in the United States in 1849. A cordial invitation is extended to all who wish to see this exhibition.
may 19, tu, wed, th, fri, sat.


Marine Disasters Fund.

Collected by Telegram.
Already acknowledged \$2,925 77
Proceeds of Bazaar per Alice Wellman
Cyril and Nellie Noonan, Muriel Rogerson, Edith Parsons, Violet Davey, Hattie Willis, Phyllis Herder, Helen Rogerson, Kathleen Parnell 63 05
\$2,988 82

FISHING AT SOUTH BRANCH.

The General Passenger Agent of the R. N. Co. received the following message from South Branch last night: "Eighteen pound salmon caught at Fork's Pool to-day with fly by P. Cormier." (Sgd.) J. GILLAM.

FISHERMEN



Get Smallwood's Hand-made Waterproof Tongue Boots, Wellingtons, high and low quarter Boots.
See that the name

is on the heel plate. None genuine without this plate.

F. SMALLWOOD,
The Home of Good Shoes.

MARRIED.
On the 18th inst., at the Methodist Parsonage, Cochrane Street, by the Rev. C. A. Whitemarsh, M.A., B.D., Miss Marion White to James Hynes, both of this city.

DIED.
On the 5th May, at West Medford, Mass., U.S.A., Fannie M., daughter of Mary and Michael Devanna, of St. John's, Nfld.—R.I.P.

Monday afternoon, James, infant son of George and Agnes Halley, aged 12 months (interred).

There passed peacefully away yesterday afternoon Mary Ellen, wife of Robert Shortall, and youngest daughter of the late Capt. Martin and Ellen Power. The deceased lady was of a very quiet and retiring disposition, was a general favorite and made many friends. Her only surviving sister, Mrs. Michael Shortall, will have the sincere sympathy of all her friends.—R. I. P.
This morning, at 9 o'clock, after a long illness, Isabella, relict of the late John Reid, aged 73 years; funeral on Thursday, at 2.30 p.m., from her late residence, 113 Bond Street; friends and acquaintances, please attend with out further notice.

Train Notes.

The Trepassey train arrived in the city at 8 p.m. yesterday.
The Kyle express reached the city at 8.50 p.m. yesterday.
The local from Carbonear and Placentia arrived in the city at 11.30 p.m. yesterday.
The Lintrose express arrived here at 1.50 a.m. to-day.
Sunday's outgoing express left here at 8.20 a.m. to-day.
Friday's outgoing express left Terra Nova, at 7.50 a.m. to-day.

Cable News.

Special to Evening Telegram.
SYDNEY, To-day.
A six-year old girl, daughter of Polish parents, was outraged and foully done to death at Birch Grove, near Port Morien yesterday. The body was found in a swollen stream where the murderer had placed it. Death is evidently due to strangulation. The police arrested a man, whose name is not given out, who is said to be a Newfoundlander, for the crime.

Here and There.

The Prospero reached Coachman's Cove last night and is waiting for a S. W. wind to get further north.
WEATHER—A south east wind prevails up the country to-day, with rain in many places along the line of railway. The temperature ranges from 49 to 55 above.

KYLE'S PASSENGERS.—The Kyle arrived at Port aux Basques at 6.35 a.m. to-day with the following passengers: A. M. Marshall, W. Shaw, A. B. Stanton, Mrs. S. Gould and Mrs. D. Morrison.

MILK.—Consumers of the above article are hereby notified that present prices remain unchanged until further notice. By order, FARMERS' UNION, E. J. Cowan, Sec'y.—may 19, 11

VESSELS ARRIVE FROM NORTHWARD.—Several vessels from Bonavista Bay arrived in port last night for fishery supplies. They report the ice slacking off the coast, and all the bays are now practically clear.

N. B. S.—Grand Dancing Assembly, British Hall, King's Birthday, June 3rd. This will be the first dance after the closing of the stores, and the price of tickets and other particulars will be announced in Saturday's Daily News.—may 19, 11

VESSELS ON DOCK.—The schooners Annie L. Warren, Ethel, Gamecock and Margaret entered the dry dock to-day for general repairs and painting, after which the Bruce will be docked for her annual overhaul.

A meeting of the Ladies who assisted at the Reserve "At Home" last year will be held Tuesday afternoon, at 3.30 in the Armoury. Any lady wishing to assist may also attend. C. H. VAUGHAN, C.C.C. Reserves.
may 18, 21

GLENCOE'S OUTWARD PASSENGERS.—The s.s. Glencoe sailed from Placentia at 7.10 p.m. yesterday with the following passengers in saloons: E. G. Pike, S. S. Whitmore, W. Murphy, G. Harris, E. M. Hollett, P. Guitan, J. B. Moore, Miss Ansty and Miss Tarrant.

Special to Evening Telegram.
CAPE RACE, To-day.
Wind South West blowing strong, weather dull; the steamers Beatrice passed in, and the Florizel West yesterday; several schooners passed in and West during this a.m.; bat. 29, 91, 40.

MAKE NO MISTAKE!

The Decorative Finishing and Distinctive Touch needed to complete your Holiday and Summer Outfit reaches its desired end in a Charming and Select

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Colours: CREAM and BLACK. Prices:

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BLACK DIAMOND LINE!

PASSENGER RATES INCLUDING MEALS AND BERTHS TO AND FROM MONTREAL AND INTERMEDIATE PORTS.

	FIRST CLASS.		THIRD CLASS	
	One Way.	Return.	One Way	Return
Montreal to or from St. John's	\$30 to \$35	\$50 to \$55	\$15.00	\$25.00
Quebec to or from St. John's	\$30 to \$35	\$50 to \$55	\$15.00	\$25.00
Charlottetown to St. John's	\$15.00	.....	\$8.00	.....
Charlottetown to St. John's and return to Sydney	.....	\$25.00	.....	\$12.00
Sydney to St. John's	.....	\$12.00	.....	\$6.00
Children under two years of age, between Montreal & St. John's	.....	\$5.00	.....	\$2.00

S. S. MORWENNA (Passenger & Freight) leaves St. John's about May 18th.
S. S. CACOUNA (Freight only) leaves St. John's about May 22nd.

HARVEY & Co., Limited,
Agents Black Diamond Line.
may 9, 6m

Always Something New in

Ladies' Head Dress

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MILLEY'S.

This Week:

The New Tam MOTOR CAP,

In Plain Shades and Combination of Sax and Vieux Rose, Cardinal, Black, etc.,

65c. each.

SEE THEM IN OUR WINDOW TO-DAY.

S. MILLEY

Advertise in the Evening Telegram

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Among them you ten. We carry a All Men Are Liars a Strong Man's V Flame of Fire Teresa of Watlin Bennett. Anna of the Fiv Bennett. The Gates of We nett. The Sea Wolf by South Sea Tales The Road by Jack The House of Jac The Weakest Link The Spoilers by Parkers by Res Bush Life by Du The Man on the Grath.

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Our Dress stock of Spring most fashionable WHIP Quality and pr

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70 crates CHOT 30 bunches 100 sh

We have also orders for same.

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