



Evening Telegram

W. J. HERDER, . . . Proprietor
C. T. JAMES, Editor

Wednesday, March 24, 1920.

Not to be Considered

William Gibbs McAdoo, a former Secretary of the United States Treasury, is out with a novel proposition. Mr. McAdoo is a prospective candidate for the Presidency of the United States in the next coming election, and it is up to him to give his nomination a boost whenever and wherever possible in order to boost his opportunities. The Canadian papers contain a long despatch from Washington, dealing chiefly with the McAdoo activities, and giving in extenso the new plan by which the ex-Secretary of the Treasury proposes, to reduce taxation in the United States. His suggestion is no more or less than that the United States should acquire by purchase, all the British West Indies, comprising the Bermudas, Jamaica, British Honduras, Barbados, Bahamas, Nassau and other islands off the Atlantic coast of the North American continent. In payment for this dominion transfer, the United States would be able to give Great Britain credit on her war debt, thus helping the Old Country, helping the United States and assisting in the stabilizing of foreign exchange, and an earlier settlement of the European war debts.

The despatch covering the whole matter is so naively interesting that to merely review it would spoil the intended effect, and would not at all convey to readers the true meaning and intent of McAdoo's idea. In order therefore that it may be presented in its original form, it is herewith given as published in the Montreal Daily Star:

"It is hard to estimate what the price of the islands is on the market of international barter, but not long ago the United States purchased the Danish West Indies for \$25,000,000. Of course the British possessions are much more valuable than that. The price might be calculated on the basis of exports and imports and some of the British possessions are worth a good deal. Jamaica, for instance, has plenty of sugar, though its rum isn't particularly useful at this time. On the whole the United States could

find a billion dollars worth of value in some of these islands, without much trouble and get it back in commodities in a short time.

"But if it were not for the principle enunciated by the distinguished father-in-law of Mr. McAdoo, namely the principle of self-determination, it would be easy to get the proposition going; for it is said that British sentiment is not a bit adverse to discussion of the matter. What, for instance, would be the opinion of peoples in the Bermudas, Bahamas and so on about being annexed to dry land? Seriously speaking, there has been an annexation movement in some of these British islands for some time. They have wanted to be annexed to the United States for various reasons, mostly commercial advantages growing out of geographical proximity. But the advantages of prohibition have not yet taken hold of the British imagination. Perhaps the islands could be gotten ready for annexation only after some of the anti-saloon leagues agents had been able to sow the seed which was so effective inside the United States. "Mr. McAdoo, however, sees the question purely as to its bearings on financial relations between the British Empire and the United States."

"It is highly desirable both on our own account and that of our Allies that the settlement of our loans to our Allies be rendered as quick and easy as possible. Our chief debtor, is of course, Great Britain, and this arises naturally out of the fact that Great Britain has liberally pledged her credit to sustain that of her Allies. Now for the past one hundred years, Great Britain has held certain islands in and near our shores. Jamaica, the Bahamas, Barbados, Nassau, British Honduras and the Bermudas, off our South Atlantic coast. These British possessions so long held by a friendly maritime power do not jeopardise the security of the Atlantic and Gulf coast of the United States. With the process of time we now have become the leading economic power in the world, and have developed the Panama Canal and a navy and merchant marine which make these islands more than ever important to us. Might it not be possible to work out a plan by which England's debt to us could be reduced by the transfer to us of certain British possessions in the western hemisphere to the extent of their value?"

"The British Empire at this moment comprises one-sixth of the land area of the whole world, and, according to British economic experts the surplus capital of the mother country will for many years to come be expended in the development of the agricultural and mineral resources of the great self-governing dominions and of India. I imagine that Great Britain would not object to such a disposition of these islands, especially as they would go to a friendly power. I see nothing in such a proposal to offend the just pride of a great people, whereas such a liquidation of a portion of the British debt might be the happy solution of a part of Great Britain's immediate financial problem."

"Inquiry among British correspondents in the national capital leads to the conclusion that the matter would not be unfavorably received in Great Britain were it not for the fact that it is inseparably interwoven with what happens to the League of Nations and proposals for naval disarmament. If the League is dead and Europe goes back to the old order of things, then the British Government must bear in mind the excellent use which she made of her Atlantic possessions as a rendezvous for the British navy during the last war. Some valuable naval bases are scattered in the North and South Atlantic which Great Britain would be loath to give up. Yet if international disarmament is put into effect through the League of Nations Great Britain would have as little use for naval

stations as she would for more battleships and the tendency of American naval men is reflected in the statements just made by Rear-Admiral Badger and concurred in by other members of the general naval board to the effect that the United States should have the largest navy in the world."

"It is hard to say whether this is a direct consequence of the discouraging fate of the latest efforts at international co-operation or the usual rivalry which naval men feel about other navies. Anyway, so long as naval expansion continues on both sides of the Atlantic, Mr. McAdoo's suggestion depends for its acceptance by the British on elimination of valuable naval bases, not to mention the opportunity that must be given to the residents of the British colonies to say how they feel about keeping their islands entirely surrounded by wetness or annexed to dry land."

Britishers in the American capital, profess very little interest in the suggestions of Mr. McAdoo, and predict that the proposal will meet with but little favor in Great Britain, stating that national pride, if nothing else, would prevent its acceptance. Embassy and other officials take the view that if such a transfer were considered by the Home authorities, the wishes of the people of the islands, themselves, would have to be consulted. In this connection it might be mentioned that only a few days ago the Bermudians deeply resented, and protested against, any attempt to thrust them out of the Empire, repudiating anything that had, been or might be done to trade or transfer their islands, and it is only to be supposed that the population of the other places mentioned are no less loyal than that of Bermuda, and hold an equal repugnance to be bartered away to the United States. The matter at issue, however, has not yet been made a formal question in Britain, and it would in any case be contrary to the principles laid down at the Peace Conference if the peoples of these British possessions were taken under the United States flag without their consent.

Derailed Plough Delays Train.

The snow plough attached to an outgoing freight train ran off the track near Donavan's last night, the engineer in charge having his foot injured, but, however, not seriously. The incoming train from Carbonar was delayed, and did not reach town until 4 o'clock this morning.

S. U. F. Lodge

RE-ESTABLISHED AT MR. GRACE. A deputation of the Grand Lodge, S.U.F., came from St. John's on Tuesday evening says the Hr. Grace Standard of March 19, for the purpose of re-establishing "Buckland" Lodge. The deputation consisted of W. G. M. Curnew, D. G. M. Langmead, P. M. Withycombe, P. M. Musford and D. C. O. W. W. Leaver. The Lodge was in session on Wednesday and the business of starting Buckland Lodge was gone through. The officers of the Lodge are: J. L. Oke, W.M.; W. A. McKay, C. O.; Jas Fox, 2nd O.; Rev. W. R. J. Higgin, Chap.; T. G. Ford, Purser; H. Martin, Secy.; W. Harris, P. M. and R. Sheppard, L. O. After the closing of the lodge on Wednesday night a banquet was held in the hall, and a couple of hours were very pleasantly spent. The following toasts were given: The King, the Grand Lodge, the Ladies, and Sister Societies. These interspersed with Recitations, etc., made a very pleasant programme. The Grand Lodge officers left by early train on Thursday.

Honorary Aides de Camp

Yesterdays Royal Gazette contains the appointment of Capt. Gerald C. Harvey and Lieut. Alex B. Baird, (with the honorary rank of Captain while so employed) both late of the Royal Newfoundland Regiment, to be Honorary Aides de Camp. Congratulations.

Here and There.

AT THE BALSAM.—The following are guests at Balsam Place.—Mr. Harold Hollett, Miss B. R. Hollett, Burin; Miss W. J. Hurley, Marytown; Rev. E. Andrews, Coley's Point.

WEST COAST FISHERY.—Late reports from the South West Coast give the catch of fish between Rose Blanche and Hr. LeCou as \$907 gals. Since March 6th the coast has been blocked with ice as far East as Burgeo.

MINARD'S LINIMENT CURES DISTEMPER.

Judgment of Chief Justice.

IN THE APPEAL OF SOPER VS. BYRNE.

In the Supreme Court yesterday the Chief Justice handed down judgment in the appeal of Soper versus Byrne, as follows:

Albert Soper, Appellant, versus John Byrne, Respondent. The appellant was convicted by the Stipendiary Magistrate at St. John's of a breach of Section 4 of the Intoxicating Liquors Prohibition Act, 1916 for having sold what is known in trade as Essence of Vanilla. He appeals on the grounds stated in his notice, the principal being (1) that the conviction is contrary to law and (2) induced by the improper admission of evidence.

There is no conflict as to the facts. The evidence is that the appellant who is the senior partner in the firm of Soper and Moore, wholesale grocers, sold two dozen eight ounce bottles of Essence of Vanilla to Michael Byrne, a retail grocer. Byrne consumed the contents of one of these bottles and was arrested for drunkenness. The police then seized the bottles of this essence left in stock on Byrne's premises and had a portion submitted to analysis. It was found to contain 39.4 per cent. alcohol. Mr. Davies, the Government Analyst, proves that the spirit contained in it is the same as in brandy, whiskey or rum.

The process of manufacture is different as in the preparation of essences, and liquors also, the flavours are added after distillation. Evidence has also been given on the part of the prosecution that prior to the passing of the Prohibition Act, when essence of vanilla was used exclusively for culinary purposes, it was customary to sell it in 2 ounce bottles, but that since the Act came into force this essence is being generally offered for sale in larger bottles than formerly, and it is contended, that the circumstances in which the sale in question was made were that Byrne, who was at appellant's store buying goods for retail enquired for essence of vanilla. Appellant told him that he did not wish to sell this essence without knowing where it went and that he wanted it sold for proper household purposes. Byrne assured him that he did not intend to sell it for any other purpose, and it was thereupon sold to him by appellant.

The question to be decided by us must depend upon the construction to be given to the words "spirituous liquors" in the statute. Evidence has been tendered as to the scientific meaning of both the words spirituous and liquors, and respondent's counsel has argued against these being read in a restricted sense. On the other hand, appellant's counsel contends that the Legislature must have intended the term to mean what it had meant in our legislation in the past; and supports his position by reference to the authority of Attorney General vs. Bailey 17 L. J. 9, where it is said that "in the absence of any statutory definition we must assume that the word ("spirits") is used in the Excise Acts in the sense in which it is ordinarily understood; and we do not think that in common parlance the word "spirits" would be considered as comprehending a liquid like sweet spirits of nitre, which is in itself, a known article of commerce not usually passing under the name of spirits."

We observe that the term "spirituous liquors" has been the subject of interpretation in the Supreme Court of the United States in Sarlis v. The U. S., where its meaning in U. S. A. revenue Statutes is passed upon (152 U. S. Sup. Ct. repts. 571.) Reference is there made to a case where a statute of North Carolina prohibited the introduction and sale of spirituous liquors and the Court held those terms to be generic and to include all intoxicating liquors containing alcohol whether distilled, fermented or vinous. The comment of the U. S. Supreme Court is that "the reasoning on which such a conclusion is reached excludes the common and popular significance of the words, and fails the meaning of the statute in the fact, true in a scientific sense, that alcohol is found in fermented as well as in distilled liquors and that the purpose of the statute is to prevent the mis-

chief occasioned by the use of intoxicating drinks. We cannot agree with this method of reading a penal Statute. The purpose of such a statute is to notify the public of the legislature's intent, not to furnish scientific definitions. That intent is, in most cases, to be found in giving to the words the meaning in which they are used in ordinary speech. Nor can Courts, in construing penal statutes safely disregard the popular significance of the terms employed, in order to bring acts, otherwise lawful, within the effect of such statutes because of a supposed public policy or purpose."

The Legislature has passed three statutes for the purpose of prohibiting the importation, manufacture and sale of intoxicating liquors. The first of these is the Prohibition Plebiscite Act, 1915, under which the following question was submitted to the vote of the electors: "Are you in favor of prohibiting the importation, manufacture and sale of spirits, wine, ale, beer, cider and all other alcoholic liquors for use as beverages?" By this Act the term "intoxicating liquors" is defined as "all ale, wines, malt brewed or spirituous liquors containing two per cent. or upward of alcohol in volume." Next, we have the Intoxicating Liquors Prohibition Act, 1916, which changes this definition by attaching to it these words "except drugs and medicines as may be excepted by the Governor in Council." Then, this Act is amended by the Prohibition Act, 1917, which goes back and adopts the definition of intoxicating liquors as given in the Prohibition Plebiscite Act, 1915 and omits the important exception which forms part of the interpretation section of the Prohibition Act, 1916. Counsel for the respondent has argued that under the 1916 Act, essence of vanilla would have had to be classed as an intoxicating liquor, as even drugs and medicines were included, and contends that the same term in statutes dealing with the same matter, especially when the statutes are so related as to be cited together as one Act, must be given the same meaning. The amending Act of 1917, however, seems designed to exclude such a construction, for it not only repeals the former section but substitutes for it a different classification. It defines Intoxicating Liquors as "all wines, malt, brewed or spirituous liquors containing two per cent. or upward of alcohol by volume and such medicinal toilet or other preparations containing two per cent. or upward of alcohol by volume as may from time to time be directed by the Governor in Council by proclamation, but not wines for Sacramental purposes." We have only to deal with the first part of the section—ales, wines, malt brewed or spirituous liquors—the words of description previously used in the Prohibition Plebiscite Act, 1915 and still earlier in the License Act. It is not contended in this case that the latter portion of the section in reference to medicinal, toilet and other preparations applies, as it is admitted this essence has not been proclaimed. The case is simply that essence of vanilla is per se an intoxicating or spirituous liquor just as whiskey or brandy is and that its sale in any circumstances is a penal offense; consequently that no belief or knowledge that the article was intended to be used as a beverage need be shown on the part of the seller. We are unable to agree with the learned Magistrate "that the words spirituous liquors in the section implies spirits of any description and all liquors, mixtures, essences and compounds made with spirits." It would follow that if the appellant has been guilty of the offence with which he is charged here, he would have been, before the Prohibition Act became law, liable to conviction under the License Act without it having been shown that the sale of the essence of vanilla to the retail grocer was made with any guilty knowledge or intent. Moreover, it is still more difficult to bring such a case within the Prohibition Act, 1917 than within the License Act, for the section we are considering while in the first part identical with the language of the License Act has to be read so as not to render the latter part meaningless. After naming spirituous liquors it immediately proceeds to specify other articles—medicinal, toilet and other preparations—containing two per cent. and upward of alcohol which it authorizes the Governor in Council to proclaim as intoxicants and as we cannot adopt the suggestion made at the bar that these preparations must consist of solid substance only, we have to consider that the specific inclusion of this additional class indicates that the Legislature intended to restrict the meaning of the proceeding words. This confirms me in the conclusion at which I have arrived that the rule laid down in the Attorney General v. Bailey and by the U. S. Supreme Court in interpreting "spirituous liquors" in the revenue statutes mentioned in Sarlis v. The U. S. should be followed by us in interpreting the same term in this Act.

Judgment must therefore be entered for the appellant, with costs, and the conviction quashed.

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Another shipment just in, consisting of

CASSEROLES, \$1.85, \$2.30, \$2.50.

VEGETABLE DISHES. . . \$1.50 CUSTARDS.25c, 30c. TEAPOTS. \$1.90

Shirred Egg Dish, 35 cents.

OVAL BAKERS. \$1.00 PUDDING BOWLS.50c, 75c. PIE PLATES. \$1.20 JUGS. 60c., 90c.

G. KNOWLING, Ltd.

CROCKERY DEPT. mar22,61

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EVER READY STANDARD RAZOR, complete in case with 8 Radio Blades, post free, \$1.35 set.

ARMY SET, No. 15 in khaki cloth case, post free, \$1.70 set.

No. 6 EVER READY RAZOR SET, with 12 Blades, Shaving Brush, Stropping Outfit, Mirror, complete in handsome case, \$7.00 post free.

Spare Radio Blades, 45c. per carton of 6.

BURHAM SAFETY RAZORS—

No. 00 Razor, complete 18c. each

No. 2 Razor Set, in case 75c. each

No. 5 Razor Set, in case \$1.40 each

Burham Razor Blades, 20c. pkt.

Shaving Brushes from 20c. to \$2.95 each.

G. Knowling, Ltd.

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Is Just Opposite Post Office.

Here and There.

NEW SCALE OF WAGES.—A new scale of wages, drawn up by the L.S. P.U., will be presented to the mercantile interests in a few days.

Mrs. Harris Goldstone will be "At Home" at "Elgin House," Leslie Street, on Wednesday and Thursday, March 24th and 25th, from 3 to 6 p.m.—mar23,61

REMOVED TO HOSPITAL.—Yesterday a young woman, suffering from diphtheria, was removed from her home, King's Road, to hospital.

JUST ARRIVED.—A fresh shipment of Roquefort, Camembert, Chile, Pimento, Limburger, Welsh Rarebit and Swiss Cheese at BISHOP, SONS & CO., LTD., Grocery Dept. Phone 679. mar3,61

C. L. B.

A very interesting game of field hockey was played at the Armory last night. The game was between Officers, Warrant Officers, N.C.O.'s and Privates. The N.C.O.'s won, the score being 6 to 3. Both teams showed up well. The line up was as follows:—

Officers—Warrant Officers, goal
Pte. E. House . . . Lieut. H. Hayward
r defence
Corp. D. Ellis Lieut. B. Moty
1 defence
Corp. A. Feaver . . . R.S.M. R. Williams
centre
Corp. E. Ewing . . . Lieut. L. Hayward
left wing
Pte. C. Keats Lieut. H. Henry
right wing
Sgt. H. Hookey . . . C.S.M. R. Wight

MINARD'S LINIMENT CURES DIPHTEHRIA.