

Munson Steamship Lines.

S. S. SOKNDAL

(FREIGHT ONLY)

Will sail from New York September 23rd
Will sail from Boston September 24th
Will sail from Halifax September 26th

For Freight rates and other particulars, apply

A. E. HICKMAN, CO., LTD.,

AGENTS, ST. JOHN'S, Nfld. 'PHONE 133.
PICKFORD & BLAIR, MUNSON STEAMSHIP LINES,
Halifax Agents, 113 State St., Boston.
MUNSON STEAMSHIP LINES,
General Offices: 67 Wall Street, New York.
sept25/25



WE CAN CONVINCE YOU

that if you are suffering from INDIGESTION, LOSS OF APPETITE, DYSPEPSIA, SICK HEADACHE, DEPRESSION OF SPIRITS, IRRITABILITY OF TEMPER, BAD TASTE, CONSTIPATION or any other trouble caused by bad Digestion, that if you try a bottle of

Stafford's Prescription A.

(for Indigestion)

you will get wonderful relief from its use, and in almost every case cured. We do not recommend PRESCRIPTION A as a "Cure-all" but for ordinary Indigestion and Stomach Troubles we don't think there is a better preparation on sale in the country.

We have been manufacturing this PRESCRIPTION A the past 15 years, and during that time we have sold thousands of bottles; we have received hundreds of testimonials, and it is still going as strong as ever.

TRY A BOTTLE, AND IF IT FAILS TO GIVE YOU

ANY RELIEF WHATSOEVER, WE WILL REFUND

YOU YOUR MONEY.

For sale everywhere.

Trial Size 30c. Postage 10c. extra.

Family Size 60c. Postage 10c. extra.

Manufactured and Bottled by

Dr. F. STAFFORD & SON

Chemists & Druggists, St. John's, Newfoundland.

Is This True or Not?

"It's better to have it always and NOT want it than want it once and NOT have it."

We refer to our Indemnity against Accident Expense.

POLICIES AS LOW AS
\$3,000 FOR \$10.00 YEARLY.

U. S. FIDELITY & GUARANTY CO.
J. J. LACEY, Nfld. General Agent.

Advertise in The Evening Telegram.

Correspondence

(Continued from page 12.)

under answer, entered into an agreement with the Company on the terms mentioned in that letter. The space intervening between the eastern end of the King's Wharf and Rendell's premises, a matter of about eight feet, was all that remained of what was formerly known as Gill's Cove. It is a fact that the King's wharf itself is built over the main portion of what was originally Gill's Cove and for very many years the only use made of the small space referred to has been as a location for the discharge of a new pipe. Although, so far as public utility and convenience were concerned, it did not appear to the Government that there could be any objection whatever to the Company connecting up the extension of Rendell's premises with the extension of the King's Wharf, yet as already intimated in the Deputy Colonial Secretary's letter to the Clerk of the City Council (referred to above) the Government had no authority to grant permission for the closing of the remainder of Gill's Cove. The City Council took action against the Company to restrain them from closing up the remaining portion of the Cove, which action was not continued after members of the City Council had visited the vicinity and come to an understanding with the Company. The present position is that the space remains as it was, the piling terminating at the eastern end of King's Wharf and at the western end of Rendell's premises. In view of the fact that the Government, through the Department of Marine & Fisheries, as regards the extension to the waters of the harbour of Rendell's premises, and, by the Agreement referred to, as regards the extension of the King's Wharf in a like direction, had granted permission for the erection which you have alluded to as "an encroachment on public rights," His Excellency considers that it would be neither reasonable nor proper for the Attorney General, who is a member of the Government of the day, to give the shelter of his office to an action which has as its avowed object the removal of those selfsame erections. If the Company's erections had exceeded in extent what is allowed to them in virtue of their agreement with the Government or of their permission from the Ministry of Marine & Fisheries there might have been cause for the Attorney General to allow an action such as you have sought; but it does not appear that the Company has exceeded these limits nor have you made any suggestion that such is the case. It is a point to be observed that in St. John's, technically speaking, every extension of a water front might be regarded as an "encroachment on public rights" or in other words, "a public nuisance," for there is no evidence that any Act of Parliament has ever been passed granting express permission for the extensions of all the different waterfront premises that have been made during many years past. There is no Harbour Commission in St. John's and the practice has been to have any erection subject to the acquiescence of the Department of Marine & Fisheries, working in conjunction with the Harbour Master. The facts of the case being as above described it is His Excellency's opinion that the Hon. the Attorney General pursued the only course open to him in refusing your request for permission to take action in his name against the Marine Agencies, Ltd.

As regards the statement that the Marine Agencies, Ltd., was incorporated by the firm of Higgins, Hunt & Emerson, and that Mr. Fred R. Emerson was one of the signatories to the Memorandum and Articles of Association, His Excellency is credibly informed that this work came to the particular firm in question because Mr. V. S. Beaumont, the principal investor, and one of the incorporators, had for many years previously been a client of the firm and very naturally went to them on that account and further that Mr. Emerson's signature was appended merely in formal compliance with the Companies' Act which requires a third signature to such a Memorandum. Neither Mr. Emerson, Mr. Hunt, nor the Attorney General himself have any interest whatever in the operations of the Company. Similarly with regard to the fact that Mr. Hunt and Mr. Emerson were signatories to the Memorandum and Articles of Association of William I. Bishop, Ltd., His Excellency is assured that neither the Hon. the Attorney General nor the two gentlemen above named have any interest whatsoever in the business of that Company, either in St. John's or in what may be termed its parent Company elsewhere. The parent Company felt that as a matter of convenience for their business it would be better to have a locally incorporated Company. Up to the end of last month at any rate and as far as His Excellency is aware up to the present time, this local Company has done no business, the agreement in connection with the Dry Dock having been made before it came into existence.

His Excellency has an assurance from the Attorney General himself that his firm has no retainer from either company, and is free to take action for or against either of them. In the light of these assurances the Governor is satisfied that, apart from the fact that it is his opinion that the Hon. the Attorney General was technically correct in refusing your request, no mention of personal interest would have prompted any decision which the Attorney General might have reached in this matter.

That Mr. Higgins the present Attorney General and Minister of Justice is not a proper person to decide or to pass upon questions where the rights of the public are involved by reason of his own or members of his law firm's connection with—

(a) The W. I. Bishop Co., Ltd., or its local subsidiary Company; (b) The Newfoundland Light and Power Company.

What I have been directed to say with relation to paragraph 2 in this letter, very largely rebuts the suggestion under the heading (a) of this paragraph. Further it is to be observed in this connection that the contract for the re-construction of the Dry Dock was made between the Government and the present Company, that is to say the Company incorporated in Montreal under the name of W. I. Bishop Company, Limited. The contract followed the form always used by that Company, and was not prepared in St. John's. It was submitted to the Deputy Minister of Justice and to the Government Engineer, before being considered by the Executive Council. The preliminary discussions in connection with the Dry Dock took place between Mr. Bishop, the principal of the W. I. Bishop Co., Ltd., and the members of the Railway Commission of which the Hon. the Attorney General is not one. Further, particular care was taken by the Government, before entering into any arrangements with respect to the Dry Dock repairs, to have an absolutely impartial pronouncement on the subject, and for this purpose the services of one of the foremost authorities in the employ of the Canadian Government at Ottawa were secured.

(b) Your complaint under this heading is that the firm of Higgins, Hunt & Emerson, incorporated the Newfoundland Light & Power Co., Ltd., that the sole members and shareholders appearing in the Registry in St. John's are the members of the above mentioned firm; that the Hon. the Attorney General appears as President of the Company which (to quote your words) "immediately proceeded to apply for wide rights and concessions." I am to point out to you that this Company was incorporated on the 17th February, 1924, at a time when both the Hon. the Attorney General, Mr. Higgins, and his partner, Mr. Hunt, were members of the Opposition in the House of Assembly. Such a method of incorporation, it appears to His Excellency, was purely a matter of convenience for registration purposes; indeed, Mr. Hunt had been retained to do this by those who were funding the capital. His Excellency is assured that Hon. Mr. Higgins very far from being President of the Company, is not so much as a shareholder in it nor has any interest whatever in its operations. The Bill which you have referred to as being one proposed to be submitted to the House of Assembly was, in fact, never put before the House. It was prepared by solicitors in Montreal and was forwarded to St. John's for the consideration of the Government. It was practically a modification of all the Acts concerning the St. John's Street Railway which it was thought desirable to have embraced in one Act after the transfer to the new Company. Two sections only were new, one as regards competition by jitney traffic, which was not agreed to, and to which Hon. Mr.

Higgins was well known to be one of the strongest objectors, and the other the right to increase the fare from five to seven cents, which right it is to be observed in the legislation which was put through the House of Assembly, which only became effective when the Governor-in-Council is satisfied that the proposed improvements in the system have been carried out. The only other concession, namely that of the free entry of materials was but putting into effect an undertaking given by the previous Administration, following the "Railway Settlement Act." His Excellency is satisfied that there was no impropriety in the manner in which the short Bill was put through the House. It was introduced by the Prime Minister and submitted to a Select Committee of both sides of the House. The Bill was eventually adopted unanimously by the House. It is further to be observed that there are no contractual relations between the Company in question and the Government.

Having thus gone deeply into the points raised in your letter with regard to Hon. Mr. Higgins' association with these Companies, His Excellency is satisfied that there is no reason for him to take the steps which you suggest.

As regards the questions of general policy raised in your letter, His Excellency does not feel called upon to make any pronouncement.

I am, Sir,
Your obedient servant,
(Sgd.) J. L. Shand,
Major,
Military Secretary & A.D.C.

J. A. W. W. McNelly,
Duckworth Street,
St. John's.

St. John's, Sept. 18, 1925.
Sir William Allardice, K.C.M.G.,
Governor.

May it please Your Excellency,
I have the honour to acknowledge receipt of your letter of September 14th, and to thank you for the consideration that you have given to my communication of August 21st.

I regret that Your Excellency has not seen fit to accede to my request that the Hon. the Attorney General be relieved of his office and his seat in your Executive Council, and respectfully submit that the reasons given by Your Excellency for not taking the course suggested by me do not justify his retention in these offices.

With regard to your justification of the Attorney General in refusing me the right to take action against the Marine Agencies, Ltd., I have to say:

1. (a) The Marine Agencies, Limited could not have approached the Government for permission to build an extension at the eastern end of King's Wharf or have obtained permission from the Department of Marine and Fisheries to occupy the portion of the Harbour they have taken before the Attorney General's firm had any connection or knowledge of the Company because Higgins, Hunt & Emerson themselves incorporated the Company, and were its solicitors from its inception.

(b) Whilst the Department of Marine and Fisheries has certain control, management regulation of the Harbour of St. John's under Chapter 11 of the Consolidated Statutes, this Chapter gives them no power to give any portion of the same (not to speak of a property 125 feet x 80 feet worth \$10,000 to \$15,000) to any person.

I note from Your Excellency's letter that Messrs. W. & G. Rendell get a "considerable annual rental" for their portion of the property, but no compensation is made to the public for the taking of their valuable property and rights.

I would also point out that, apparently, up to July 9th, sometime after the formation of the Company, no arrangement had been made with them other than permission to extend the eastern portion of the King's Wharf. (See letter from Deputy Colonial Secretary to J. J. Mahoney, City Clerk).

In fact from this letter of July 9th, it would be inferred that any further authorization was disclaimed.

(c) Your Excellency admits that in St. John's (technically speaking) every extension of a water front might be regarded as an encroachment on public rights, or in other words, a public nuisance.

The practical effect, therefore, of Your Excellency's decision is:—
(A) That in such matters the Attorney General and not the Supreme Court is the interpreter of the law of the land.

(B) That he can exercise this office of a Judge, even where his client and a person from whom he is receiving remuneration is one of the parties.

(C) That public rights can be appropriated by private parties and held not under the authority of an Act of the Legislature, but by the grace of the Attorney General.

3. Your Excellency has, apparently, misunderstood my letter when you infer that my second cause of complaint is:

"That the Attorney General's action in refusing your request was actuated

Our Stocks are now complete with the
Smartest and Newest

FALL and WINTER COATS, SKIRTS and DRESSES

Now is the time to choose—when
assortments are fresh and complete
and styles are new, and every selection
has a full season's wear ahead.



FUR TRIMMED COATS

Featuring the new rich Velvety Cloths.
Lavish use of Fur, smart lines and
expert tailoring, showing the most
desirable shades.

13.50, 17.00, 19.00, 27.50, 35.50
to 100.00

FUR COATS

Our present showing includes:

BROWN MARMOT (¾ style) 98.00
BLACK HUDSON SEAL 175.00
MUSKRAT 190.00
BLACK HUDSON SEAL, Squirrel Collar and Cuffs . . 240.00, 270.00.

BLACK SEALETTE COATS

27.00, 35.00, 45.00

LADIES' DRESSES

Our stocks display a wide
selection of styles, showing
Winter's loveliest colours of
Rust, Green, Tan, Saxe,
Flame, Rose and Blue, for
Afternoon, Party and Even-
ing wear.

Prices Range from
17.00, 20.00, 26.50 to
\$35.00

SERGE & GABERDINE DRESSES

Most smart and practical
for all occasions, featuring
the latest Button and Fancy
Braid Trim, and Pleated
Side Skirts. In new colour-
ings of Fawn, Navy, Brown,
Rust, Henna and Black. . .

13.50, 16.30, 20.00 to
60.00

SERGE SKIRTS, with White Broadcloth Camisole tops. Shades of
Rust, Navy, Fawn and Black 5.85 to 9.80

SERGE SKIRTS, Navy and Black. Some braid and button trimmed,
with pleated sides 5.50, 6.30 to 8.50

FLANNEL AND CLOTH SKIRTS. The latest vogue. Plain and
fancy Plaid designs. Special Price 9.98

Extensive showing of the Season's Newest Millinery, Sports and
Ready-to-Wear Hats in our Dry Goods Department.

Ayre & Sons
LIMITED

by personal motives in that either he himself or members of his private law firm are financially interested in the Marine Agencies, Ltd., and/or the Company carrying out the construction work."

I may not have made my position as clear as I should have, but I now state that it is immaterial to me what the personal motives of the Attorney General or his partners were, or whether they were financially interested in the Marine Agencies, Ltd., and/or the Company carrying out the construction work."

It is the set of receiving the monies from these firms, and not the state of mind of the persons receiving the monies which is the gravamen of the offence.

3. What I have to say with relation to your answer to my second cause of complaint is very largely covered in

my reply to your paragraph 2.

With regard, however, to W. I. Bishop Co., Ltd., or its local subsidiary Company, I would point out that the Attorney General or Minister of Justice is the person responsible for the giving of proper and formal legal effect to any arrangement entered into by your Council, while his partner as Law Clerk is responsible for giving proper legal forms to any amendment effected in the Legislature.

The draft contract was, apparently, submitted to the Deputy Minister of Justice. Surely the fact that because of his position with W. I. Bishop, Ltd., the Attorney General had to leave such an important matter to his Deputy is a complete justification of my contention that because of such relations he cannot properly do justice to the public, and should be relieved of his office.

You also state that the contract

(Continued on page 14.)

Why stopping is necessary



No steel ever made
keeps its edge indefin-
itely—that is why it is
necessary to stop your
blade. The only safety
razor that sharpens its
own blade is this

Valet Auto Stop Razor

\$5. up to \$65; other models at lower prices

STIFFNESS

of any kind can be quick-
ly relieved by massaging
with

MINARD'S
KING OF PAIN
LINIMENT