

Burnstein Arson Case.**JUDGMENT OF THE SUPREME COURT.**

At the Supreme Court yesterday, the Chief Justice set aside the judgment of Judge Morris in the case of Joseph Burnstein who was charged with Arson and was fined \$200.00 or 12 months' imprisonment. Mr. Justice Johnson and Mr. Justice Kent concurred. Burnstein some time ago appeared in the case, which was heard before the full bench within the last couple of weeks. It is understood that this decision of the Supreme Court, by the fine imposed on Burnstein in the sum of \$1,600.00 is also affected. Mr. Burnstein appeared on his own behalf, while Mr. H. Winter appeared for the Crown.

Appended is the judgment:

JUDGMENT DELIVERED BY CHIEF JUSTICE SIR WILLIAM HORTON, Kt.

The King vs. ARSON.

Joseph Burnstein.
This is an appeal against a conviction by the Hon. F. J. Morris, K.C., Magistrate at St. John's, in the case of Joseph Burnstein who was charged with Arson and was fined \$200.00 or 12 months' imprisonment. Mr. Justice Johnson and Mr. Justice Kent concurred. Burnstein some time ago appeared in the case, which was heard before the full bench within the last couple of weeks. It is understood that this decision of the Supreme Court, by the fine imposed on Burnstein in the sum of \$1,600.00 is also affected. Mr. Burnstein appeared on his own behalf, while Mr. H. Winter appeared for the Crown.

However, we avoid the possibility of infringing upon the learned Magistrate's jurisdiction by treating this appeal as if it was from a judge on the question of withdrawing a case from a jury. That is a question which always presents itself to a trial judge at the end of the case for the prosecution, for he has to be satisfied that the evidence is sufficient to warrant a conviction before allowing the case to go to the jury. Is the evidence here, then, sufficient first, to show the commission of the crime charged and, second, to enable a jury to say that the accused was the guilty party. In all cases the preponderance of probability may constitute sufficient ground for a verdict but in criminal cases something more is required. *Marin B. in Rex v. White* (4 F. F. 314) in summing up a criminal case to a jury told them that "in order to enable them to return a verdict against the prisoner they must be satisfied beyond reasonable doubt of his guilt; and this is a conviction created in their minds not merely as a matter of probability; and if it was only a matter of probability their duty was to acquit." The prosecution has proven that this fire was originated inside a recess under stairs, where apparently there was nothing to account for it, shortly after the accused left the shop and that he had made contradictory statements as to the time he left and also that he had been required by his superior landlord to vacate the premises, while they may give rise to strong suspicion against the accused, but to a probability, to establish the crime of arson for the law presumes a fire to be accidental and requires this presumption to be rebutted by proof to the contrary.

The accused's property was partially insured. Mr. Ash, the Secretary of the Board of Fire Underwriters examined the losses in the fire at the request of the United British Insurance Company with whom the accused was insured, testifies that there was one thousand dollars (\$1,000) insurance on general merchandise and five hundred dollars (\$500) on fittings, fixtures and furniture and that a sound value of the stock at the time of the fire amounted to \$1,391.35 and that the loss amounted to \$1,356.00. The sound value of the goods means the price they could be purchased for at the time of the fire. The furniture and fittings on which the accused had \$500.00 insurance the witness values at \$1,171.00 and these were damaged to the extent of \$928.00. The stock cost much more than the value at which it was appraised. Most of these goods, this witness says, cost double what they were priced at by the appraisers.

The evidence adduced by the prosecution, in my judgment, fails to prove that the cause of the fire was arson committed by the accused, therefore, the presumption of innocence not having been rebutted by satisfactory proof, it would be the duty of a trial judge, had the accused been indicted in this Court to withdraw the case from the jury. Consequently I must hold that the evidence before us is insufficient to sustain this conviction.

November 1st, 1922.

Carrot custard pie is novel and tempting. Mash and strain 1½ cups of cooked carrots, add 1 cup milk, the well-beaten yolks of 2 eggs, ¼ cup of sugar, a dash of salt, lemon rind and ginger. Mix, bake in a crust and top with meringue.

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All Thrifty Shoppers Visit the Royal Stores

Sale of Millinery Hats



Women's Velour Hats.

In pretty shades and in the newest styles; these Hats are all new and have sporty effects in soft felt trimmings; most of them trimmed with ribbon as well.
Reg. \$3.50 each for \$2.95
Reg. \$6.50 each for \$5.40

Children's Caps.

Something very new and pretty, in Furlike material, in shaded effects. Reg. \$2.35 each for \$1.90

Misses' Plush Tams.

In shades of Grey and Fawn; finished with shaded Silk Tassels. Reg. \$3.25 each for \$2.75

Angora Wool Scarves.

In assorted colors; size 12 x 63 in.; Reversible patterns; trimmed with Blanket stitch and knotted fringed ends. Reg. \$6.50 each for \$5.85

Silk Tulle.

36 inches wide; colors of Light Blue, Saxe, Navy, Grey, Jade, Mauve, Champagne, Brown, Cream and Black. Reg. 65c. yard for 58c.

Housefurnishing Specials

CUSHION COVERS—In Fawn Muslin, with dainty colored embroidery centres; finished with wide frills. Reg. \$1.05 each for 3 each \$1.05

BREAKFAST CLOTHS—Made from fine grade Cotton with a heavy Damask finish, neat Red, Blue and Yellow borders, fringed all round; size 56 x 59. Reg. \$2.75 each for \$2.35

DUTCH CURTAINS—Made of fine grade White Scrim, with black embroidered corners and plain centres; hemstitched edges; trimmed with Torchon Lace; size 2½ yards. Reg. \$5.25 pair for \$4.95

SIDEBARD CLOTHS—In Fawn Crash Linen with colored embroidered centres; wide hemstitched borders. Reg. \$1.20 each for \$1.05

TURKISH TOWELS—Assorted colored stripes; fringed ends. Reg. 95c. each for 92c.

Reg. 60c. each for 58c.

VIVELLA FLANNEL—32 inches wide; in plain and assorted stripes. Reg. \$2.00 yard for \$1.85

AZA FLANNEL—32 inches wide; in assorted stripes. Reg. \$1.65 yard for \$1.49

CLYDELLA FLANNEL—32 inches wide; assorted stripes. Reg. \$1.10 yard for 98c.

Job Wool Blankets

We have a limited number of Blankets that are slightly damaged in the making. These are offered at special prices.

Size 54 x 70. Per pair \$ 5.25
" 60 x 78. Per pair \$ 6.50
" 60 x 78. Per pair \$ 8.50
" 70 x 86. Per pair \$11.00

Perfect Wool BLANKETS

Size 50 x 70; per pair \$ 5.00
Size 54 x 70; per pair \$ 5.25
Size 60 x 78; per pair \$ 6.50
Size 66 x 88; per pair \$ 8.75
Size 70 x 88; per pair \$10.00

Size 54 x 70; per pair \$ 7.50
Size 60 x 78; per pair \$ 9.00
Size 66 x 88; per pair \$10.50
Size 70 x 88; per pair \$12.00
Size 76 x 90; per pair \$15.00

Bargains in Floor Coverings

Floor Canvas.
2 yards wide; Tile and Floral designs. Reg. \$2.20 yard for \$1.95

Stair Carpet.
¾ yard wide; Tapestry, in colors of Green, Fawn and Red; Fancy Borders. Regular \$1.75 yard for \$1.65

Stair Carpet.
¾ yard wide; colors of Fawn and Green; fancy floral borders. Regular \$1.55 yard for \$1.45

Rope Door Mats.
Made of strong Coconut Fibre; size 17 x 30. Reg. \$1.20 each for \$1.00

Hearthrugs

Extra large Hearth Rugs; Velvet Pile and Axminster; handsome colorings and designs; sizes 32 x 67. Reg. \$9.45 each for \$8.35

Velour Coatings

56 inches wide; in fashionable shades; and mixtures of Brown, Blue and Grey. Reg. \$5.00 yard for \$4.45



These are gala days for home providers at The Royal Stores, and it doesn't take thrifty people long to find out the new bargains that are popping up every day. Every department that has to do with the providing of goods for personal wear, or for the home, is keenly alive to the demand for low prices, in meeting every need. You may choose here with the assurance of both Economy and Comfort.

These Prices are in Force Friday and Saturday

Good Values in the Showroom



WOMEN'S FLEECE-LINED VESTS—Sizes 40 to 44; high neck, long sleeves, made of finest grade Cotton; also pants to match; ankle length; open style. Reg. 65c. 59c.

WOMEN'S COATS—In a strong Pink Cloth; low Bust; sport models; 21 to 26 inch; 4 elastic suspenders. Reg. \$1.75 pair for \$1.55

CHILDREN'S COMBINATIONS—Pure Wool; to fit children of 5 years; in Cream only; short sleeves, knee length, open in front. Reg. \$3.30 suit for \$3.45

NAINSOOK CAMISOLES—With stamped designs ready for working; in Pale Pink shades; sizes 34 to 40; finished with heading and straps of fine White Lawn. Reg. \$1.00 each for 90c.

COAT SALE

Continues

Brand new Coats, fresh from the manufacturers; every Coat has a distinctive style of its own; styles that are shown only in the higher grade models; the materials are guaranteed all Wool Tweeds and Blanket Cloths. For Friday and Saturday these Coats are offered at Half Price.

Colored Coats Heavy Wool Blanket Cloth; smart models in all sizes.

Reg. \$13.00 each for \$ 6.50
Reg. \$16.50 each for \$ 8.25
Reg. \$23.50 each for \$11.25
Reg. \$28.50 each for \$13.75
Reg. \$32.00 each for \$16.00
Reg. \$40.00 each for \$20.00
Reg. \$58.00 each for \$28.00

Reg. \$17.00 each for \$ 8.50
Reg. \$20.00 each for \$10.00
Reg. \$27.00 each for \$13.50
Reg. \$30.00 each for \$15.00
Reg. \$33.00 each for \$16.50
Reg. \$35.00 each for \$17.50
Reg. \$38.00 each for \$19.00

Black Coats Heavy Wool Blanket Cloth; smart models in all sizes.

Reg. \$13.00 each for \$ 6.50
Reg. \$16.50 each for \$ 8.25
Reg. \$23.50 each for \$11.25
Reg. \$28.50 each for \$13.75
Reg. \$32.00 each for \$16.00
Reg. \$40.00 each for \$20.00
Reg. \$58.00 each for \$28.00

The Man's Store

Latest Styles

Men's Shirts 10 dozen about Cambric Shirts, light grounds with assorted colored stripes; soft Cuffs; and fronts; pearl Buttons. Reg. \$1.75 each for \$1.35

Men's Working Shirts. Made of heavy Flannelette in Grey and Khaki; stout well made Shirts with collar attached; in all sizes. Reg. \$1.85 each for \$1.69

Men's Night Shirts. Made of extra heavy double warped Cotton; light grounds with colored stripes; sizes 15 to 17; English manufacture. Reg. \$2.65 each for \$2.20

All Wool Mufflers. Extra long Wool Mufflers for winter wear, in all the latest colorings. Reg. \$1.10 each for 95c.

Reg. \$1.60 each for \$1.45
Reg. \$1.95 each for \$1.79

Silk Knitted Ties. In assorted colors. Reg. 39c. 45c. each for 39c.

English Velour Hats. In assorted popular colors and sizes; latest fashionable shapes; good reliable quality. Reg. \$9.75 each for \$7.50

Men's Winter Caps. Heavy made Caps in colors of Brown, Navy and Grey Naps and Tweeds; all sizes; inside ear bands. Reg. \$2.20 each for \$1.98

Heavy Winter Underwear. For men and youths; heavy knit Vests and Pants; in hard twisted Wool; well finished in every way. Reg. \$1.95 garment for \$1.35

Reg. \$2.25 garment for \$1.45

Boys' Pyjamas. Strong Flannelette Suits for boys of 6 to 16 years; assorted colored stripes; Military cut Coat; Leaf Buttons and Braided Collars. Reg. \$2.50 suit for \$2.05

Fashionable Silk Ties. Specially made, guaranteed not to stretch; English and American makes; latest popular colorings. Reg. 55c. each for 49c.

Men's Wide End Ties. Special job line in some very pretty colorings; these are also non stretchable. Special 22c. each for 19c.

Men's Sweater Coats. In All Wool Heather mixtures; sizes 36 to 42; finished with a shawl collar. Reg. \$2.35 each for \$2.16

Sale of Wadded Quilts

Just in time for the cold weather, we offer hundreds of Wadded Quilts at reduced prices; all these are filled with good Cotton Batting and are covered with high grade Fancy Cottons and Satteens.

Size 60 x 72. Regular \$3.70 each \$3.45
Size 60 x 72. Regular \$4.25 each \$3.98
Size 60 x 72. Regular \$4.80 each \$4.47
Size 60 x 72. Regular \$5.20 each \$4.84

Size 66 x 72. Regular \$6.00 each \$5.63
Size 66 x 72. Regular \$6.50 each \$6.09
Size 66 x 72. Regular \$7.00 each \$6.55
Size 66 x 72. Regular \$7.50 each \$7.01

Size 60 x 72. Regular \$8.00 each \$7.56
Size 60 x 72. Regular \$8.50 each \$8.01
Size 60 x 72. Regular \$9.00 each \$8.47
Size 60 x 72. Regular \$9.50 each \$8.92

WOMEN'S DRESSING SACQUES—Made of Fancy Flannelettes in assorted pretty designs; short sleeves and Sailor collar, piped with Silk of contrasting shades. Reg. \$1.05 each for \$1.05

CHILDREN'S WOOL OVERALLS—White Wool-Overalls to fit children of 3 years; finished with fancy beading and string at waist. Reg. \$1.25 each for \$1.05

CUTEX MANICURE SETS—Containing bottle of Cuticle Remover, Polish, Nail White, Paste, File and Orange Stick. Reg. 80c. for 68c.

COLGATES PERFUMES—Fancy boxes containing 2 bottles. The assortment of Perfumes includes the following: Apple Blossom, Fanny Blossom, Lily of the Valley, Cashmere Bouquet and Heliotrope. Regular \$1.10 box for 90c.

New Umbrellas

WOMEN'S UMBRELLAS—Very latest styles; wood or steel rods; 8 ribbed steel frames; military and long straight handles. Reg. \$3.35 each for \$2.95

Reg. \$5.50 each for \$4.85

MEN'S UMBRELLAS—Strong wood rods; stout Gloria Cloth covering; assorted handles. Reg. \$5.50 each for \$4.85

Reg. \$3.75 each for \$3.25

Smart Pleated Skirts

A new line of smartly cut Pleated Skirts, in a wide range of patterns; according to pleated and box pleated; sizes 34 to 38 length; 26 to 30 waist. Reg. \$6.20 each for \$5.75

Children's Pantalettes. Jersey knit Pantalettes for Children of 3 to 9 years, in colors of Brown, Grey and White. Regular \$1.75 pair for \$1.55

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Blouses and Sweater Coats

Tricolour Shirt Waists. Striped effects in Brown, Grey, Tan and Saxe; buttoned Cuffs and adjustable collars; sizes 13½ to 14½. Reg. \$4.55 each for \$3.95

Flannel Shirt Waists. Warm Wool Shirt Waists; buttoned to the neck with Pearl buttons; also buttoned Cuffs; sizes 13½ to 14½. Reg. \$4.50 each for \$3.95

Tricotee Snocks. In Black only; round neck; long sleeves; Silk cord at waist; finished with Tassel. Reg. \$8.00 each for \$7.30

Sweater Coats. All Wool; sizes 2 to 32; in shades of Saxe and Rose only; finished with roll collar; belt and pockets in Grey. Reg. \$3.65 each for \$3.15

All Wool Sweater Coats. Shades of Beaver, Grey, Rose and Saxe. Reg. \$7.00 each for \$6.40

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Warm Wool Stockings

Women's Heather Hose.