

Supreme Court

(continued from page 10.)

whether the reason for that may be, I do not know, but let us assume that the reason for that is that Greenwood and Thomson are so busy in trying to achieve something in connection with the properties that they did not have time to write.

MR. EMERSON—Mr. Greenwood is St. John's at that time.

MR. HOWLEY—Well, let us say Thomson was so busy. Then we came to No. 23, "H.B.T.22," which is the

which Thomson writes Macdonald on the 12th of September in

what he, as Reid's agent, in

referred to do with regard to en-

gaging to Macdonald and his as-

suming the business of the Reid

and on the 12th of September we have Thomson's

letter to Reid, No. 24, "H.B.T.23," in

which he describes at length the re-

lationship and importance of Major Mac-

donald, particularly stressing his ab-

ility to influence financial concerns

and to obtain capital for the develop-

ment of such propositions as Reid has

stated that "Macdonald has or-

ganized a company for the purpose

of developing just such projects as

you have." Now, I wish at this

stage to point out, my Lord, that he

does not mention here that he had

agreed to Macdonald on the 12th of

September, nor, apparently has Reid

any opportunity at the time that this

letter of the 27th September reached

Reid to know that the letter of the

12th September or anything at all

concerning it had passed between

Thomson, his agent, and Macdonald.

My Lord, further than that I

submit that the wording of the let-

ter of the 27th September in its re-

ference to the Macdonald and his com-

mitment is not a clear, frank statement

of the position, which Reid was en-

gaged from Thomson at the time. In

the first place, I submit that the

statement that he has "organized"

company for the purpose of de-

veloping just such projects as you

"have," is, while it is not incorrect,

one of those vicious, insidious truths

that are only half the truth, and it is

misleading and not consistent with

the information which Reid was en-

gaged to get from Thomson, having re-

ferred to the relations which existed

between them at this time, neither

does he say or make any reference to

the fact that this organization which

has been formed includes himself and

Greenwood as co-owners jointly with

Macdonald, because that is practically

what it amounts to—

MR. EMERSON—Are you going to

argue this as conduct which disem-

powers us.

MR. HOWLEY—I am arguing this

at the beginning of a series of con-

siderations that disemitle you to any

consideration for commission or for

service. I am going to argue it as the

beginning of a course of conduct of

deception and deceit from start to

finish.

MR. EMERSON—You have not

pleaded it. That is the only thing.

There is no plea on the record in con-

nection with it.

MR. HOWLEY—I am dealing with

two lines, one the line that is plead-

ed, and the other the line that has

developed on the evidence, although

not specifically pleaded, and I pro-

pose, my Lord, to connect the two

together to make a continuous story,

showing your Lordship what the at-

titude and conduct of these people has

been from start to finish.

KENT, J.—It is all right as long

as you get back to the Pleadings, Mr.

Howley.

MR. HOWLEY—Yes, my Lord, and

as far as this evidence can be con-

ducted up with the pleas that are on

the pleadings, and so far as they can

be held to be evidence in assisting

your Lordship in determining the is-

ssues that are on the Pleadings, I

submit that it is material and re-

levant.

That, my Lord, was the position on

the 27th of September. Then we came

down to these meetings in Montreal

in December. At this time the letter

of November 5th, which Thomson

wrote to Macdonald has been deliv-

ered, and so far as that letter creates

an agreement for options, it shows

the agreement between the Trust and

the Defendant at that time, always

remembering, my Lord, that the re-

lations of Thomson and Greenwood

relatives; there was the re-

lation as shown at this time

towards the Reids was a dual

relation; there was the relation

relating arising out of their position

as Directors of the Trust, and there

was the other position arising out

of the personal relations between

themselves and the Reids which had

commenced in the spring of 1919, and

we have the story of what happened

in December, 1919, with the letters

that were exchanged between the par-

ties. We have the story of the mak-

ing of the agency agreement and the

agreeing to a remuneration on the

basis of a ten per cent. commission,

the so-called oral agreement. We

have that story from Mr. Thomson,

and to a very, very limited extent in-

deed, we have heard it attempted to

be corroborated by Major Macdonald.

But, as I have already submitted to

your Lordship, we have direct evi-

dence from witnesses to the contrary,

and apart from that altogether, I sub-

mit that we have a mass of evidence



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The price does not begin to tell the real value of these Dresses. They are higher cost dresses and if they were bought in the regular way they could not be possibly quoted at these prices. Variety of style adds further brilliance to the underselling, so that from the hundreds of new and ultra stylish modes there is provision for the needs and preference of all, and each choice will mean a large saving.

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This is an event that no woman or miss can afford to overlook—An event that will make all St. John's talk. The values are higher and better, and the assortment larger than has ever been offered at the prices quoted. Every woman will have a chance to secure a dress at a price that spells INCOMPARABLE VALUES. No matter what your taste, your size—your dress is here at a saving of from \$6.00 to \$12.00 on every purchase.

Three Groups of Women's Brodella Cloth Dresses

Group 1

Betty Brown All Wool Brodella Cloth Dresses with Broadcloth finish.

A big assortment showing all the newest plain shades, in the new straight line effect, with girdles of self material. Trimming consists of Buttons, Braid, Stitching, etc. Wonderful value.

6.90

Group 2

All Wool Brodella Cloth with Broadcloth finish, also a few in Flemish Flannel. The new straight line effect, some having wide patent belts, others with Suede belts, still others with girdle. Some of these dresses have detachable linen collar and cuffs and middie ties. Showing all the newer shades and styles.

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A wonderful assortment in All Wool Brodella Cloth, showing the newest plain shades, stripes and pretty plaids. Some with plain skirt, others with pleated flounce. Some Slipover style, others buttoned front, straight line, cross-over effect, with Suede belts in assorted widths, and girdle of self, nicely trimmed with buttons, silk braid, fancy stitching, etc., some with detachable collar and cuffs of linen. A splendid dress for sports or general wear.

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Child's Dresses.

Of all Wool Flannel or Brodella Cloth with Broadcloth finish, to fit ages 8 to 13 years. Newest styles in all shades. Wonderful wearing quality, that will serve smartly for sport and school wear, trimmed with buttons, silk braid, etc. Offering exceptional value.

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Misses' Dresses.

To fit ages 14 to 16 years in all the newest plain shades, newest styles that will please both mother and miss. Made from all Wool Brodella Cloth, newest trimmings, girdles and belts of self material. Some with three way convertible collar. Values you should not miss.

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Styles for Women
Styles for Misses'
Styles for Children

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that cannot be contradicted and cannot be reconciled with the story that the Plaintiffs wish your Lordship to

believe with regard to that oral agreement, and if your Lordship should decide, as I submit with all respect you will decide, that the story told by the Plaintiffs with regard to the oral agreement is not the correct story, I think that the position is such that it justifies a conclusion not alone that the Plaintiffs have failed to sustain their plea, but that the Plaintiffs have not and have never had the slightest colour of justification for setting up such a plea at all; that the evidence in support of the plea is so hopelessly contradictory of the facts as they appear from the correspondence, coupled with the denial of the defendant's witness, that there can be

only one conclusion, and that is, that the Plaintiffs not alone have not sustained their Plea, but that the Plaintiffs have set up a case that never existed. And that, I submit, my Lord, apart from its effect with regard to this case and with regard to the credibility of witnesses, that brings us back to the position that the conduct of the Plaintiffs in December, 1919,

and immediately following, with regard to this matter, was not the conduct that they should have meted out to the defendants.

(To be continued.)

Women's White Canvas and Buckskin Boots, only \$1.25 pair at F. SMALLWOOD'S.—July 10, 1925.

Fads and Fashions

The new frock may have a circular front attached just below the hip line.

The short skirt insists upon cleverly concealing fullness for style and comfort.

TO THE TRADE!

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The fared sleeve is good for the

Chiffon is no longer an evening fabric, being used also for sports and collars.

Flared gowns or gowns generally run up higher in the front than in the back.

MINARD'S LINIMENT FOR RHEUMATISM.

Obituary

STEPHEN SQUIRES.

At Bell Island, on Sunday morning, July 19th, at the house of W. H. Tucker, Esq., there passed to his rest after a short but painful illness, one of the oldest residents of St. John's, or Broad Cove, as it was first named. In the person of the late Stephen Squires who had reached the good old age of eighty-two years. He was the last representative, but one, of that name of the third generation, who were descended from John Squires, one of the first settlers in this place, who came across the Atlantic from the Island of Jersey, to here about a century and a half ago.

Uncle Stephen, as he was familiarly known by all the residents of St. John's, had a rather varied existence. Some forty years ago when the fishery began to fall and times were getting dull here, he took up his residence in St. John's remaining there for a couple of years. He afterwards took his wife and family and removed to the U.S., settling in Lynn, Mass., where he lived and worked for seven or eight years. There he buried one of his three daughters, shortly after which he returned again to his native home, where he remained till the death of his wife, Elizabeth, about three years ago. The remaining years of his life have been spent with his daughter, Olive, and her husband, W. H. R. Tucker, Esq., at present Time-keeper with the Besco on Bell Island. One other daughter, Rose, (Mrs. W. Harrison), is very comfortably situated, and has a beautiful home in Lynn, Mass.

The remains were brought here from Bell Island in the S. S. Othar, on Tuesday morning and taken immediately to the Orange Hall of which he was one of the oldest members. From thence at 2.30 p.m., the body was taken by his brother members of the Royal Scapier and borne to the beautiful cemetery, surrounding St. Philip's Church on the hillside, and there laid to rest by the side of his wife to await the final call.

It was rather a coincidence that just a few hours previous to the burial just referred to the "call" should also have come to another "Uncle Stephen" of this settlement at the ripe old age of 92 years.

Mr. Stephen Tucker was the only surviving son of the late Robert Tucker and a direct descendant in the third generation of Robert Tucker, Senior, who came here and who, as far as I can learn, was the very first to settle in this place. The tombstone erected to the memory of this old settler still exists, and shows the date of his death to have been in 1812.

His late descendant, Uncle Stephen Tucker, who has just passed away, was, as his many years doth witness, of a sound and robust constitution, and although he had the misfortune to lose one of his legs some forty-five years ago, he still managed to work his extensive farm and to maintain in comfort his rather large family. He is survived by his wife (Margaret) and by four sons and three daughters.

It is thus that the survivors of past generations fade away from our midst, leaving us who are a bit younger, to feel that we too are thus, gradually, being pushed to the front, that we also may be prepared to respond to that final summons, which will most certainly come to us all, and perhaps much sooner than we anticipate.

Women's Two Tone Canvas Laced Boots, job; only 98c. pair at F. SMALLWOOD'S.—July 10, 1925.

Rod and Gun

THE AUGUST ISSUE.

In addition to a full quota of unusually interesting stories and articles, the August number of Rod and Gun in Canada, the Canadian sportsman's magazine, contains a wealth of information for the outdoorsman, the fisherman and the gun crank in the regular articles and full synopses of the hunting and fishing seasons and laws for the provinces of Canada and Newfoundland. It also includes the announcement of the annual amateur photographic contest in which \$700 in prizes is being awarded.

Among the stories of general sporting interest, Basswood Lake to Windigo, an account of a canoe trip, which while it recounts the second part of the voyage, is a complete story, written in a swinging narrative; Sidelines of Nipigon tells of trout fishing and is written by Oscar Ripley, who wields a rod even better than a very finished pen. Judge A. B. Cohn, of Toledo, O., is enthusiastic over Canada as a sportsman's paradise in recounting his moose hunting experiences at Temiskaming under the captain. A Judge Goes Hunting. Other articles equally good contribute to make the issue a highly attractive one.

Rod and Gun in Canada is published monthly by W. J. Taylor, Limited, Woodstock, Ont.

Men's Sporting Thigh Rubbers, at F. SMALLWOOD'S. July 11, 1925.

Flared gowns or gowns generally run up higher in the front than in the back.

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