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(To Every Man His Own.)

The Mail and Advocate

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ST. JOHN'S, N.F.L.D., OCT. 13th, 1915.

OUR POINT OF VIEW

The Elements Our Ally

IF "the stars in their courses fought against Sisera in days of old, the elements are our ally in the cause of right to-day. We are to face, without doubt, another winter campaign; and the snows and boreal blasts will help our arms in Europe. A winter campaign is in our favor on all fronts; and though we regret the prolonging of the bitter contest in which we are engaged, we should comfort ourselves by the thought, that the longer we remain in the fight, the more brilliant will be the achievement. This must be a war of attrition; for peace without honor were inglorious, and we would have merely scratched the snake, not killed it."

A winter campaign will be Russia's greatest opportunity; for the Huns must either retire ignominiously from their Eastern line, or endure a winter far from their bases, dependent on small lines of railway for their supplies. These railways run through (for them) hostile territory, and they need a large force to guard them. The Huns cannot endure the snows and frosts, as can the soldiers of the Czar; so we look for disaster to the German invaders of the Russian territory.

In the West, war makes for immobility, and the Allies can afford to remain immobile in this war of attrition, while the Germans must make a supreme effort to advance. Our sources of supplies will be regularly available; but Germany must face either starvation or such a shortage as will cripple her more effectively than howitzers.

On the Italian frontiers, the Austrians will be forced to live the winter through under Alpine rigors, while the bulk of the Italian troops will be basking in the sunshine of Italy. Even the Italian advance guard which holds the Alpine passes will not be inconvenienced; for they are a vigorous lot inured to Alpine rigors, and can climb the snow-clad hills of the north like the mountain goats which in times of peace they herd on the northern slopes.

Then, again, in the Dardanelles we shall have the sunny side of the hill—if we have not meanwhile forced the Straits. Our troops will reach Gallipoli through the perpetual summer of the Mediterranean. In the Balkans the elements, during winter, will likewise be our ally.

Hence, we consider the prospect of another winter campaign with equanimity, and we feel confident that it will help us to final and glorious victory. We shall come out of the winter like the lion refreshed, and be in a stronger and better position than ever. The Central Empires warring against us will have been worn down by reduced supplies and intolerable anxiety; and they will then realize more potently than the British Lion will roar more terribly than ever before.

Need of Decent Fish Market

WE are thoroughly in accord with the Editor of The Trade Review when he bestows a meed of praise upon the fishermen of St. John's for their efforts to keep the householders supplied with fish during the season. "This work," says the Editor, "is worth many thousands of dollars to the householders of the city, especially the poor people and the middle classes, who were able to get a dinner, on the fish days, that would cost them twice to three times as much if they had to purchase a substitute, especially in canned goods. For the small sum of fifteen cents a housekeeper could buy a fine codfish that would do for a family of six. There are monopolies in all kinds of the people's food, and it is gratifying to record that the fishermen, who supply the city with fresh codfish, have not been swept into the vortex of unscrupulous gain, the motto of which is, when you get people into the position, that they must buy what you have to sell—skin them every time."

The fishermen are not properly dealt with by the City Council who should provide a suitable up-to-date fish market where the fishermen could display their wares to advantage. St. John's is, perhaps the only Maritime city on earth where there is not a suitable market for marine products. We don't seem to be alive to such requirements; and we grumble when we cannot procure fish when we need it.

St. John's might learn a lesson from what is being done elsewhere. We need go no farther afield than Halifax where a market exists in which not only fish but had regularly but other products as well. But a better lesson may be learned from what is now being done at the little city of Prince Rupert, on the Pacific Coast, which is barely eight years old, and has a population of only 6,000 people!

The Canadian Fisherman says: "The citizens of Prince Rupert early recognized the value of her (fishing) industry, and steps have been taken to do all possible to foster the trade. A by-law will shortly be submitted to the citizens to cover the expenditure of \$30,000 on a municipal wharf at Seal Cove. In addition, the city has under consideration the guaranteeing of the interest on the cost of building a cold storage plant which would be city controlled as to rates charged, etc., and leased for a term of years at a rental sufficient to cover interests, to a large concern."

We can learn much from what is being done on the Pacific Coast which will later become a formidable competitor with us in the fish business. By the way, amongst the prominent fish men on the coast we find the name of a Newfoundland—F. J. Hayward. Mr. Hayward, so the Canadian Fisherman informs us, is a shipper of frozen halibut and salmon of all grades and sales agent for many smaller and independent packers, exporters of frozen and salt fish and fish products, whale and fish oils, and fish for the Oriental trade, and local agent for Eastern shippers of smoked and salted fish.

"Mr. Hayward," continues the Canadian Fisherman, "is a 'live wire' and his experience and knowledge is always at the disposal of enquirers as to conditions ruling on the Pacific Coast and opportunities offering in the fishing industry."

The Mr. Hayward referred to above was formerly in the Coastal Office of Bowring Bros. here in St. John's.

Ominous

THE report that a British steamer which recently arrived at Rio de Janeiro was attacked by an enemy vessel seems to indicate that the Hun is again busy in South Atlantic waters. The recent lull in sea-murders in the English Channel and the Irish Sea would indicate that German submarines are diverting their efforts to the sea-lanes of the Atlantic.

When we consider how long the "Karlsruhe" evaded capture last year, this does not surprise us. We think that it is quite possible for German submarines to find either a land, or floating, base in the numerous islands in the South Atlantic; and we would not be surprised to learn that even on the South American mainland it has been possible to locate supplies. Though all the South American Republics are supposed to be neu-

A Drunkard Not Responsible

YESTERDAY'S arson case before F. J. Morris and M. A. Devine, J.P.'s, was decided in favor of the drunken man who attempted to destroy his house by fire on Sept. 18th. The accused was acquitted, because it was held he was drunk when he committed the act, and being drunk and under the influence of liquor he was not responsible for his act.

With all due respect to the learned legal lights who sat on this case, we unhesitatingly state, that in our opinion such a reading of the law will cause more crime to be committed in the future in one month than has been committed in the past in one year.

The people always believed that whether a man was drunk or sober and committed a crime, he was responsible under the laws; but it has fallen to the lot of Frank Morris and his able legal aid (sic) M. A. Devine, a third rate journalist, to properly define the law as it affects the sober or drunken man.

All anyone need do now is to get drunk, if they want to injure their fellowman or neighbour, and no matter what injury they do, they cannot be punished for it, as long as they can be said to be drunk. If two men quarrel while sober, one can get drunk and slate his opponent, and because drunk he escapes the penalty of the law. If a fisherman wants to take a rap berth from a neighbour, who's securing lots of fish, all he has to do is to get drunk and cut away his trap and let it run out to sea, and because he was drunk he cannot be punished. If a man wants to get rid of a schooner in order to get her insurance, he refrains while sober because of the punishment that will follow; but now, according to such brilliant legal authorities as Frank Morris, J.P., and M. A. Devine, J.P., he can, if drunk, enter the schooner while at anchor and the crew are ashore, and cut holes in her bottom and sink her, and escape punishment, because he was drunk.

There is not ten laymen in the Colony who will consider the judgment of those two able judges as anything but an outrage upon common sense, law, order and constituted authority.

Every fisherman who now refrains from voting to end the use and sale of liquor on November 1st is but putting himself in the power of anyone to injure him under the influence of liquor who has a quarrel with him, who can commit any crime while drunk and escape the consequences.

Of course the people will at once assert that such a statement is unfounded, but we warn them now, that at the Magistrate's Court here yesterday a man was tried for attempting to burn down his house, there was no doubt whatever about the act—it was admitted, but he was acquitted of any wrongdoing against the State or Law, because he was under the influence of liquor when he committed the crime, and the two brilliant authorities on the bench—Judge Morris and M. A. Devine, J.P.—acquitted the prisoner under the plea that he being drunk when he did the deed, was not responsible for his action.

Does this mean that a man committing murder while under the influence of liquor is not responsible for the crime?

We fear more harm will result than good from such a judgment and we consider the judgment of those two judges will cause more crime to be committed in future in a month than has hitherto been committed in a year. It is nothing short of placing a premium on crime.

Well may people ask "Where are we and whither tending?" under the rule of E. P. Morris, and the clique of pirates that surround him.

For nations, one can never feel assured that German gold is not an all-powerful inducement to permit connivance at international rascality.

The revelations now being made regarding Hunnish activities in Bulgaria are indicative of what Germany is prepared to do. The nation which regards all international agreements as "scraps of papers" will not stop at any sort of fiendish act; so we are not surprised that German torpedo boats are found in the South.

The activities of the British Navy in the North will of course obviate any attempts at destruction in the North Atlantic; but it is quite possible that vigilance in the South might have been relaxed recently. We must not be surprised if further stories of attack are forthcoming.

ATTENTION, FISHERMEN!

Read this Judgment of Messrs. Morris & Devine, J.P.'s, Rendered Yesterday at the Magistrate's Court Here.

MAGISTRATE'S COURT The King Versus Chauncey for Arson Before F. J. Morris, K.C., J.P. and M. A. Devine, J.P.

The charge in this case is that the accused on the 18th. day of September last did wilfully and maliciously set fire to his dwelling house, situate on Pennywell Road, with intent thereby to defraud a certain Insurance Co.

To this charge of Arson the accused consented to a summary trial, and pleaded "Not guilty."

The following facts were given in evidence by the witnesses for the prosecution. The accused had a policy of insurance on his house for the sum of \$1,000. The house was mortgaged for the sum of \$850. One witness, Littlejohn, swore to the fact that the accused had been offered \$1,500 for the house but he would not sell it for less than \$2,000, and that he (Littlejohn) believed that the house was worth that figure. The furniture, personal and other effects, in the house at the time of the fire would be worth about \$500 or \$600. If the accused had succeeded in burning the house and its contents, he would stand to lose in the neighborhood of \$2,000.

The defence set up by Mr. Higgins, B.L., who appeared for the accused, was, "That the accused was temporarily deranged and insane through drink, that his mind was incapable of reasoning, and in a fit of drunken madness he attempted to set fire to his house. That the evidence submitted by the Crown as to the accused's condition on that day went to show beyond any question of reasonable doubt, that the man on that day was so mentally incapacitated, by reason of his drunkenness, that he was not able to judge the difference between right or wrong, and that the charge that the accused burnt his house with intent to defraud the insurance company was fully answered by the fact that had the house been burnt, he would have lost all he possessed in the world."

In support of his plea Mr. Higgins cited from the following authorities:—Archibald's Criminal Practice, Malicious Damage Act 1861, Halsbury, Vol. 9, 772, Rex vs. Davis, 14 Cox, 562, Rex vs. Baines, 1886, Liverpool

A New Situation

DEVELOPMENTS in the Balkans have created an absolutely new war situation, and to meet it the Allies will doubtless change their plans, if they have not already done so. It seemed incredible that the Allies would have landed large bodies of troops at Salonika; but it is beyond doubt that they have done so, though Greece still remains neutral.

Presumably, the landing is a "military necessity" and it has been done with the consent of Greece, as her own borders are menaced by the Bulgars. An other report says that General Ian Hamilton—the British Commander at Gallipoli—has been inspecting the landing of these troops. This would seem to indicate that there is a probability of the removal of the Allies' armies from the peninsula to a place where they can fight more effectively.

Should this prove to be the case the Dardanelles will then sink into comparative insignificance; for when the Balkan States join in the conflict, Constantinople will be conquered then by conquering the Balkan States which lie behind it, and not by using old Byzantium as a gateway to the Balkans.

This will call for a much larger number of troops; and given the troops, Lord Kitchener tells us that he has the success of the war in the follow of his hand.

The Austro-Germans are now pouring huge bodies of troops into Serbia, and Belgrade is, if despatches are true, already in their hands. It is assumed that a large number of British soldiers are already in Serbia, and the French have landed, it is said, 70,000 at Salonika. A great Italian expedition left for "somewhere" weeks ago; and is now possibly on the way to aid the Serbians. It is quite probable that the effective Russian regiments which were in Serbia during her agony, are still there. So the new situation will be interesting within a short while.

WHAT OF THE PRICE?

(By Basil Hood)

WHAT of the work, Hohenzollern?

Fury of fire and of sword; Murder and rapine and lust— "Vengeance is mine," saith the Lord.

What of the end, Hohenzollern? What of the worker's reward? In Christ or Kultur will you trust? "I will repay," saith the Lord.

All-Highest, Emperor, Braggart, Think of the withering gourd Cast on the ashes and dust— "Vengeance is mine," saith the Lord.

Instruments hath He in plenty! Multitudes cry in accord Humble his House in the dust— Cursed be he and his herd.

Butchers, defilers of women— God! let Thy wrath be out-poured! Grant the atonement be just! "Vengeance is mine," saith the Lord.

What of the price, Hohenzollern? What of the fire and the sword? What of the work, and the payment? "I will repay," saith the Lord.

The charge of setting fire to his house with intent to defraud an insurance company, or with intent to injure or defraud any other person. Dated Tuesday the 12th. day of October A.D., 1915. Inspector General Sullivan conducted the case for the Crown. Mr. W. J. Higgins, B.L., Counsel for the accused.

It is a felony at Common Law to willfully and maliciously burn the house of another. In this case the house was the property of accused. The Statute Law has made it a felony to burn a dwelling-house any person being therein at the time. No person but the accused was in the house at the time of the commission of the alleged offence. It is a felony by Statute to burn a house or other building, whether the same be in possession of the offender or to any other person, with intent thereby to injure or defraud any person, and it is with this latter offence that the accused stands charged. Lord Halsbury in his Treatise on Criminal Law has this to say on the plea of drunkenness:— "A person who becomes drunk as the result of his own voluntary act, and while drunk commits a crime, is not accused for the crime by reason of his drunkenness alone; for a person although drunk, may be capable for forming an intention and therefore may by drunkenness be rendered entirely incapable of forming an intention, and drunkenness may therefore, even though voluntary, sometimes be used as a defence for the purpose of rebutting the presumption of a criminal intention which would otherwise arise from an act; such presumption is deemed to be rebutted."

We therefore acquit the accused on

where it is shown that the accused's mind was so affected by drink that he was incapable of knowing what he was doing was dangerous or wrongful.

In the case of the King vs. Meade, reported in 1 "King's Bench Division, 1909, and the latest dictum on this point, Lord Coleridge J. Says—"A man is taken to intend the natural consequences of his act; this presumption may be rebutted in the case of a man who is drunk, by showing his mind to have been so affected by drink he had taken, that he was incapable of knowing that what he was doing was dangerous i.e. likely to inflict serious injury. If this be proved, a presumption that he intends to do previous bodily harm is rebutted."

Arson is one of the offences in Common Law in which the intent is the essence of the crime, and in this case from the facts submitted in evidence by the Prosecution, we unhesitatingly come to the conclusion that the accused (Chauncey's mind) was so affected by the drink he had taken on the 18th. day of September, that at the time he had set fire to his house, he was incapable of knowing that what he was doing was wrong or dangerous or likely to inflict serious injury on any person.

It appears to us to be inconceivable that a sane person will set fire to his house with intent to defraud the Insurance Company, when the commission of such an act would entail upon himself a loss amounting to twice the sum covered by his insurance policy.

There must be an intent to injure or defraud some third person not identified with the prisoner, and therefore in this case, even if the accused set fire to his house for the purpose of showing spite towards his family or doing them a personal injury, he would not commit an offence under otherwise arise from an act; such presumption is deemed to be rebutted. We therefore acquit the accused on

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