

THEATRE FINANCING RESULTS IN LONG-DRAWN LAWSUIT

Appeal Made to Supreme Court En Banc Against Decision of Chief Justice in Favor of the Allens, Who Control Local Moving Picture Houses.

FRAUD IS ALLEGED BY PARTNER IN COMPANY

Stone, the Appellant, Claims He Was Frozen Out of Company After He Had Been Threatened and Provided Capital For Starting the Venture.

On an appeal from the decision of Chief Justice Harvey in the case of Stone vs. Allen et al. which was brought before the supreme court en banc yesterday afternoon, the chief justice not being present, Frank Ford, K.C., presented the case for the appellant and W. E. W. went for the other side and just commenced his address when the court adjourned for the day.

Mr. Ford explained that there had been five defendants in the case and that the chief justice had given his decision after listening to the evidence in the case. The defendants were the father and two sons Allen, the Theatre Amusement company and the Canadian Film Exchange. These people run the Rex and the monarch moving picture houses in Calgary and several others in Western cities.

Invested His Capital. Counsel stated that Stone had been approached by Allen while in Brampton in 1910 to invest some capital in the exchange and he had been given 40 per cent. while the Allens had 20 each. Later an agreement was reached by which all four shared equally and gradually, according to his counsel, Mr. Stone was forced, crowded and frozen out. The Theatre Amusement company was later formed and Stone again put his money into the company in the formation of the company seem to have been unusual as there were no stockbooks or shares of the kind. Stone was then absent in California and on his return complained of certain irregularities and claims to have been threatened and finally forced out.

MAGRATH BYLAW IS DECLARED INVALID BY SUPREME COURT

Chief Justice Remarks That Tax Placed on Pool Rooms Was Prohibitive

The supreme court en banc yesterday afternoon upheld the decision of Judge Winter quashing a conviction before a magistrate for defendant's failing to pay the tax imposed by the bylaw Magrath. It was held unanimously by the bench that the bylaw was ultra vires, and in the words of His Lordship Chief Justice Harvey it was more prohibitive than regulative. The costs will have to be borne by the appellants, the municipality.

CUSTOMS RECEIPTS ARE STILL GROWING

The Customs returns for the month of May in Calgary were \$259,495.91. In the month of May, 1912, they were \$218,940.37. This means an increase of over 18 per cent., which is something for the city to be proud of for few cities in the Dominion can show such rapid growth in the matter of Customs receipts.

CONDENSED MILK MAY BE MADE IN CALGARY

A condensed milk manufactory is likely to be established in Calgary at an early date, and the figures are being collected by the Industrial Bureau to ascertain how much milk is being supplied from the country around Calgary so that the prospective manufacturer may have reliable information as to the possible supply of milk for his purposes.

Circular letters have been sent out to all the dairy centres within a radius of 60 miles of the city to secure this information, and replies are expected within a few days, and it is expected that it will be found that there is a considerable amount of milk which is not being sent into the city and could be disposed of easily in such a way.

SEATTLE MILLIONAIRE SAYS CALGARY IS LAND OF GOOD OPPORTUNITIES

(Continued from Page 1). In the United States—by that I mean in lands not already taken up. In Canada it will be unusual for him to get ten poor acres out of 160.

The railway lines are already planning to run their great immigrant ships through the Panama canal, and take the immigrant to Seattle, Vancouver and Victoria. It will be only a matter of short time when the European discovers that the Canadian country possesses the opportunities, and has the money to take advantage of them.

Land Speculator's Cause. "All those hundreds of acres which are new on the outskirts of Calgary should be under development. The curse of our country is the land speculator who buys an immense tract and then sits down and waits until its value goes up, and goes up through the adjoining land, and makes a city out of the air. We have spent thousands of dollars in the province, and others who buy land in large tracts should follow the example and get busy cultivating. The basic principle of prosperity in this country is the cultivation of all the fertile land in the northwest, and it is the coming of the European immigrant through the Panama canal that will bring about this condition.

Looks for Freight Rate Reduction. In transcontinental freight rates when the canal opens. Right now Mr. Giese will bear me out in the statement that ships are taking goods around Cape Horn at a lower rate than the railroads are carrying them across the continent. The shipment of wheat and the products of the northwest will not demand a rush passage across the continent for a European market.

"The shipment and the yield will ultimately be so great that one year's product will hold over until the following year's product can be shipped, and ample time taken in the shipment. Fast ocean tramp steamships going from Vancouver and Victoria, through the canal, will permit us to ship the products of the northwest to Europe on a direct line from the coast of Florida. This will make the trip in only a few days more than it will take to ship the goods across the continent and load it into steamships for shipment from Montreal or New York or Boston in bond.

Cites Case of Old Friend. "Any man who comes into this country, works hard, and uses average intelligence, can become independent. Thirty-eight years ago I punched cattle on the Nebraska plains. One of my chums was a cowboy named Jimmy Fleming. I have not seen him since. Yesterday I was walking across the street in Medicine Hat, and up walks Jimmy Fleming. He recognized me, and we had a reunion. He is now a wealthy man, all his property, dating from his entrance into Canada. Mr. Berger, Mr. Giese and myself confidently expect to make thousands of dollars from our Alberta holdings, and make them through the legitimate channel of development, and not pure speculation."

Mr. Sullivan left last night for the first time, and he is expected to return to the city tomorrow. Sullivan, former world's champion pugilist, Mr. Berger and Mr. Giese will leave Calgary this morning for their property, which is situated north of Brooks.

When through old age the bodily functions become sluggish, Na-Dru-Co Laxatives give gentle, timely and effective aid, without discomfort or distress.

25c. a box at your Druggist's. National Drug and Chemical Co. of Canada, Limited.

COURT EN BANC HAS MANY APPEALS TO HEAR IN CALGARY

Session Opened Yesterday Morning With Chief Justice Presiding and Only Stuart Absent; Many Cases of Interest Brought Up.

CALLARD-ARMSTRONG CASE IS UP AGAIN

Minchin Libel Suit Against Samis is Appealed; Clearwater Election Appeal Will Be Heard Monday; First Case Finished Yesterday.

The supreme court en banc started its Calgary sessions yesterday morning with Chief Justice Harvey presiding. The others judges present were Judges Scott, Beck, Simmons, Walsh, Judge Stuart is absent attending the Presbyterian assembly at Toronto and will not be present at the session. There will be a long list of cases to be heard at the court and many of the cases are of great interest though it will be more the legal aspect than the facts which will be considered. The famous first breach of promise case in Alberta—Callard vs. Armstrong—will be among those heard. It will be remembered that the woman sued Armstrong, who is a wealthy rancher at Nanton for the sum of \$25,000 for breach of promise and seduction. The jury, which heard the case, awarded the woman \$20,000. The appeal was at once lodged by Tweedie and McGillivray. A great deal of labor has been expended on the preparation of the books of evidence for the appeal and the court reporters have had a busy time getting all in readiness and a great volume as bulky as the three volumes of olden times has been prepared for the delectation of the court.

Since the case was adjudicated the plaintiff has been married to Henry Lewis and has borne son at the Holy Cross Hospital. This was the last case it will be remembered in which P. J. Nolan appeared before his sudden death.

Cases of Interest. There will also be an appeal in the case of Henry Minchin versus A. J. Samis, which was dismissed by Judge Simmons. The case is for alleged libel for \$10,000 and James Muir, K.C., appears for Minchin, while James Short appears for Samis.

Clearwater Election Appeal. The appeal against the decision of Judge Beck in the Clearwater election work in the election is in dispute, and it is claimed that there were for Taylor and would be sufficient to elect him as McKinney had only a majority of one.

Full List of Cases. The following is a list of cases which will come up for hearing: (By the Hon. Mr. Justice Simmons) Rex vs. William Kinniburgh. (By James Stacey, J.P.) James B. Pirtle vs. W. A. Miller. (By the Hon. Mr. Justice Simmons.) Charles E. Amphlett vs. H. W. Blay.



UNIVERSAL Lunch Box with Vacuum Bottle

A fast lunch and a steaming hot cup of coffee is what the UNIVERSAL can give you every noon. The UNIVERSAL Vacuum Bottle, a part of every UNIVERSAL Lunch Box is indispensable to keep the contents hot for twenty-four or cold for seventy-two hours. The drinking cup is fitted with folding handles, and locks firmly on the vacuum bottle. The food drawer is large, thoroughly ventilated and keeps the food fresh and appetizing. The UNIVERSAL Lunch Box is made of heavy tin, finished in dark brown with collapsible genuine leather handle.

PRICE.....\$2.75

When through old age the bodily functions become sluggish, Na-Dru-Co Laxatives give gentle, timely and effective aid, without discomfort or distress. 25c. a box at your Druggist's. National Drug and Chemical Co. of Canada, Limited.

Ashtown's Sporting Goods Department.

PREMIER LOSES SUIT AND QUILTS OFFICE

Buda Pest, June 4.—The Hungarian cabinet, of which Dr. Ladislav von Lukacs is premier, has decided to resign. This determination is due to the acquittal of Deputy Desacs in a libel suit brought against him by the premier, whom M. Desacs accused of corruption and characterized as "the world's greatest Panamist"—a Panamist being one of the persons involved in the corrupt transactions by which the Panama-Canal company (1879-93) obtained political assistance. The court found that M. Desacs had established proof that Premier Lukacs at the conclusion of certain contracts with the Bank of Hungary, had accepted a sum exceeding \$750,000; and that, although the premier derived no personal pecuniary benefit from this money, which was devoted to promoting political party purposes "from a legal and moral point of view it is not permissible for a minister to accept any money from any person doing business with the state."

For these reasons the court held that the statement made by Deputy Desacs were privileged. J. W. Campbell, president of the board of trade who has been ill for the last three weeks is still confined to his room and it is not expected that he will be out for some days yet.

NEW KING'S COUNSEL SWORN IN AT COURT

Frank Ford, K. C., of Edmonton, was yesterday highly honored by being sworn in as Dominion King's Counsel. At the supreme court session Mr. Ford was summoned within the inner bar, and after a brief speech of congratulation from Chief Justice Harvey, Mr. Ford took the oath and became one of the counsel for His Majesty for the Dominion.

INFILTRATED SUBMARINE HAS NARROW ESCAPE

Cherbourg, June 3.—The French submarine Pluviose, which was sunk by a channel packet in the English channel on May 28, 1910, all of her crew of 37 men being drowned, had another escape from disaster today. The Pluviose was repaired and placed in commission in 1911. While engaged in maneuvers this afternoon she was making a plunge, when it was discovered that an inexperienced electrician had left one of the hatches open. The Pluviose was filled with considerable water, but the presence of mind of the commander and quick work of the crew in closing the compartments enabled the submarine to reach the surface in the nick of time.

MADE-IN-CANADA 1913 Exhibition Train Coming!

THIS is the most realistic demonstration of Canada's advance to leadership in manufactures. 10 Cars Full Of Interesting Exhibits. From the leading Canadian Manufacturers we have gathered exhibits of what is newest and best for farm and home. Just a walk through the train will be an education and delight. Make especial note to see the exhibit of Produce from the Mixed Farming Districts of Ontario.



EVERYONE WELCOME ADMISSION FREE. Make The Exhibition A Family Holiday. There will be free MOVING PICTURES and LANTERN SLIDES. Nearly 100 Fascinating Exhibits. DON'T MISS THIS UNIQUE TREAT. TRAIN WILL BE AT C.P.R. DEPOT in Calgary on June 6 from 3 p. m. until 11 p. m. on June 7 from 7 a. m. until 11 p. m.

HOMESTEAD ENTRIES FEWER DURING MAY

As the land in the Calgary district is more and more being taken up, the number of homestead entries is constantly decreasing. The number of entries for the month of May, 1913, as compared with the corresponding month last year, were as follows: In the month of May, 1912, there were 159 homestead entries, and in the month of May, 1913, there were 137, and homestead entries were 17. Most of those taken out during the month were along the line of the Canadian Northern running from the Saskatchewan frontier towards Calgary.

Pryce Jones -- Store News

Sale of Beds and Bedding Thursday, Friday, Saturday

THREE DAYS OF "MONEY SAVING". The Savings on Brass Beds, Best Finish, Best Make (Quantities Limited). \$2.75 FEATHER PILLOWS FOR \$1.75 PAIR. 500 pairs of All Feather Pillows, covered in best quality art ticking. Regular \$2.75. Sale, pair \$1.75. BEST WOVEN WIRE SPRINGS. 50 only Woven Wire Springs, each \$3.00. WHITE ENAMEL BEDS. Large selection, best quality, lowest prices \$3.75, \$4.75, \$5.75, \$6.75. \$8.75. WHITE UNION BLANKETS. Splendid washing quality pale blue or pale pink, borders; size 60 by 80 inches. Sale, pair \$3.00.

Women's Handsome Silk Coats Priced At Half And Less

One of the most attractive of this week's sale specials in the ready-to-wear section is this clearance of women's Long Silk Coats. They're particularly handsome garments, each one exclusive and expressing in every detail the master craft of the Parisian couturier. A few are of silk lined, for which a few others are of colored silk, but the majority are in the rich, lustrous black silks, for which women of good taste always show such a decided preference. Sale prices are \$6.50, \$9.50, \$12.00, \$15.00 up to \$45.00. And in every instance you save 50 to 60 per cent. of original price.

Sale of Irish Linen Towels

Finest quality Irish Linen Grass Bleached Huckaback Towels, finished as smooth as satin, scalloped or hemstitched ends, with monogram designs, in the latest damask effects, full bedroom size, 24 by 44 inches. Exceptionally good value at their regular price \$1.50 pair. Thursday special, way be 98c low cost price, pair.....

Ladies' Dressing Combs At QUARTER PRICE

Black, white or tortoise shell colors, ordinary styles and sizes. These were bought under very advantageous terms and we are now offering the entire quantity at, each.....5c



June Millinery

The very essence of summer is breathed forth in our delightful productions for summer wear. The prevailing ideas, shapes and materials find expression in them in the most finished and artistic manner. Handsome Dress Hats, copied from the newest models, special price Thursday.....\$7.50. TRIMMED HATS FOR MISSES. A very special line of midsummer styles at \$3.75. Veils, a large assortment of handsome French Veils on sale Thursday at reduced prices.

THE A

W. M. DAVIDSON
A. A. MOORE
W. W. CHEELY
MORNING
Per Year
Per Month
Per Copy
WEEK
Per Year

THURS THE BOW

Harold Riley with certain members that there should be fine Hat Times we must confess Riley's reasoning party who think it proceeds to show it is to continue to The Leithridge Southamite in ad much of Mr. Ri The News admitted ability and there have him beaten beaten "there is force in a political that in Bow Vall needs more force election."

There is this of The Times and Mr. Riley on the editors in question the smoke of the bat to get into the hard and hopeless the heroic when to elude to go in to wounds for the for the man who ge, practically get nothing for Mr. Riley is have endorsed Riley does not making such a d they endorsed the The electors of two to one, endorsed this declar occurred political induce Albertans As a matter now than it then the farmer elevators, the not left the pro Ottawa allies of keep the tariff Under the decline to put tion would be a with wisdom. for an election field. The peed verdict even of making the through the de

Nothing has mons which re dian people in \$5,000,000 in Northern railw Dominion gets

Editor

The Albertan for the last four springs, an undue and the obstruct most persistent who work in that they have ever k Patient toll the overcome. The when The Albert pit under the b now constructed that up as a rule hope to be run in the meantime the from The Ne

The municipal may, in addition very best service and will save the Will the evening to close up the ptes with pay any doing business city no, as muc colt mile as a