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56 feet between Centre and First St. West, with good building, would rent for $100 a month. Price $20,000; terms arranged. Agreements for Sale Purchased Insurance in All Its Branches.

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A most desirable site for an apartment house or hotel, situate on Centre street and 15th Avenue, size 111 1-2 ft. by 75 ft.; close to C. N. R. depot. Price

$28,400

Terms $8,400, balance over five years.

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A Real Snap

LOTS 1 TO 6, IN PAIRS, BLOCK F, PLAN 1806M MEDICINE HAT COW

$800

Will handle a pair of these lots. Lot 7 recently sold for $1,500 all cash. Owners must sell within two weeks.

Large private residence erected on the adjoining lots by a well known barrister.

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Agreements of Sale Purchased

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Special Sale of HORSES
Saturday Next June 28, 1913

At Atlantic Yards, 426 9th AVE. EAST, CALGARY
Over
154 Head of Horses

All classes and ages, consigned from some of the best horse breeders in the west, in car load lots. Team Drivers, Saddle Horses and Ponies. Also a consignment of useful Saddle Horses from the different squadrons at the Military Camp. Also over 137 Head of Mixed Cattle, including a number of first-class milk cows, fresh and springing; one and two year old conditioners; Steers and Heifers, 130 fat and young Pigs, Breeding Sows, all ages; 750 Head of Poultry, all classes; Wagons, Buggies and Harness, etc.

NOTE—Sale commencing 10 o'clock sharp. Further entries solicited. Terms cash. Regular Sales every Saturday.

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Office, 429 Ninth Ave. East.
Phone M2992.

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Opposite Ashdown's
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4 Lots block 14
South Calgary
facing south,
$325 each; terms.
2 lots, block 35
West Mt. Pleasant
$325 each; terms.
LOOK THESE UP

FORT FRASER

has outlived its first struggle for existence. Today Fort Fraser is a trade centre, with substantial business houses. Today Fort Fraser is the seat of government jurisdiction for the Fort Fraser district and the Nechaco Valley. Today the Nechaco Valley, of which Fort Fraser is the centre, is known to have the largest and most productive area of agricultural land in the entire province. For these reasons and many others, an investment in Fort Fraser at the present low prices can not be otherwise than profitable.

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603 Centre Street, Calgary.
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UNRESERVED
Auction Sale
Central Horse Repository, two doors from Centre St. on Sixth Ave. East
Friday, June 27th
at 2 O'Clock Sharp
150 Head Horses, Wagons Harness, &c., &c.

The horses comprise:

From Mr. Noble, Olds: 9 head of broke horses, in good shape, fit for hard work.

From Mr. Soper, Airdrie: 7 head of well broke mares, weighing from 1100 to 1300 lbs. each.

From Mr. Shaw, Thelma: Team mares weighing 2950; team geldings, weighing 2700; team mares, weighing 2500; team geldings, weighing 2620; driving gelding, weighing 1100.

From Mr. Wilson, Macleod: Team bay geldings, weight 2600; team of bay and grey geldings, weight 2500; team grey mares, weight 2200; team bay mares, weight 2400; team buck and bay mares, weight 2600; team buck marer, weight 2700; grey mare, weight 900; grey mare, weight 1000.

From Mr. Critchley, Cochrane: Team registered Clyde mares.

From Mr. Penman. The last of his horses: Team registered Percheron mares; team bay and black geldings.

Also 15 well matched teams of mares and geldings, single delivery and single driving horses, &c.

UNRESERVED
Auction Sale
ALBERTA STOCK YARDS
Monday, June 30th
1913 at 2 O'Clock

Instructed by Mr. J. Harberson, Olds, I will sell the undermentioned:

20 REGISTERED HEREFORD BULLS

The above bulls are all two-year-olds and registered and native bred, having been raised on the Baxter-Reed ranch.

They are in good shape and right fit for service.

Anyone in want of good young bulls will do well to attend this sale as they are the best bunch I have seen this year.

Also special sale of Military horses from camps. Anyone in want of good saddle horses or single drivers, will do well to attend this sale.

TERMS CASH NO RESERVE
A. LAYZ L
AUCTIONEER
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Clean Screened Domestic and Famous "Carbondale" Steam
Wholesale and Retail.
Prompt Delivery
MacLaren Bros.
Real Estate and Coal
Ninth Avenue and First St. W
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Regal Terrace

Two good building lots, block 22,
Price $1200
One-third cash, balance 6 and 12 months.

R. S. Barbour and Co.
Phone M3968
Real Estate and Financial Brokers
238 Eighth Avenue East

Hack Home Burns.

Winnipeg, June 24.—The residence of W. J. Hack, St. Vital, was destroyed by fire at an early hour this morning. The family had retired some time and the coughing of one of the younger members of the family, the first to be affected by the smoke, aroused the seniors of the household, and all were saved from personal injury.

The property was valued at $4,000; it was a new house, only occupied for the first time last fall. The loss is fully covered by insurance.

Watch the Comet!
It's Coming Fast

J. W. O'Brien
705 1st Street East. Phone 1213

Altadore—Three high, level lots in block 33A. Price $350 each; 1-3 cash will handle these

Mount View—Two lots in block 1, 75 feet from car line. Price $1,000. This is a snap.

Knob Hill—Two high, level lots in block 4; price $1,500; $400 cash and balance arranged.

Five-room Bungalow, well finished, dining-room paneled, plate rail, fireplace, fully modern; size of house, 26x34, lot 40 feet frontage corner, two blocks from car line. Price $4,000; $850 cash and balance like rent.

CHIEF JUSTICE HARVEY GIVES THE FIRST STATEMENT OF CANADIAN LAW ON NATURE OF PRIZEFIGHTS

Important Pronouncement by Presiding Judge in the Pelkey Trial Reproduced in Full Text; Decision Can Only Be Reached by Study of English Cases, As There Are No Statutory Definitions; Matter of Prize, Of the Limitation of Rounds, or the Weight of Gloves Does Not Make Material Difference

ONE of the most important legal pronouncements ever delivered in Western Canada, and the first from a judge of a superior court, on the nature of a prize fight and its legal definition, is given below.

This is the portion of Chief Justice Harvey's charge to the jury in the Pelkey trial on Monday afternoon. The charge of the judge is not only of interest, but will most probably be of far reaching effect in the sporting world.

Text of Charge.

The following is the text of the portion of his Lordship's address to the jury:

Portion of charge to jury on law as to prize fighting:

"A prie fight is defined by the Criminal Code (Sec 2:31) as an encounter or fight with fists or hands between two persons who have met for such purpose by previous arrangement made by or for them.

"It is somewhat singular that though this definition has been a part o f our law since 1881 I have not been able to find any reported decision in which it has been considered by a superior court; the only reported cases of which I have found any record have occurred within the last 13 years and are decisions, one of a district magistrateof Quebec (R v. Maber, 1901) C. C.C. 446) in which he found the act complained of a prize fight, and the others of county court judges of St. John, N. B. (R. v. Littlejohn, 1904) S.C.C.C. 212) Hamilton, Ont. (R. v. Wilding, 17 C.C.C. 258) and Toronto, Ont. (R. v. Fitzgerald, 19 C.C.C. 148), in all of which convictions made by the police magistrates were set aside. While I express no opinion as to the correctness of the decisions in any of these cases on the facts that existed, I am unable after the most careful consideration to accept all of the general propositions in these cases.

Prize Not in Question.

"Iagree with them that the presence or absence of a prize which is suggested by the name has no significance whatever. There is nothing suggesting a prize in the definition, and section 108 makes it abundantly clear that the absence of a prize can not affect the character or legal consequences of the fight unless it is accompanied by the fact that the fight is the result of a quarrel or dispute, in which case it is none the less a prize fight and illegal, but the punishment may be made lighter or even dispensed with. Such a fight as suggested by section 108, viz: one the result of a quarrel and which is not for a prize or money, is not such a fight as we think of at all as included in the ordinary meaning of the term 'prize fight,' but as it is included under our code it is apparent that the definition of 'prize fight' is intended to comprise more than is ordinarily understood by the term instead of less, as apparently considered in the last reported case, where the learned judge, in effect, holds that our definition means that a prize fight is a prize fight as theretofore known subject to the limitation and qualification of the rest of the definition. The definition of prize fighting at common law as given by the dass referred to appears to me to be more restricted than the authorities warrant. It appears to be taken from a case decided in 1878 in England (R. v. Osten, 14 Cox 226), in which a court of judges held that on the facts of that case the charge to the jury was correct, in which the judge said, that if it were a mere exhibition of skill in sparring it was lawful, but if the parties met intending to fight till one gave in from exhaustion or injury received, it was a breach of the law and a prize fight whether the combatants fought in gloves or not.

"Now it seems apparent that was not intended as a comprehensive definition of a prize fight, but s'mply an indication of what in the facts of that case it was necessary for the jury to consider. It is quite apparent also from the fact that the two alternatives suggested do not cover the whole field.

Case of Onlookers.

"In a later case in 1881 (R. v. Covey, 51 H. J. M. C., 66) the facts as stated in the report of the judgment which are therefore apparently all that were considered material were that two men at the close of the Ascot that a ring was formed with posts and ropes, that they took off their coats and waistcoats and went into the ring and fought for a considerable time in the presence of a considerable number of people.

"The question for consideration there was whether three persons who were passing and, attracted by the crowd, had gone to see what was going on and were looking on were liable as participants. The eleven judges by a majority of eight to three held that they were not necessarily liable it being for the jury to say whether they were in fact aiding or abetting the fight, but it was necessary to determine first that the fight itself was illegal. With only one exception the judges were agreed that this was a prize fight, though there is no suggestion that the fight was prearranged or that the participants had fought or intended to fight till one was exhausted. One of the judges, the author of a standard treatise in the criminal law (Stephen J. p. 73), said: 'The injuries given and received in prize fights are injurious to the public both because it is against the public interest that the lives and the health of the combatants should be endangered by blows, and because prize fights are disorderly exhibitions and mischievous on many obvious grounds. Another judge (Cave J. p. 68) said: 'The true view is, I think, that a blow struck in anger, or which is likely or is intended to do corporal hurt, is an assault, but that a blow struck in sport and not likely or intended to cause bodily harm, is not an assault.' Russell in his comprehensive work on crimes, says (7th Ed. p. 785): 'Prize fighting, public boxing matches or any other sports of a similar kind which are exhibited for lucre, and tend to encourage idleness by drawing together a number of disorderly people, have been considered unlawful. For in these cases the intention of the parties is not innocent in itself, each being careless of what hurt may be given, provided that the promised reward or applause be obtained; and meetings of this kind have also a strong tendency to cause a breach of the peace. Therefore, where the prisoner had killed his opponent in a boxing match, it was held that he was guilty of manslaughter, though he had been challenged to fight by his adversary for a public trial of skill in boxing, and was also urged to engage by taunts, and the occasion was sudden.'

He notes that there are to be excepted sparring matches with proper gloves and fairly conducted.

Nature of Sparring.

"The evidence in this case gives some indication of what is considered 'sparring,' for the witnesses speak of the opening of this contest as more like 'sparring' or feinting than boxing and the Century Dictionary defines the verb 'spar' as meaning 'to make the motions of attack and defence with the arms and closed fists,' use the hands in or as if in boxing either with or without gloves.

"It is stated in the English Encyclopadia of Law (Vol. 2, p. 385) 'that the line between unlawful and unlawful contests of this kind is fine.'

No Case in Canada.

"You will probably have gathered from what I have said that the English law on this point is to be ascertained from an examination of the cases, there being no statutory definitions. That was the state of our law when the statute was passed in 1881 defining prize fighting and fixing penalties in respect of it. The purpose of the definition was of course to make definite what was indefinite which is another way of saying 'to define.' By the same act provisions were made for preventing a contemplated prize fight. It seems apparent, therefore, that it must have been intended to render it possible to determine whether a proposed contest was to be a prize fight without the necessity of referring to the actual conduct of it.

Encounter or Fight.

"The difficulty in construing the definition appears to be in the words 'encounter or fight.' I am of opinion that they do not mean either an encounter or a fight, but rather 'an encounter of the nature of a fight or that could be designated as a fight.' I take it that the word fight is here used with its ordinary meaning which is hard to define in simpler terms. You probably understand it quite as well as I do or as I could explain it. It suggests to me a contest or struggle in which one strives to overcome or conquer the other. It is not an uncommon use of the word to speak of a fight between two boys to see which will be ahead of the other in his class. But in the present case, the only fight to be considered is one with the fists or hands. It will include what was heretofore known as a prize fight between pugilists as also a fight arranged between persons who are not pugilists but would not include boxing when it is carried on as an exemplification of what has been called the manly art of self defence, though it might if the contest were typical of what might be designated as the brutal science of attack. It appears that if the purpose is an exhibition of sparring or boxing on its scientific side it is not within the definition and is unobjectionable, whereas if it is a contest in which one strives to conquer the other by blows and has the of the accompaniments it is a prize fight within the definition, and I am of opinion that under our definition there is nothing to warrant the conclusion that the contest must be of such duration as to show that the intention is to exhaust or wear out one or both of the combatants. Of course every prize fight would be an exhibition of the science of boxing if between competent persons, but the exhibition feature would as far as the contestants were concerned be only an incident—the result of the contest being the important thing.

"It is necessary then to apply the distinction to the facts of this case.

Previous Arrangement Of.

"We find that the accused and the deceased met by virtue of an arrangement previously made for them for a contest with their fists or hands for the fact that gloves were worn as the cases point out does not prevent it from being a contest with the fists or hands.

"The question then is was it an 'encounter or fight,' as I have explained that term?

"It is suggested that it was not because a part of the arrangement was that it should be for ten rounds only with no decision at the termination. The affair was advertised as 'Boxing, Burns' Arena, Calgary, Saturday, May 24; Second Round of the Elimination Series for the World's Heavyweight Championship, Luther McCarty, the World's Heavyweight Champion, vs. Arthur Pelkey of Calgary, Claimant of World's Championship: 10 Rounds,' indicating that the world's championship was at stake. One of the contestants was described as the world's heavyweight champion and the fair inference to be drawn from the notice is that the winner would carry that title. It was so well advertised that there were 3000 people present and $8,400 was paid in admissions. The ring was prepared in the same manner and in other respects the contest was conducted as far as it went in the same way as many other contests in which the deceased had taken part with some possible slight modifications.

Same Rules As At Reno

"Except for the number of rounds, the matter of decisions and the weight of the gloves, the evidence seems to indicate that the contest was to be conducted according to the same rules as the fight between Johnson and Jeffries, which is stated to have been a prize fight and held in the only one of the United States which then permitted prize fights and in which, one of the questions and answers suggests, there was much brutality. The manager of the deceased seemed to consider that the only difference between such a contest as this and a prize fight was that there was no prize or money dependent upon the outcome of this. This, of course, is unimportant under our law. Mr. Smith, the referee, a recognized sporting authority, who states that he has acted as referee at more than 100 contests, says he has been trying for 25 years to find out what the difference between a prize fight and a boxing match is.

"The both appear to have in mind such a contest as took place here and there seems little room for doubt that they know prize fights. Their evidence is therefore important in this connection to enable you to determine whether there is any essential difference between this contest and a prize fight, for if there is not, it is a prize fight.

Heavyweight Championship

"You are entitled to consider the weight of the gloves to determine what the intention of the parties was, but if you are satisfied on the evidence that the intention was to fight, as I have explained, the size or weight of the gloves bears no significance. The fact that it was for 10 rounds only without a decision, is also to be considered by you in considering whether it was a mere scientific exhibition, but you must take this in conjunction with the advertisements and other facts. The advertisement suggests that one of them will carry away the title of champion. Now, how was that to be accomplished on the part of one who did not have it, except by defeating the one who held it? The evidence shows that when the deceased fell the referee counted 10, and then indicated that his opponent had become the winner by virtue of a rule which provided for just such a consequence.

"It is suggested that a man would not become exhausted in 10 rounds, and that therefore one of the elements necessary to make this a prize fight did not exist. As I have already indicated this is not a necessary element and, moreover, it is for you to consider whether the fact that one of the contestants could win from the other, only by knocking him out, as the witnesses have phrased it, and that too, within 10 rounds might not itself conduce to greater severity and thus greater danger, than if the contest could be of longer duration, or if there could be a decision by the referee.

Professional Pugilists

"There are other facts for you to consider, such as that the contestants were professional pugilists, that the contest was a public one, arranged apparently solely for business purposes and such things, also that one of the witnesses states that the contest had not yet become interesting or exciting, and that another states that in such contests he has seen men knocked out. All of the facts are to be considered, both for and against. It is suggested that amateur competitions are conducted under the same rules and are as likely to result in injuries. 'There is this distinction, however, that school or Y.M.C.A. competitions or sports of such a character are usually open to all competitors and are therefore not contests previously arranged for between two persons and thus do not come within the definition. As indicated also by what I have read you from the cases and text books the danger of injury is not the only reason in law for holding prize fights illegal, there being other objectionable features which would be absent from most amateur affairs. It has been shown that this affair was orderly and that a police officer was there in the discharge of his duty, which was to prevent it from becoming disorderly, but not to stop the contest, which it would have been his duty to prevent, if it had been a prize fight. I think little weight should be attached to this fact, for whether the police thought it illegal or not does not affect the question of whether it was in fact illegal, and, in view of the only decisions in the Canadian courts it is not surprisinh that the police should have considered themselves not justified in interfering.

"If you find that it was a prize fight you will do so upon the interpretation of the law which I have given you, which, as I have shown you, differs in some respects from former interpretations. The fact that many reputable citizens were present also is of no importance. Probably if they had not believed it legal many of them would not have been there, but their belief could in no way help to make it legal."

ATTORNEY-GENERAL MUST MAKE EXPLANATION TO PRESIDENT WILSON

Interferes With District Attorney of California, and That Official Resigns

Washington, June 25—Attorney-General McReynolds will make a full report to President Wilson today at the president's request on the causes that moved him to direct postponements of the Diggs-Caminetti white slave cases and the trials of two directors of the Western Fuel Company, the basis of the resignation of the United States Attorney John McNab, of San Francisco, and his sensational charges against the head of the department of justice.

One of the day's most remarkable developments in the unusual episode was the receipt by the president of a telegram from Clayton Herrington, special agent of the department of justice, in charge of the federal bureau of investigation at San Francisco demanding the removal from office of Attorney-General McReynolds. Herrington's official superior. Officials tonight declared that the question of summary action in Herrington's case probably would be taken up by the attorney-general.

While no action has yet been taken on the McNab resignation, officials let it be known that the president was looking for a successor. They stated the character of the new district attorney would soon show whether there could be any manipulation of the cases of the department of justice through political influence as charged by the district attorney.

The episode found an echo in the hall of congress, where Representatives Kahn, Republican of California, and Hinebaugh, Progressive of Illinois, introduced resolutions in the house, one calling for the official papers in the case, and the other for an investigation by the judiciary committee.

MEN SENT TO JAIL WILL BE TRIED ON NEW CHARGE

The conviction passed in the Calgary police court against Max Weiss and James Williams for cheating at a game was yesterday quashed by Mr. Justice Beck. The men were, however, held by order of the judge for trial on a charge of attempt to defraud. The two men who were arrested in Bridgeland on a charge of cheating at a game using discs with two numbers by means of which they could not lost were sent to Lethbridge for a year. A. A. McGillivray took out a writ of habeas corpus and it was held before the judge that there was no evidence that the two had actually cheated and on that score the conviction was quashed. The judge, however, thought that they should be prosecuted on a charge of attempt and the two were remanded and will be tried by magistrate Sanders on that charge.

Film Actor in Danger

A cinematograph actor named Pathey, had a narrow escape from drowning at Brighton recently. A new film was being produced, and Pethey, who was on a raft some distance from shore, slipped over the edge. His legs became entangled in a rope, and he was unable to free himself. Another member of the company, who was on the beach saw the plight and swam fully dressed to the rescue. Pethey had freed himself, however, before the diver reached him, and was none the worse for his immersion.

Round Isle of Man

On a walking "race" nine competitors left Douglas, Isle of Man, the other night. They had to touch the doors of the seventeen ancient parish churches of the Isle of Man and return to Douglas, the winner to receive a silver cup. The feat necessitated the covering of about seventy-five miles, many of the roads being rough and exceedingly hilly. Twenty-three years ago Colonel Anderson, receiver-general of the Island, when sixty years old, accomplished the walk in eighteen hours.

New Cabinet in Denmark.

Copenhagen, June 25.—At an extraordinary session of the Rigsdag today, the premier, M. Zahle, said that a new cabinet had been formed in order to secure such amendments to the constitution as would make effective the popular demand shown in the recent elections. He added that elections for both chambers would be held on an equal universal suffrage basis, and that parliament would open a month earlier than usual so that the measures could be carried through the coming session.

Erik De Scavenius has been appointed minister of foreign affairs.

Since the formation of the new cabinet, fEdward Brandes, minister of finance, has provisionally held the portfolio of foreign affairs.

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Altadore
$100 CASH
Balance $15.00 per month, buys a fine level lots

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JULY 1st, 1913.
Going dates, June 28th to July 1st.
Return limit July 4th.
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Edwin C. Boyes
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SUNALTA

50 feet in block 243, fine view lot on 1st bench; price $1,600; 1-2 cash, balance 4-8 months; clear title.

ALTADORE

Block 10B, 3 lots facing west; price $420 each; third cash, balance 4-8 months.

HOUSES TO LET

No. 1503 12th Avenue West; modern, newly renovated, also gas; six rooms; $40 per month.

HOUSE TO RENT.
Six rooms, 1613 Tenth avenue west; $35 per month.

OFFICE TO RENT in Armstrong Block.

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T. J. S. Skinner & Co., Ltd.
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If you want a real estate bargain you may not run across again in a life-time. Buy now instead of waiting and paying more. We have two or three real estate propositions that for real money making possibilities we have never seen equalled. Come and learn what they are. You'll be a lucky man if you secure one of them.

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20 Years' Time; Loan of $2,000

Interest at only 6 per cent. The loan enables settlers, with limited capital to start right. If you want to buy a farm direct from the owner on the most liberal terms ever offered call at the company's office, Department of Natural Resources Building, Ninth Avenue, Calgary.

ALLAN CAMERON
General Superintendent of Lands

PHONE M2466 **Calgary Engraving Co.** BLOW BLOCK 231 8TH AVE. WEST CALGARY, ALTA.

SNAPS

7 roomed furnished house, modern, in Sereni Estate, on a corner lot; 1 block from car line; gas and piano. Must sacrifice. $3750 on terms. Will accept part trade.

A beautiful 4 roomed bungalow nearly new on car line in Sunnyside, good size rooms, fully modern, only $2,600. $400 cash and balance at $30 per month. Rents $27.50 per month.

The Calgary Realty Co
Phone M6301
Suite 3- Lineham Block.

Residence For Sale

Close in, 12 rooms, 2 bathrooms, everything recently remodeled. Fireplaces in drawing-room, den and bedroom, modern hot water heating plant. Lawn and trees.

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Ground Floor, Dominion Bank Building

Sylvan Lake, the ideal place for Summer Homes for Calgary people. Phone M2250, Jamieson.

Auction Sale
Within Our Rooms, 806 Third Street West, on
Thursday, June 26th
at 2.30 p.m.

A special consignment from Eastern manufacturers of Brass Beds, Winnipeg Couches, Extension Tables, Dressers, Buffets, Sideboards, Chiffoniers, Parlor Tables, Kitchen Cabinets.

We have also received a consignment of various quantities of Tapestry and Brussels Carpets, Jap Squares and Rugs, in good designs; Clothes Baskets, Table Mats, etc.

Also Brass Beds, Box Spring, Ostermore Mattresses and Ostermore Overlay, Iron Beds and Springs, Dining Room Chairs, Kitchen Chairs, Kitchen Tables, Davenport, Bed Lounges.

We also have a consignment from a local firm of a large quantity of high class Mattresses on sale at same time, No. 7 Remington Typewriter, Pianola and Music Rolls, and a general assortment of Second-Hand Furniture and Effects; all entirely and absolutely without reserve.

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