

JUSTICE STUART DECIDES TEST CASE IN FAVOR OF HOTELMEN

Suit of A. York, Proprietor of Windsor and Yale Hotels, Successful in Action to Recover Amount Paid City for Licenses. City May Have to Refund \$22,000 to Hotels of City. Point in Decision is That License is Necessary to Carry on Hotel Business.

As a result of the decision handed down by His Lordship Mr. Justice Stuart in the Supreme Court Thursday morning, there is every probability that the city of Edmonton will have to refund a sum of about \$22,000 to the liquor men of the city, being a rough estimate of the amount paid the city during the past four years by liquor license holders in Edmonton. This condition of affairs was brought about by the case of Archibald York vs. the City of Edmonton. Mr. York, who is proprietor of the Alberta and Windsor hotels, objected to paying \$400 license on each hotel to the city after having paid a business tax on floor space. He paid the required amount under protest and brought action to recover. Mr. Justice Stuart, who heard the case, gave judgment in favor of Mr. York, holding that the city had no right to impose a license on the hotelmen, but that the city was entitled to be paid accordingly by the city. It is understood that this is a test case and that all the hotels and wholesale liquor firms in the city will at once apply for a rebate of the fees paid by them to the city. Not only will they ask for a refund of the fees paid for 1906-09, but they will also claim a refund of all fees paid to the city since the year 1903-04. The fee for each was \$400. Prior to that time the fee was \$200. This means that the total amount which the city will be asked to refund will be in the neighborhood of \$22,000.

City's Action Undecided. Whether the city will refund all the fees paid during the past four years or not has not yet been decided. If they refuse, it is understood that the liquor men of the city will take legal action to collect. The city will, however, make application to the Alberta legislature to have the city charter amended so as to make it legal to collect this fee in future.

The plaintiff in the case in question was Archibald York, proprietor of the Alberta and Windsor hotels, Edmonton. The defendant was the city of Edmonton. The city claimed that any city, town or rural municipality may, by law, require each license holder to pay their municipal revenue such sum as they may determine, not exceeding the territorial duty payable. Bylaw 192, of the city of Edmonton, passed on June 28, 1900, provides that the liquor license is granted to the holder of the town a license fee equal to the amount of the territorial duty. In the year 1905 the city of Edmonton paid to the provincial government as the city claimed the same from each license holder in Edmonton.

The hotels paid under protest, the Archibald York made a test case of the matter, suing to have the \$800 paid by him for the license refunded. The case was tried in the Supreme Court of Edmonton, Alberta, on January 11, 1910. The court found in favor of the hotelmen, and the city is now appealing the decision.

Taxes Less Than License. The plaintiff, A. York, was assessed a business tax on both hotels. The assessed value of the Windsor Hotel was \$20,200 and the business tax \$294.21. The assessed value of the Alberta Hotel was \$35,470 and the tax \$514.32. The city assessor stated that the rate of assessment on hotel businesses was the same as on other businesses in the city. The assessed value of the Windsor Hotel was \$20,200 and the business tax \$294.21. The assessed value of the Alberta Hotel was \$35,470 and the tax \$514.32. The city assessor stated that the rate of assessment on hotel businesses was the same as on other businesses in the city.

Central America Threatened. Earthquakes and tidal waves are reported from Costa Rica. Panama, via Galveston, Texas, Feb. 10.—A critical dispatch from Costa Rica, has been destroyed by a tidal wave. No reply has come to a wireless message inquiring for news. It is known that a northern raid has been blowing on the Atlantic coast of Costa Rica. The raiders are believed to have been on the coast for several days. The raiders are believed to have been on the coast for several days. The raiders are believed to have been on the coast for several days.

Exhibit for Seattle Fair. Vancouver, Feb. 9.—The Dominion government is having made a provision for the individual representation of the western provinces at the Seattle exhibition to be made at the Pacific-Yukon Exposition. The exhibition is to be held in Seattle, June 1. A movement is now on foot to have the provinces of British Columbia and Alberta join hands with the Yukon in making a purely western exhibit.

Hatters Try the Open Shop. New York, Feb. 9.—Practically all of the 65 hat factories in the National Hat Manufacturers' Association in New York, New York, have today opened the open shop system. Only seven factories have refused to do so. The open shop system is a system in which the workers are free to work for any employer they choose, and the employer is free to hire any worker he chooses.

Bakers Combine in Regina. Regina, Feb. 10.—That a combine to maintain the high price for bread has been formed in Regina for some time was revealed today in a report of the meeting held by the master bakers. The combine is known as the Regina Bakers' Association. The combine is known as the Regina Bakers' Association. The combine is known as the Regina Bakers' Association.

Blithe Guilty of Murder. Toronto, Feb. 10.—Walter Blithe, Englishman, who brutally murdered an Englishman on January 3, at Agincourt village, near here, was found guilty today. The defense was that Blithe was suffering from epilepsy. Judge Riddell charged the jury strongly against the prisoner. The jury was out for fifty minutes. He will pass sentence Thursday.

Carrie to Return Home. London, Feb. 9.—Disappointed over the outcome of her crusade against drink and smoking in England, Mrs. Carrie Nation today booked passage for her return to America in March. She had spent the last few months in England, where she had been very successful in her work.

No Clemency for Gallian. Toronto, Feb. 10.—The Court of Appeal today refused a new trial to Stefan Gallian, a Frenchman, who was convicted of the murder of a countryman near Brampton. He will hang there Thursday morning.

Brigman is Much Married. Chicago, Feb. 10.—The Chicago Tribune today published a list of the marriages of a man named Brigman. The list showed that he had been married to twelve different women in the past few years. The list showed that he had been married to twelve different women in the past few years.

A MILLION TOO MUCH.

Manitoba Government Charged With Paying Too Much for Bell System.

Winnipeg, Feb. 10.—At the session of the Manitoba legislature yesterday afternoon, the Premier threatened the attempt of the Opposition to obtain a special telephone committee with power to examine witnesses and to call for all papers and records. The chief speech of the day was that of T. H. Johnson in continuation of the debate on the address.

The member for West Winnipeg charged the government with having spent \$1,000,000 too much for the Bell telephone system, and he marshalled a formidable array of facts and figures in support of his argument.

Mr. Johnson made a further reference to the Premier's insinuation that the Opposition was reflecting upon the justice of the province. After repelling the insinuation in the strongest terms, Mr. Johnson disavowed the government by quoting from the local Commercial Appeal and the Manitoba Free Press, which had both published portions of the irrefragable evidence against the government.

Mr. Johnson's speech was a masterpiece of logic and argument. He showed that the government had paid the Bell company a sum of \$1,000,000 for the telephone system, which was a sum of money that was far in excess of the value of the system.

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IRISH LEAGUERS IN AN EXCITING MIX-UP

Following Rush of Irish Members of Parliament at John Redmond, Priests and Legislators Join in a Fight to Make Home Rule an Issue at Next Election.

Dublin, Feb. 10.—A lively melee marked the opening session of the National Convention of the United Irish League at the Mansion House today. The fracas began with an attack on John Redmond, who presided, by Eugene Creagh, member of parliament from Cork. Mr. O'Brien moved a resolution condemning John Redmond's Irish land and labor policy, and Mr. Redmond was interrupted in his speech. Mr. Redmond was in favor of the British measure and during the controversy Creagh, angered by a decision of the chair, rushed to the platform with the evident intention of attacking Mr. Redmond. He was, however, under the influence of the press and the applause of the premier and his following.

A humorous element was introduced into the debate by the efforts of J. B. Lusk, who kept both sides of the aisle in a state of laughter, by his dramatic and picturesque manner of speech. On the motion of George Walten the debate on the address was adjourned.

THE C.N.R. AT MACLEOD. General Manager Purchases Site For Terminals. Macleod, Feb. 9.—Railway matters are beginning to shape themselves. Yesterday a party of Canadian Northern men consisting of M. H. McLeod, general manager, T. Turnbull, chief engineer, and C. W. Stovel, right-of-way man, arrived here and were met by a large number of the townspeople. The party was here for the purpose of purchasing a site for the proposed terminals at Macleod. The party was here for the purpose of purchasing a site for the proposed terminals at Macleod.

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CHINESE GIVE VOICE TO PROTEST.

Why is Roosevelt so Interested in Japanese and Not in Chinese.

San Francisco, Cal., Feb. 10.—The Chinese of this city sent a telegram to President Roosevelt today asking him for an explanation as to why the Japanese should be so dear to him and why he should take it on himself to personally look after their interests while the Chinese are "discriminated against in countless ways." The Chinese want to know why the Chinese are privileged under the treaty to suffer embarrassment and the Japanese are not.

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EXPENDITURE ON TELEPHONES TOTALS MILLION AND A QUARTER

Hon. W. H. Cushing, Minister of Public Works Presents Statement. Legislature Showing the Cost of the Public Owned System of Telephones up to December 31, 1908. Total Circuit Mileage is 1,842 and Total Long Distance Mileage 1,427.

The province of Alberta can look with pride on the remarkable growth and development of the provincial telephone system as reported under the direction of Hon. W. H. Cushing, minister of public works. During the session of the present legislature Mr. Cushing made the important announcement in the House that the government would enter into competition with the Bell Telephone company in supplying the people of the province with an efficient telephone service. The last session a second announcement was made showing how successfully the government-owned system had competed with the private company and how provision had to be made for getting control of the entire telephone system of the province. A third announcement was made in the legislature at the sitting yesterday showing how the Bell company had disposed of their property, in the month of April of last year, and how under government control the telephone service in its entirety has been most efficient and in full harmony with the rapid development of the province.

The House has to thank the leader of the opposition for the highly satisfactory statement from the minister of public works. Mr. Robertson stated that an order of the House to issue for return showing the total expenditure upon the government telephone system to December 31, 1908, the total revenue from the same to December 31, 1908, and the extensions made to the system since the return of its purchase from the Bell company.

Hon. Mr. Cushing in reply, stated that he would have to explain to the House the telephone business transaction since the last session of the legislature in order that the return might be more readily understood.

LEVELLED REVOLVER AT HIM. Woman Operator Captured Ticket Thief and Held Him. Chillicothe, Miss., Feb. 10.—Miss Mary McCarthy, the operator and agent for the Chicago, Milwaukee and St. Paul Railway at Sturges, Mo., was here, captured a burglar today and held him at the depot while a revolver in the depot while she attended to her duties and until Sheriff Chillochee arrived. This morning she noticed that a number of tickets had been stolen from the depot. She saw a man who was suspected of being the thief. She saw a man who was suspected of being the thief. She saw a man who was suspected of being the thief.

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BIGGEST FIRE OF PAST TWO YEARS

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