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Delayed shipment of Men's guaranteed Footwear, under-priced.

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The West.

Vol. 9 No. 3

REGINA, SASKATCHEWAN, TUESDAY, APRIL 30, 1907.

SUBSCRIPTION, \$1.00 PER YEAR

Albert Street, North
Residence between track and Dewdney Street with fifty foot frontage. Price \$3,000. Terms can be arranged.

Corner Twelfth and Scarth Street
135 feet on the Avenue and 50 feet on Scarth Street. East side of street. Price \$32,000 Terms \$7,000 cash balance in three equal annual payments.

South Railway Street
Lot 8 in Block 316 for \$700. Easy terms.

Corner of Eleventh and Rose Street
100 feet on Rose Street and 50 feet on the Avenue facing new City Hall for \$22,000. Terms can be arranged.

Corner Twelfth and Robinson Street
Lots 1 and 2 in Block 328 for \$1250. Terms \$500 cash, balance \$300 in three months and balance two years. This is a high corner and a good building site.

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81 feet on S. Railway and 110 on Cornwall Street for \$22,000 Terms can be arranged.

P. McARA, Jr. Financial Agent
Agent for Fire, Life, Accident, Plate Glass and Guarantee Insurance, City and Farm Property Bought and Sold.
Money to Loan. Safes and Vault Door

C.P.R. APPEAL DISMISSED

Railway Companies are Liable for Starting Prairie Fires—E. N. Williams Wins his Suit. Tucker Again Beats Armour

The full court met yesterday to deliver judgments in the various cases before them at this sitting. The most important judgment affecting the public interest was that of the King vs. the C.P.R.; the defendants having appealed against the convictions under the prairie fire ordinance. Mr. Justice Harvey read the judgment which dismissed the appeal. In doing so he cited the contention of the company that the North-West ordinance does not affect a company operating under the Federal Railway Act, and further they contended that proper precautions were taken by them through having spark catchers on their engines to release them from any other obligations. They also urged that this matter was delegated by the Dominion Railway act to the Railway Commission and that therefore the ordinance did not apply.

The court has, however, held that there has been no decision on the application of the federal law by the railway commission. The North West Territories ordinance through the passage of the Autonomy act became provincial legislation. If the federal and local laws are found to overlap, the Dominion law obtains. There is, however, no effective federal law with which the provincial law conflicts. The company did not take the necessary precaution to burn along their tracks between the track and the plowing also provided for and therefore they were liable to the penalty imposed.

This judgment was concurred in by Chief Justice Sifton, Mr. Justice Prudden and Mr. Justice Newlands.

The court was unanimous in dismissing the appeal, but on different grounds. Mr. Justice Wetmore read his judgment concurring with Mr. Justice

the court three times, and Mr. Tucker has won each time, and the final decision of the court en banc will probably settle it although other proceedings arising out of this suit are likely to follow.

The court decision was unanimous. With Costs

The Stevens vs. Hilton case was dismissed with costs, Mr. Justice Harvey reading the judgment and all concurring except the Chief Justice and Mr. Justice Stewart who read dissenting judgments.

Moore Jaw Sealed
In the case of McMillan vs. Moore Jaw the appeal was allowed and judgment reversed, the defendants having to pay \$193 damages.

In the case of Woolly vs. Harper and McRoberts the appeal was dismissed with costs.

Got Salary
The appeal was allowed with costs in the case of Cliphysan vs. Grand Prairie school district. This was a suit to recover salary after dismissal. The amount of award was reduced to \$75.15.

Williams Wins
The Blackstock-Williams case has been finally settled in favor of the defendant Williams. Locally the case is well known. Defendant answered verbally an offer for a piece of Rose street property facing the West office, and later defendant stated in writing the lowest offer he was likely to consider up to a certain time. Plaintiff took this to mean a contract of sale and closed the bargain on his part, but defendant refused the deposit stating he did not intend to sell. Plaintiff then took action to gain possession of the property but lost in the lower court and yesterday his appeal was dismissed.

In delivering judgment Mr. Justice Wetmore said that the letter written by defendant was not a contract of sale. It was merely a statement. He cited a decision of the privy council on a similar case. Mr. Justice Harvey was very reluctant to agree with his brother judge but did not dissent from the judgment, and he was supported by the Chief Justice and Mr. Justice Scott. Mr. Justice Stewart's judgment dismissed

AMHERST SHOES

Out of the many hundreds of pairs of Amherst Shoes we have sold during the last four years, not one pair has been bad, nor has a complaint been made. Here is a record that is hard to beat.

When you want boots for hard service ask for this make. They cost very little more than others and you are sure of comfort and wear.

Men's Heavy Boots—Amherst make.

\$2.50 \$2.75 \$3.00

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ANNOUNCEMENT

McCarthy's 30 days Clearing Sale

Commencing May 1st we start a big clearance Sale. Some of our stock are too heavy and we need the money so we want to have the corporation of the public to make this what we intend it. A Genuine Money Saving Sale. Some of the Items.

BOOTS AND SHOES

Mens' \$3.00 to \$4.00 Boots \$2.50
283 pairs of Mens' Boots to clear. Some are Vici Kid; others box calf, welt soles, in sizes 8 to 10. Sale price..... \$3.00

Ladies' \$1.75 to \$2.50 Shoes \$1.25
164 pairs of Ladies' Oxford Tie Shoes or strap slippers and button and lace boots up to \$2.50 Sale \$1.25

Children's 65c to 75c Boots 50c
6 doz. Children's button or lace Boots, sizes 3 to 7, worth up to 75c for..... 50c

Boys' 1.50 and 1.75 for 1.25
65 pairs of boys' and youths' lace Boots, sizes 11 to 5, well made and sold up to \$1.75, now..... \$1.25

Misses \$1.75 Boots \$1.25
45 pairs of Misses' button or lace Boots, 11 to 2, up to \$1.75 for..... \$1.25

P. S. Agents for Foot, Schulte Shoes of St. Paul

MEN'S DEPT.

Slaughter Clothing
Men's Suits at \$5.00, \$7.50 and \$10.00
500 Mens' Suits to be sold, made in square or round cut, well made and trimmed, sold up to \$15.00, now at..... \$5.00, \$7.50 and \$10.00

See the Tables
164 pairs Mens' odd Pants to clear, up to \$3.00, now..... \$1.50
\$1.00 and \$1.25 Shirts 75c
10 doz. Men's Shirts in stiff or soft front. Shirts up to \$1.25 kinds now at..... 75c

Men's 20c Sox for 19c
25 doz. Men's black or gray mixed Sox, worth up to 30c for..... 2 for 25c

20c Collars 10c
25 doz. Men's Linen Collars, in different shapes and sizes, in odd lots up to 30c, for..... 10c

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SCARTH STREET REGINA

REGINA MARKETS

WHEAT—(Street prices.)

No. 1 Northern 50

No. 2 Northern 57

No. 3 Northern 54

REJECTED—

No. 1 Northern 52

No. 2 Northern 50

No. 3 Northern 47

OATS—

No. 2 33

No. 3 22

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Harvey with respect to the Mortlach case. The learned judge contended that even if the local government had no power to compel railway companies to plow fire breaks, providing the federal law made such provision, the province has the power to compel railway companies to burn along their tracks and the matter between their track and the plowing.

Osmont Wins
In the case of Dundas vs Osmont of Indian Head, defendant got judgment for \$408.33 with costs. This case arose over a hotel lease and removing fixtures. Appeal allowed.

New Trial
In the Crouston vs. Tait and Sutherland case, the counter claim is set aside and a new trial ordered unless the parties can agree that the claim be otherwise disposed of.

Appeal Dismissed
McLorg vs. Cook was a case arising over the estate of the late Philip Cook, plaintiff being the administrator of the estate. The appeal was dismissed with costs, and new trial refused.

Tucker Wins
The case of Armour vs. Tucker is a long standing suit. Defendant bought the little old building on Broad street some years ago and used it for a jewelry store afterwards selling it to plaintiff on condition that defendant retain a portion of it for a term of ten years under lease at \$12 per month. Later defendant before leaving for England signed an agreement allowing plaintiff to extend his block and replace the old building and defendant's lease could claim the same space in the new addition. Defendant's son was in the building at the time and he moved to more spacious quarters and rented the space occupied by him to one Glasserman, who later left the town and his business was retaken by the sheriff and plaintiff took possession of the whole building to repossess it.

During the process of manipulation the name of the defendant as a lease holder was erased from the register in the land titles office, as was shown when the case came before the court. Defendant tendered plaintiff the rent each month, but it was refused and the plaintiff afterwards rented the building to other tenants. The case has been before

ed the appeal, but on slightly different grounds, and was concurred in by Mr. Justice Johnstone. This judgment stated that the defendant's letter must be interpreted in the language used. The man who was eager for the deal all the way through was the plaintiff.

Exemption Case
The next case is of considerable public importance. Some years ago the town of Indian Head exempted one Osmont from taxation on account of industrial improvements. Later the council assessed him for school tax. He refused to pay this tax on the ground that the assessment was a municipal tax. Mr. Haultain, solicitor for the town of Indian Head, raised the question of minority right in connection with this tax, and the court en banc reversed the judgment of the lower court and confirmed the assessment.

Appeal Allowed
In the case of O'Neil vs. Stien the appeal was allowed with costs.

SOURIS COAL RICH IN GAS

Important Discovery by Dr. Charlton who finds Estevan Product Will Produce 8,000 Feet Per Ton

According to the analysis of Dr. Charlton, Provincial Bacteriologist, which he has been conducting for some time, Souris coal contains eight thousand feet of gas per ton, or almost as much as Pennsylvania coal. This fact is of very great industrial importance to Regina, as the Souris coal fields are only 75 miles from this city and the supply of lignite is practically inexhaustible. The city will vote on a gas franchise on the 18th inst. and it is a question of moment whether the western coal can be used for the manufacture of gas. It has been contended that the coal for this purpose would have to be brought from Pennsylvania, but now the fact has been established that right at our door coal is found almost as rich in gas as the foreign product, and this coal

(Continued on page 5.)

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