

Erb-Mullen Trial March 22; Must Put up Costs or Lose

Lawyer Stated They Accused Erb of Deliberate Theft; Case Will be Tried Before Jury and Money Must be Put up at Once.

(Special to the Daily News via Government Telegraphs.)
VANCOUVER, B. C., February 28.—The Mullen interests in Prince Rupert Dry Dock lawsuit yesterday before Mr. Justice Morrison succeeded on several important points. Trial of the case was set for March 22 and Mr. Meyers' request for a trial by jury was granted. In making the request Mr. Meyers said "as I accuse Erb of deliberate theft, I think Your Lordship will agree with me that it is a case for a jury."
Douglas Armour, K. C., acting for the Erb interests, argued that there was an appeal pending in the Court of Appeal against Morrison's last order refusing to strike out certain paragraphs of the statement of defence, it would be impossible to get on with the case before about May 1.
Judge Morrison said the principal reason for him fixing an early day for trial was that both parties at one time had been offering for a speedy trial.
Mr. Meyers on behalf of the Mullen interests asked for \$5,000 additional security for costs. Judge Morrison said the \$500 already ordered to be deposited by Mr. Erb must be paid into court within two days or the case will be dismissed. He reserved decision on the request for \$5,000 additional security.

WESTHOLME LUNCH BURNED

Place Ruined by Effects of Fire and Water—Some Insurance.

Damaged by fire and water, the Westholme Lunch in the Albert Block, belonging to Miss May Billings, is today a ruin as the result of a blaze that started on the premises at midnight last night. The alarm was turned into the fire station at 11:50 and the force was immediately on the scene. The back of the restaurant was, by that time, in flames and the roomers from the Westholme Rooms above, alarmed by the clouds of smoke entering their rooms, were in the street in various stages of dishabille. The place was locked and entry was forced by the fire brigade by breaking in the front window. With the play of the high pressure hose the fire was soon extinguished but with disastrous results to the plastered walls and furnishings of the cafe. The only part actually burned is the end of the counter nearest the kitchen, which was badly damaged.

Miss Billings was at a loss to know this morning exactly what the origin could be. The only explanation she can make for it is that the last thing before closing up a couple of men came in for a lunch. After they had finished they sat for a few minutes read-

JACK DEMPSEY TO BE INDICTED

Charge of Conspiracy to Have Fighter Avoid Selective Draft.

SAN FRANCISCO, Cal. Feb. 28.—Jack Dempsey, heavyweight champion of the world and his manager, Jack Kearns, will be indicted by a Grand Jury on the charge of conspiring to avoid the selective draft, according to a responsible federal official here. The indictments will be filed in court today.

A second indictment charging Dempsey with actual evasion of the draft through falsification of his draft records, also will be led this official said. Warrants will be sworn out after the jury reports and the men will be arrested upon their expected arrival here from Los Angeles.

VICTORIA WINS

Had to Play Overtime in Hockey Match with Seattle.

VICTORIA, Feb. 28.—With the honors even at the end of the third period it took Victoria and Seattle a considerable amount of overtime to settle who was the victor, the home team eventually winning out with a score of 3 to 2.

ing and smoking cigarettes. Miss Billings thinks that the blaze may have been caused by a burning stub dropped by them and the location of the fire bears this out. She had locked up and gone home immediately after these men left.

The extent of the damage is not yet exactly known but it will probably be in the neighborhood of \$1,500. The building is covered by insurance, but it could not be ascertained if the furnishings were. The restaurant was the only part of the building damaged.

GOVERNMENT AUDIT REFUSED

Mr. Erb Orders Accountant to Stop Work When New York Books Asked.

ORDER SOUGHT COMPELLING AUDIT

On the request of the shareholders of the Prince Rupert Dry Dock & Engineering Co., the Governor in Council recently passed an order appointing a chartered accountant, Mr. Foster of Vancouver, to audit the books of the company. Mr. Foster came here and worked on the books for several days and then advised that the New York books of concern be either sent on here or audited by a firm of chartered accountants acceptable to him. On receiving this request Mr. Erb yesterday wired orders to the accountant to stop the audit and that no one have access to the books without his permission. An order of the court is now being sought compelling the completion of the audit and the handing of the books from New York or the taking of an affidavit there by approved account-

ALFRED STORK SKETCHES LIFE OF STRATHCONA

St. Andrew's Society Hear Address on Great Scottish-Canadian Empire Builder.

The feature of the entertainment given in the St. Andrew's Club rooms last night was the address by Alfred Stork on "The Life of Lord Strathcona." There was a large attendance of members who showed their appreciation for the illuminating sketch given of the great empire builder, doubly interesting to the society because of his Scottish birth.

As simple Donald A. Smith, a poor immigrant, Strathcona came to Canada at the age of 17 years and became a clerk in the Hudson's Bay stores. His advance was rapid and brilliant and he rose to the governorship of the great company. During the Riel Rebellion of 1870 he was appointed a special commissioner in the Red River country and was instrumental in obtaining the exile of the famous half breed rebel.

Railway Builder.

The feature of his career was, however, his connection with the Canadian Pacific Railway. On the incorporation of British Columbia as a province in the Dominion, the agreement had been made that the western province must be connected with the east by a transcontinental railway. The government of Sir John A. MacDonald had started the road but finally the "Pacific Scandal" overthrew his government and the Mackenzie government came into power. After five years of failure Smith was called in and he brought the road to successful completion. As the fitting appreciation of his invaluable work in Canada he was made a peer and High Commissioner at London. He attained the grand age of over 90 and died in England.

Program.

Besides the address of the evening an excellent program was presented last night. The society orchestra was present and provided fine instrumental numbers. Vocal selections were rendered by Mrs. J. Watson, Mrs. D. S. Cameron, Ed. Ross and R. Robertson, with W. Vaughan Davies playing the accompaniments. During the course of the evening refreshments were served.

Wanted, a hundred pairs of well-worn shoes daily for repairs.—McArthur's Shoe Store. 55

B. O. Undertakers. Phone 41.

DARING AVIATOR FELL FIVE MILES, THEN PLANE RIGHTED

Major Schroeder was Apparently Lifeless When Machine Landed and is Now in Hospital Blind and Paralyzed; Made New Record.

(Special to the News via G. T. P. Telegraphs.)

DAYTON, Ohio, February 28.—An aeroplane carrying Major R. J. Schroeder, chief test pilot at McCook Field, fell over five miles after reaching an altitude of 36,020 feet, said to be 2,020 feet higher than the world's record. The officer is now in the hospital suffering from shock and temporary paralysis and blindness.

Instruments in the machine indicate that it fell more than five miles and while yet 2,000 feet above the earth, the plane righted itself and glided to a graceful landing.

The pilot was discovered sitting erect and apparently lifeless. The plunge was witnessed by thousands.

Instruments on the machine told the story of the aviator's experience. The thermometer registered at the highest altitude 5.5 below zero centigrade or 67 de-

grees below zero Fahrenheit. The altitude figures indicate a height of 37,000 feet, and showed an official altitude of 36,020 feet, a new world's record. The sudden change in the air pressure from less than three pounds at 36,000 feet to 11.07 lbs. at sea level crushed the gasoline tanks on the plane and caused them to collapse.

WESTHOLME THEATRE

This Afternoon and Evening

Martin Johnson's Great Pictures of the South Pacific Islands

"CAPTURED BY CANNIBALS"

Startling Scenes of Cannibal Life; Original, Unconventional, Sensational.

MONTAGU LOVE in "THE ROUGH NECK" at the Empress Theatre
Cast includes Barbara Castleton and Frank Mayo

Railway Strike is Revolutionary Says Premier of France

Bill Passed by Chamber of Deputies Authorizing Requisition of Means of Transportation: Official Orders.

(Special to the News via G. T. P. Telegraphs.)

PARIS, February 28.—Orders for a general strike have been issued by the National Federation of Railwaymen.

The railroad strike, from which France is now suffering, was characterized as a "revolutionary" movement by Premier Millerand in the Chamber of Deputies.

The Premier, speaking on the bill introduced by M. Letrocquer, minister of public works, authorizing the requisition of automobiles, trucks, and airplanes in case of interruption of railway traffic by the strike said: "We are facing a political, or calling it by its name, a revolutionary movement under a puerile pretext." The bill was adopted by the chamber.

M. Millerand, in supporting M. Letrocquer in his demand for the immediate passage of the measure, referred to the strike in England as having been beaten through the co-operation of the public. "The French public is no less ardent and no less ingenious. No organization, no matter how important, has the right to put itself in opposition to the nation," M. Millerand declared. He said the Government had resorted to mobilization and would resort to mobilization whenever necessary.

The Premier asserted that the railway strike was not a union or professional movement.

Labor Conscription Plan Outlined by Leon Trotzky At a Congress in Moscow

(Special to the News via G. T. P. Telegraphs.)

LONDON, February 28.—Leon Trotzky, minister of war of Soviet Russia, addressing the Third Circassian Congress held in Moscow, January 25 last, outlined a Bolshevik plan for converting the Red Army into an Army of Labor, according to reports of his speech reaching here.

Referring to the work of the Red Army, Trotzky said: "They (the soldiers) have learned under the very hardest conditions to lead hundreds of thousands of organized masses and have led armies into battle. They will be trained officers. There is still one way open to reorganization of national economy by uniting the army and labor and changing the military detachments of the army into detachments of a labor army."

Fight Against Ruin.

"Now that the soldiers have been released from military duties they must fight against economic ruin and hunger and must work to obtain fuel, heat, and other necessities," said Trotzky. "They must take part in building and repairing roads, building sheds, grinding flour, etc. We have organized several of these armies and they have seen all these tasks demanded. They must obtain foodstuffs for workmen of the districts in which they were formerly stationed and they must cut wood, cart it to the railways and repair engines."

"Another army will help in laying down of railway lines for the transport of crude oil. A third labor army will be used to repair agricultural implements and machines and in spring will take part in the working of the land."

Labor Conscription.

"Labor conscription means that the workmen who leave the army must take their work books and proceed to the places where they are required, where their presence is necessary to the economic system of the country. We must feed these workmen and guarantee them the minimum food ration."

JAPANESE WOMAN

DIED YESTERDAY

The death occurred yesterday afternoon at 2 o'clock of Mrs. Guichi Hinada, a Japanese woman. She was 24 years of age and has been in the city for three months, having come from Skeena City. The funeral will take place Monday at 1 o'clock from the B. C. Undertakers' parlors, the Japanese Mission having charge of the services.

MRS. FRANK MORIN PASSED LAST NIGHT

Wife of Laundry Engineer Succumbs to Brief Illness.

The death of Mrs. Ethel Morin, wife of Frank Morin, engineer at the Pioneer Laundry, occurred last night at 9:30 at their home over the laundry, after a brief illness. The late Mrs. Morin, who was quite well known in the city, was a native of England and was 28 years of age.

The funeral of the late lady and an infant child will be held from the B. C. Undertakers' parlors on Tuesday afternoon at 2 o'clock. The death was a very tragic one and general sympathy will be felt with the sorrowing husband.

SIR ROBERT BORDEN

CALLS AT HALIFAX

(Special via G. T. P. Telegraphs.)

HALIFAX, Feb. 28.—Sir Robert Borden arrived on the Carmania en route to New York. He says that while he was feeling much better, he could not venture an opinion as to when he could return to Ottawa.

UNDESIRABLE ALIENS LEAVE

Three Car Loads Will be Deported to Europe on S.S. Melita.

(Special via G. T. P. Telegraphs.)

ST. JOHN, N. B., Feb. 28.—A car load of "undesirable aliens" have been brought here from Vernon, B. C., and two more will come tomorrow from the internment camp at Kapuskasing, Ont. All will be deported on the steamship Melita.

Ladysmith Coal. The best. Prince Rupert Coal Company, Phone 15.

SHILLY CUP PRESENTED

Mr. McClymont Officially Hands Silverware to Dry Dock Basketball Team.

Last night, the opening night of the Agricultural Hall as an athletic hall, the fine silver cup presented by Fred Gilhuly to the winners in the senior basketball series, was officially handed to the Dry Dock team by May McClymont. The event took place just after the first game, and being present a good crowd of spectators including President Mordie of the Athletic Association and several of the city aldermen.

In presenting the cup, the mayor explained that he was acting on behalf of the Basketball Association. The trophy was received on behalf of the team by C. C. Mendenhall, the captain, the other members being present. It is understood that the cup will be kept in a glass case at the Dry Dock.

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