

# THE DAILY NEWS

VOL. VI. NO. 242.

PRINCE RUPERT, B. C., F. RIDAY, OCTOBER 15 1915.

PRICE FIVE CENTS

## TEST CASE UNDER EARLY CLOSING BYLAW

### PRINCE RUPERT'S NEW FISH EXCHANGE

Thanks to the courtesy of J. R. Beatty, manager of the government wharf, local fishermen have now the nucleus of a fish exchange. A comfortable room, formerly used as a waiting room, has been placed at the disposal of the fishermen and buyers, where they can carry on their negotiations.

Something of the kind was badly needed, as it enables the small fisherman to meet the local buyers without any trouble or inconvenience. It is not so long since such accommodation was provided at Seattle, and it is found to be of great service there. This little room at the government wharf is decidedly a step in the right direction, and some day soon larger quarters will be required.

### VARIED PROGRAM AT THE WESTHOLME THEATRE

The Westholme tonight and tomorrow presents a splendidly varied program of comedy, drama and world's news. "The Making of Him" is a very fine two-act drama telling the story of a jealous lover whose sweetheart persuades him to enter a military training camp. The discipline and training work wonders and make a new man of him.

"In the Wolf's Den," the 8th episode of "The Road O' Strife" is just as thrilling as the others have been. "Billy the Bear Tamer" is a real good comedy, and "The Deadly Despatch" is another laughter-raiser. The program includes a very fine Hearst-Selig Gazette showing the latest news of the world.

Monday sees another stage of "The Diamond from the Sky" unfolded.

### ATTORNEY-GENERAL WILL BE HERE ON MONDAY

Hon. W. J. Bowser, attorney-general of the province is expected to arrive from the east on Monday evening. He has been visiting his mother in New Brunswick. He will leave for the south on Tuesday morning.

### MAJESTIC :: THEATRE

Tonight and Tomorrow

Special Double Feature Program  
LUBIN PRESENTS  
"HIS BROTHER BILL"  
Two-Part Military Drama. . .

"COINCIDENCE"—Two Part Powerful Drama.

"WHY BILLINGS WAS LATE"—A Corking Comedy.

"A BOOB FOR LUCK"—A Scream Comedy.

ADMISSION 10 and 15 cents.

Coming Monday and Tuesday 12th  
Episode of "The Broken Coin,"  
The Greatest Serial Ever Exhibited  
Coupon nights Monday, Wednesday  
and Friday.

# SELF'S

Follow the crowd to Self's Cafe. There is a reason. Next Majestic Theatre. 102tf.

### CHARGE OF BREACH OF EARLY CLOSING BYLAW

Before Magistrate McMullin at the police court this morning, D. W. Morrissey was charged with keeping his shop open after 6:30 p. m. contrary to the early closing bylaw.

City Clerk Woods testified to the passing and publication of the bylaw.

Mr. Fulton, representing Mr. Morrissey, proceeded to question Mr. Woods as to the withdrawal of certain names from the petition for the bylaw.

Mr. Peters objected to this line of questioning on the grounds that the court had nothing to do with deciding the question of the validity of the bylaw, and that the matter could not be discussed.

Under the application to quash the bylaw, the bylaw may be quashed, but he held that in the meantime the bylaw is valid and in force. It would be ridiculous if every man brought up on a charge of committing a breach of a bylaw had the power to go into the validity of the bylaw. Mr. Peters held that one magistrate may decide that the bylaw was improperly passed and tomorrow another might decide that it was in order, and in the one case a man might be fined and in the other dismissed, while each had committed the same offence.

The city solicitor pointed out that the supreme court alone could decide as to whether the bylaw were valid, and had been properly passed. Any judgment by a police magistrate as to the validity of a bylaw would not be binding. He held that it would be futile for the court to go into the question as to whether the bylaw had been irregularly passed. The bench might as well be asked to decide as to whether the council sat at the correct time when the bylaw was passed.

Mr. Fulton held that if the bylaw was not passed according to the statute it is void and pointed out that, since the necessary three-fourths of the grocers did not properly sign the petition, the bylaw was improperly passed by the council and, therefore, void. In support of his contention, he quoted from a case which came before the Ontario courts in which it was found "that it is the duty of the magistrate in all cases to consider and decide as to the validity and reasonableness of the bylaw."

He pointed out that everything possible had been done to quash the bylaw and a case with that end in view would come before the supreme court in due course, and he held that time must be given to repeal the bylaw if it is invalid, and that Mr. Morrissey intended to keep his store open as, in the meantime, the bylaw is void. He pointed out that several merchants had notified the council of the withdrawal of their names from the petition before the bylaw had passed its first reading, and that such notice rendered the petition invalid in that it did not carry the necessary number of signatures.

In reply, Mr. Peters pointed out that the Ontario statute and the B. C. statute were entirely different in one vital point, and that

### PARKER WILLIAMS WILL SPEAK ON SATURDAY

The people of Prince Rupert will have an opportunity of hearing Parker Williams, leader of the Socialist party in the provincial house, speak in the Empress Theatre on Saturday night. The meeting is under the auspices of the Trades and Labor Council, and begins at 8 o'clock.

For many years Mr. Williams has labored in the interests of the working men of British Columbia, and is held in the highest esteem by men of all shades of opinion.

### MARIPOSA MAY BE RE-FLOATED AND SAVED

The salvors of the Alaska Steamship Company's boat Mariposa, which is on the rocks near Bella Bella, report that she can be saved and refloated. The vessel is badly damaged forward, but is not injured aft of the forward engine-room bulkheads. The engines are undamaged.

Much of the cargo, including 200,000 feet of lumber for the Alaska government railroad, can be beached. When the vessel struck, the passengers behaved splendidly, stepping off the rail, when the ship listed, into the small boats without fuss or confusion. A number of horses were injured and had to be shot, while some live turkeys were let loose. They flew ashore and were caught by the Indians.

### OUR LOCAL ARTIST

G. S. Pearce has kindly lent two of his fine water colors to the Board of Trade and they will shortly have an honored place on the walls of the rooms on Second Avenue. In time to come, this wonderful north land with its great waterways, mountains and unsurpassed sunsets, is bound to produce many artists and Mr. Pearce is breaking the trail.

the case quoted by Mr. Fulton had no bearing on the present case, as the Ontario case was entirely a question of the "reasonableness" of a certain bylaw, whereas there was no such question raised in the present case.

The case was adjourned until this afternoon.

### FISHING DEVELOPMENT AT GOVERNMENT WHARF

The Independent Fisheries Co., of Seattle, whose buyer, Mr. Barnhoff, was recently sent to Prince Rupert, are now engaged installing a winch and hoist at the government wharf. Following the granting of room on the wharf, they set about making the necessary improvements for the handling of fish.

The electric motor and ice-crusher are now in position, and in the course of a day or two the hoist will be in proper working order.

### RED CROSS APPEAL FOR NEXT THURSDAY

The following letter from Lord Lansdowne to the Lieutenant-governor of British Columbia speaks for itself:

His Honor the Lieutenant-Governor of the Province of British Columbia, Victoria, B. C.,

I beg to inform you that the British Red Cross Society and the Order of St. John, in view of the great demand upon their resources both in France and the near east have decided to make an appeal throughout the Empire by street and other collections upon the twenty-first day of October next. The money received from this appeal will be devoted entirely to relieving the sufferings of our wounded soldiers and sailors from home and overseas at the various seats of war from all parts of the Kings Dominions. We have already received generous assistance in our work, but, with the increase of British and Overseas Forces at the front, there is a corresponding increase in our expenditure, and we shall be truly grateful to you if you will help us by organizing an appeal and sending the proceeds to us for the objects which I have named. I shall be greatly obliged if you will kindly communicate the foregoing to your government.

Their Majesties the King and Queen, and Her Majesty Queen Alexandra, are giving us their gracious patronage, and I trust that you will also be able to see your way to help.

LANSDOWNE,  
President of the British Red Cross Society. 83 Pall mall, London.

### Saturday Cash Specials

—AT—  
**THE LA CASSE BAKERY**  
"The Home of Domestic Bread"

RAISIN BREAD 5c PER LOAF GENOA CAKES 15c EACH

NO DELIVERY 717 THIRD AVENUE

PHONE 190

### Public Meeting

UNDER THE AUSPICES OF THE  
TRADES AND LABOR COUNCIL  
**Parker Williams**  
(M. P. P. for Newcastle)

Will Deliver an Address in the EMPRESS THEATRE  
Saturday, October 16th at 8 p. m. All Cordially Invited

### THREE LAW SUITS OVER PORT EDWARD PROPERTY

That the directors of the Port Edward Townsite Company were illegally elected is the allegation in the case of Mr. John B. Doig against the company, in which an injunction motion was this morning adjourned for a week by Mr. Justice Macdonald.

Port Edward is across the Skeena from Prince Rupert and the defendant company has sold a great many lots in the townsite. At the company's annual meeting on September 15th some of the shareholders opposed the existing board of directors and Mr. Doig nominated a new slate. When the vote was taken Mr. Doig objected to the votes of those who favored the old board on the ground that the shareholders voting for the old board were in debt on calls on their shares and were consequently not entitled to vote. The shareholders favoring Mr. Doig's nominees were qualified to vote, he claimed.

### Votes Were Accepted.

The chairman of the meeting accepted the votes objected to and the old board was declared re-elected.

This action is taken to have the election set aside and Mr. Doig's nominees declared as the proper board. The injunction sought is to restrain the present directors from acting in the meantime. They have undertaken not to act during this week. The motion is adjourned.

The principle at issue between the two factions appears to be one of how the company shall deal with shareholders who have dropped behind on their calls.

The last year's board which was re-elected is composed of Messrs. E. J. Matthews, William Agnew, J. Fred Ritchie, William T. Kergin, T. H. Johnson, L. W. Patmore and H. O. Crew.

The board nominated by Mr. Doig is as follows: Messrs. A. W. Stevenson, H. G. Woolley, W. J. Landahl, H. G. Tremayne, John P. Cade, F. R. C. Brown and J. B. Doig.

That the company is the centre of a storm of litigation is indicated by the fact that Mr. A. D. Taylor, K. C., who appeared today for Mr. Doig, has also issued a writ in behalf of Mr. Landahl to cancel his subscription. An allegation of fraud is made in this case. Mr. Taylor is also solicitor for Harrison, Gamble & Company, selling agents for the company, which is asking damages for alleged breach of the agreement.

Messrs. Bodwell, Lawson and Lane are acting for the company.

The tips of a new German aeroplane propeller trend forward when stationary, but are straightened by centrifugal force when revolving, which the inventor claims lessens the danger of them being broken by the strain.

### WIRES DOWN

As a result of the gale last night, the telegraph service has broken down and the Daily News was forced to go to press without its usual war service.

### STANLEY JOHNSON IS NOW BOMB-THROWER

T. Johnson, manager of the Gold Storage Company, has received a letter from his brother Stanley, who left Prince Rupert with the first contingent. He is a member of a bomb-throwing brigade, one of the most exciting and risky positions at the front, but has so far escaped injury. Like all Rupertonians, Stanley has many questions to ask as to how things are going in the G. T. P. terminal.

### COMEDY AND DRAMA AT THE MAJESTIC THEATRE

The Majestic tonight and tomorrow presents a great double feature program. "His Brother Bill," a two reel Lubin drama, heads the bill. It is a stirring military play. In "Coincidence," another two-reel drama, a powerfully dramatic story is unfolded.

The comedies are both good. "Why Billings was Late" and "A Boob for Luck" are screamingly funny, and the whole program is calculated to make one forget the weather for a couple of hours.

Monday brings along the 12th episode of "The Broken Coin." This intensely interesting serial has now reached the stage at which you must not miss a single episode.

### PRINCE RUPERT AND THE FISH BUSINESS

A well known American authority on the fish trade of the Pacific coast recently said "you might as well expect water to run up hill as to look for the fishing trade of the Pacific to keep away from Prince Rupert."

### YESTERDAY'S BASEBALL

San Francisco, 6; Salt Lake, 7. Portland, 0; Los Angeles, 5. Vernon, 9; Oakland, 3.

FOR SALE—Furniture of five-roomed house; piano and sewing machine. Apply Miss Wark, 217 1st Street. 242-3.

LADIES, Call and see the latest millinery at 608 Fulton Street, next Fulton Market, reasonable prices. 240-42.

### WESTHOLME OPERA HOUSE

RUPERT'S POPULAR PLAYHOUSE

TONIGHT AND TOMORROW

"THE MAKING OF HIM"  
Two-act Drama.

HEARST-SELIG GAZETTE  
Showing all the World's News.

BILLY THE BEAR TAMER  
Comedy.

"IN THE WOLF'S DEN"  
8th Episode of "The Road O' Strife.

"THE DEADLY DESPATCH"  
Comedy.

POPULAR PRICES, 10 and 15 cts.  
Coming Monday and Tuesday—"The Diamond From The Sky."

### LONDON CAFE And Grill

DAINTY MEALS AT REASONABLE PRICES

Hart Bk. Third Ave.

BOXES FOR LADIES