

# CONSOLIDATED IS NOT GUILTY

### Charge of Not Keeping Proper Books Required by Law is Dismissed

#### EVIDENCE IN CASE While it is Admitted Book Not Kept Yet Particulars Forwarded to Government

The second charge against the Consolidated Exporters' Corporation Ltd., namely that of not keeping a proper book as required by the Government Liquor Act for the recording of particulars in connection with receipts of liquor at its warehouse, was dismissed this morning by Magistrate McLymont.

In giving his decision, the magistrate stated that, while it had been admitted no such book had been kept, sworn evidence had been adduced to show that sheets containing the necessary particulars had been prepared and forwarded to the government. He took it that it was the intention of the government to have a check on such liquor imports and that object had been met by these sheets. The person drafting the sheets must have had in mind compliance with the regulations. He, therefore, failed to find that there had been bad faith and, for that reason, dismissed the case.

#### Evidence Yesterday

The case was opened at 2:30 yesterday afternoon when the first witness placed on the stand by the prosecution was Constable Andrew Grant of the Liquor Board. He told of making the seizure of the Consolidated Co.'s books on November 27, being told by Mr. Besner at that time that there was no import book. Only two books had been surrendered, one a black bound book and the other a loose leaf book relating to

liquor shipments. Witness also told of taking an inventory of the liquor in the warehouse. Under cross-examination by Mr. Gonzales, Grant stated that the books obtained had been taken to Victoria and there examined and audited. The records contained in these books agreed with returns made by the company to the government as to liquor stocks.

The evidence of Constable Grant was corroborated by that of Constable W. T. Harrison.

Fred Pyle was the only witness called by the defence. He testified that he had kept the records of liquor imports, exports and stock on hand as he had been instructed by J. J. Walsh, the government inspector. In fact, Mr. Walsh himself had kept these records up to the time of his departure. The black bound book Mr. Pyle stated, contained the record of the imports. There was no intention to violate the regulations and the records had been kept in good faith and in compliance with Walsh's instructions. The books had also been seen by several Liquor Board Inspectors. If there had been irregularities in connection with the keeping of the records and they did not comply with the strict requirements of the Act, they had been committed with no knowledge that the regulations were being broken.

#### Not According to Act

Under cross-examination, Mr. Pyle admitted to Mr. Patmore that the black bound book was nothing more than a stock record and did not contain details in connection with imports as required by the Act. He had made sworn declarations every week to the government as to the warehouse stock and the amount of liquor received and removed. He did not know that these returns were incorrect. Mr. Patmore placed in evidence various records to show that these returns had not been correct and were not as required.

No copies had been kept of the returns to the government, Mr. Pyle stated in answer to a question by the magistrate.

#### Argument for Defence

Mr. Gonzales, in addressing the court, stated that once again his case depended upon whether or not Mr. Pyle was believed in the matter of good faith. He asked for a finding as to whether or not the good faith of Mr. Pyle was believed by the court. He was ready to admit that, technically, the declarations to the government were not strictly correct. This was the system that was in vogue in the warehouse, however, and it had been shown to Mr. Pyle by the government inspector. In that case, the records had been kept in good faith and there was no intention to deceive. There was nothing to be gained through violating the regulations in this manner. Apparently neither Mr. Pyle nor the Liquor Board inspector knew any better. If the court did not believe Mr. Pyle, then the case was lost. If, however, the court believed that Mr. Pyle thought he was doing right, then he (Mr. Gonzales) was prepared to argue on the law as to whether or not the Consolidated Co. was guilty of the charge.

#### Patmore for Crown

Mr. Patmore saw the case as merely a simple matter of fact. The books had not been kept as required and the defendant admitted it. It was all very well to say there was no intent but ignorance of the law was an excuse for no man. A moral defence could not be accepted in a court of law. Mr. Patmore pointed out that the Consolidated was one of the biggest liquor export and import companies in the world. It was ridiculous for it to come into court, with all its experience and all its advisory counsel, and say that it did not know the law. The fact of the matter was that the corporation was skating on thin ice. It came as close to evading the law as it could without breaking it. It must be remembered that it was not Mr. Pyle but the corporation that was being charged. The regulations had been put into effect nearly four years ago and the corporation must know the laws. It simply did not care how it kept its records. Incorrect returns left all kinds of loopholes for illegal sales. The law had been broken and, therefore, there should be a conviction.

Mr. Gonzales again asked the court to decide on the question of whether or not he believed Mr. Pyle. The magistrate stated that he would give his decision this morning.

# SEVERAL LOTS SOLD BY CITY

### Policy Objected to by Alderman Stephens but Carried by City Council

The policy to be followed by the city in the disposal of tax sale lots again came up for discussion at last night's council meeting. Ald. Stephens opposed the policy of selling such lots at less than the assessed values. Doing so was not fair to other property owners and would only serve to undermine the city's assessment. He contended that as much would be saved by the city in less lots coming up for tax sale if the values were protected as there would be realized through lots being sold in the manner now prevailing.

Mayor Newton, Ald. Larsen and Ald. Casey also spoke on the subject. They admitted that there was merit in Ald. Stephens' contention and that the present policy of selling lots was not perfect. It seemed, however, to be the best system obtainable.

The majority of the council put its stamp of approval to the policy of selling tax sale lots for the taxes against them when the following offers were accepted:

- Sam Anous, lots 7 and 8, block 1, section 6, \$355.48.
- G. C. Walker, lot 21, block 37, section 5, \$86.35.
- A. Ohnesarg, lot 26, block 22, section 5, \$97.50.

Ald. Stephens voted against accepting the offers.

# DRIVER AND HELPER OF GARBAGE TRUCK GET PAY INCREASED

On recommendation of the board of works, the city council last night granted increases of salary of \$15 and \$10 respectively to the driver and helper of the day garbage truck. This will make the salaries \$155 and \$140. Ald. Perry explained that the raise was recommended because the duties of the two men had become much more arduous recently. Three years ago the salaries had been cut down and had not been raised when the general wage rate was increased. Mayor Newton pointed out that, with this raise for the day men, the night men would still be getting more than them.

The increases were generally approved by members of the council and the report was unanimously accepted.

In connection with the matter, Ald. Brown pointed to what he believed was discrimination in favor of residents of Section 1 who had their ashes removed by the city while people in the outlying sections did not. Ald. Casey felt that any inequality in this matter was fully made up for through the people of Section 1 paying a greater portion of the general taxes and also contributing to the support of the night garbage service which it did not use.

# ENJOYABLE CARD PARTY AND DANCE HELD LAST NIGHT IN I.O.E. HALL

Under the auspices of Municipal Chapter, Imperial Order Daughters of the Empire, a most enjoyable card party and dance was held last evening in the hall on Fifth Avenue East.

There were 26 tables of bridge and whist and the prize winners were as follows:

Bridge — Ladies' first, Mrs. Curtin; ladies' consolation, Mrs. J. M. Campbell; men's first, W. D. Vance; men's consolation, R. P. Ponder.

Whist — Ladies' first, Miss Davidson; ladies' consolation, Mrs. F. W. Hart; men's first, H. L. Landrey; men's consolation, F. W. Hart.

After cards, refreshments were served and dancing was then enjoyed for an hour or so. R. P. Ponder was master of ceremonies and Mrs. R. P. Ponder presided at the piano.

The event was under the general supervision of Mrs. A. T. Parkin, regent of Municipal Chapter, who was assisted by Mrs. D. McD. Hunter and Mrs. W. S. Fisher in charge of the bridge tables and Mrs. W. A. Matheison in charge of the whist. The refreshment committee comprised Mrs. John Manson, Mrs. S. V. Cox, Mrs. David Thomson, Mrs.

# The Well-Managed Home

THE manager of a household is the purchasing agent for a large proportion of the family needs. In order to do a good job she must know what, when and where to buy. She must study goods and the concerns which make goods and have them to sell. She must put her home on a business basis and run it on business principles in order to make the most of the family income.

Information is the only basis for intelligent purchasing. And the right way to get the greatest amount of necessary information is to read the advertisements.

Advertisements tell you what is new and good in merchandise. They reveal improvements and inventions to make your home life easier, more comfortable and more convenient. They give you information about a thousand and one things that are useful and interesting.

Every manager of a household—every member of the household who shares the responsibility for the family's welfare—should make a habit of reading the ads.

Read the advertisements in order to buy wisely

# Canadian National Railways

# Prince Rupert DRYDOCK AND SHIPYARD

Operating G. T. P. 20,000 Ton Floating Dry Dock Engineers, Machinists, Boilermakers, Blacksmiths, Pattern makers, Founders, Woodworkers, Etc. ELECTRIC AND ACETYLENE WELDING. Our plant is equipped to handle all kinds of MARINE AND COMMERCIAL WORK. PHONES 43 and 385

# CANADIAN Steam LAUNDRY

and DRY CLEANERS The Laundry of Personal Service, Phone No. 8. Finished Laundry, Wet Wash, Thrift-T-Service, Soft Finish, And Dry Cleaning. We are ready at any time to receive your phone call, to take your instructions, to take personal charge of your Laundry and Dry Cleaning.

T. Boulter, Miss Jean Stalker, Miss Alberta Hill, Miss Frances Cummings and Mrs. R. Davey, Mrs. H. L. Laidry was at the door.

The proceeds of these affairs which it is planned to hold monthly will be applied to the debt on the new building.

#### HOTEL ARRIVALS.

Prince Rupert H. M. Burchill, A. G. Knight and A. G. Young, Vancouver; H. W. M. Holston and Ernest Love, Stewart; Mr. and Mrs. G. L. M. Giggley, Mrs. J. P. Baggleshaw, Mrs. D. W. Cassel and Mrs. George Little, Terrace; W. H. Manuel, Prince George; P. L. Mulville, Grassy Plains; A. B. Wing, Skeena Crossing; I. B. Murray, Smithers.

Central G. Lucas, city; A. J. Pelletier and son, Premier; T. Fortin, C.N.R.

During the month of January the fire department responded to seven calls. In only two cases was damage done, namely when the Prince Rupert Spruce Mill was finally consumed and when fire broke out in the residence of C. P. Riel on Fifth Avenue West.

#### "GOVERNMENT LIQUOR ACT"

#### NOTICE OF APPLICATION FOR BEER LICENSE.

NOTICE IS HEREBY GIVEN that on the 2nd day of February next the undersigned intend to apply to the Liquor Control Board for a license in respect to premises being part of the building known as "Commercial Hotel" situate at the corner of First Avenue and Eighth Street, City of Prince Rupert, upon the lands described as Lots 13 and 14, Block 9, Section 1, Map 923, Prince Rupert Land Registration District, in the Province of British Columbia, for the sale of beer by the glass or by the open bottle for consumption on the premises.

Dated this Fifth day of January, 1926. DONALD ANDREW McLEOD HARVEY WOOD Applicant

#### LAND ACT

Notice of Intention to Apply to Lease Land in the Queen Charlotte Islands District, Land Recording District of Prince Rupert,

and situate on the Foreshore of Yestalon Bay, Massett Inlet.

TAKE NOTICE that Eugene H. Simpson, of Massett, occupation canner manager, intends to apply for a lease of the following described lands:

Commencing at a post planted on the high water mark about 90 chains west from the northeast corner of Lot 1550; thence north 300 feet to low water mark; thence northwesterly 500 feet more or less; thence west 100 feet to the northwest corner of E. H. Simpson's application to lease; thence southeasterly following the high water mark to the point of commencement, and containing two acres, more or less.

EUGENE H. SIMPSON, Applicant. Per Fred. Nash, Agent. Dated November 9th, 1925.

#### LAND ACT

Notice of Intention to Apply to Lease Land in Queen Charlotte Islands Land Recording District of Prince Rupert, and situate two and one-half miles west of Alford Bay, Skidegate Inlet.

TAKE NOTICE that B.C. Fishing & Packing Company, Limited, of Vancouver, B.C., occupation Salmon Canners, intends to apply for a lease of the following described lands:

Commencing at a post planted at the west end of Small Bay one hundred yards east of mouth of unnamed stream; thence south five chains; thence east sixteen chains; thence north to shore line; thence following shore line to point of commencement, and containing seven and three-quarter acres, more or less.

B.C. FISHING & PACKING CO. LTD. Applicant. Per M. M. English. Dated December 7th, 1925.

Beautiful Umbrellas, \$5.00

Just arrived from the East and the makers say these are their best sellers. They are the popular short length with shell tipped ribs and points and the handles are nice patterns and colors. The tops come in red, green, brown and blue.

These are about the same we sold last year for \$7.50 and show how prices have dropped.

John Bulger Ltd. Jewellers

# SPECIAL

## All Wool Flannel Shirts

from \$1.95 each

# ACME

Importers Third Avenue

and see our advance models in

# ONYX

## Ladies' Shoes

and other makes.

Just arrived. Prices right.

## Family Shoe Store

Phone 357. Third Avenue.

## Silk and Wool Balbriggan

A fine, soft, warm, knitted Silk and Wool Fabric for Dresses, Blouses, Bathing Suits, Children's Garments, etc. Comes in rose, wine, brown mauve sand princess, etc. Regular \$2.00 value.

Special, per yard—\$1.50

## The West of England Store

Third Avenue Phone 753

## Dr. E. S. Tait

DENTIST Helgerson Block, Prince Rupert, B.C. Office Hours—9 to 6. X-Ray Service Phone 686. Open Tuesday and Thursday Evenings Saturdays 9 to 12 noon