

FRAUD HEARING IS PROCEEDING

Case of James Howard Foster of Smithers Going On At Assizes

Zinje Utsunomiyo, Japanese resident of Smithers, told Assize Court Monday that receipt purportedly made out by him to James Howard Foster, former Smithers baker, for \$1,500 was actually written in the Chinese language which he does not understand.

The Japanese was plaintiff in a criminal case in which Foster is charged with having obtained \$1,640 from him by false pretenses with intent to defraud at the interior town in August, 1947.

The receipt, presented by Foster to Utsunomiyo on the witness stand, was suggested by Foster to be one which Utsunomiyo had given him when he returned the \$1,500 which he had borrowed to pay a mortgage on a bakery business which they planned to purchase as partners.

Denying the money had been returned or that he had made

out such a receipt, Utsunomiyo added through Sadao Suga, an interpreter: "That is written in Chinese. I cannot read the Chinese language."

The Crown contends that Foster obtained the \$1,500 plus various smaller sums totalling \$140 from Utsunomiyo with fraudulent intent. The \$1,500 which Foster received in cash was said to have been meant to pay off a mortgage which the Crown suggests was non-existent.

On the witness stand, Utsunomiyo said that he had met Foster at Smithers in August, 1947, and that Foster had suggested that they go into partnership in the bakery business. Prior to that time, Foster had been a baker in the Wilson Bakery at the interior town.

Utsunomiyo was to put up the money and be a "silent partner" while Foster arranged the deal. The Japanese then gave him \$10 to pay notary fees and a few days later \$20 "because he was broke." Later, he gave Foster \$30 to pay for a consignment of lard which was said to have arrived from Edmonton and still later \$80 to go to Prince Rupert because of a legal contention with his former employer, George Wilson.

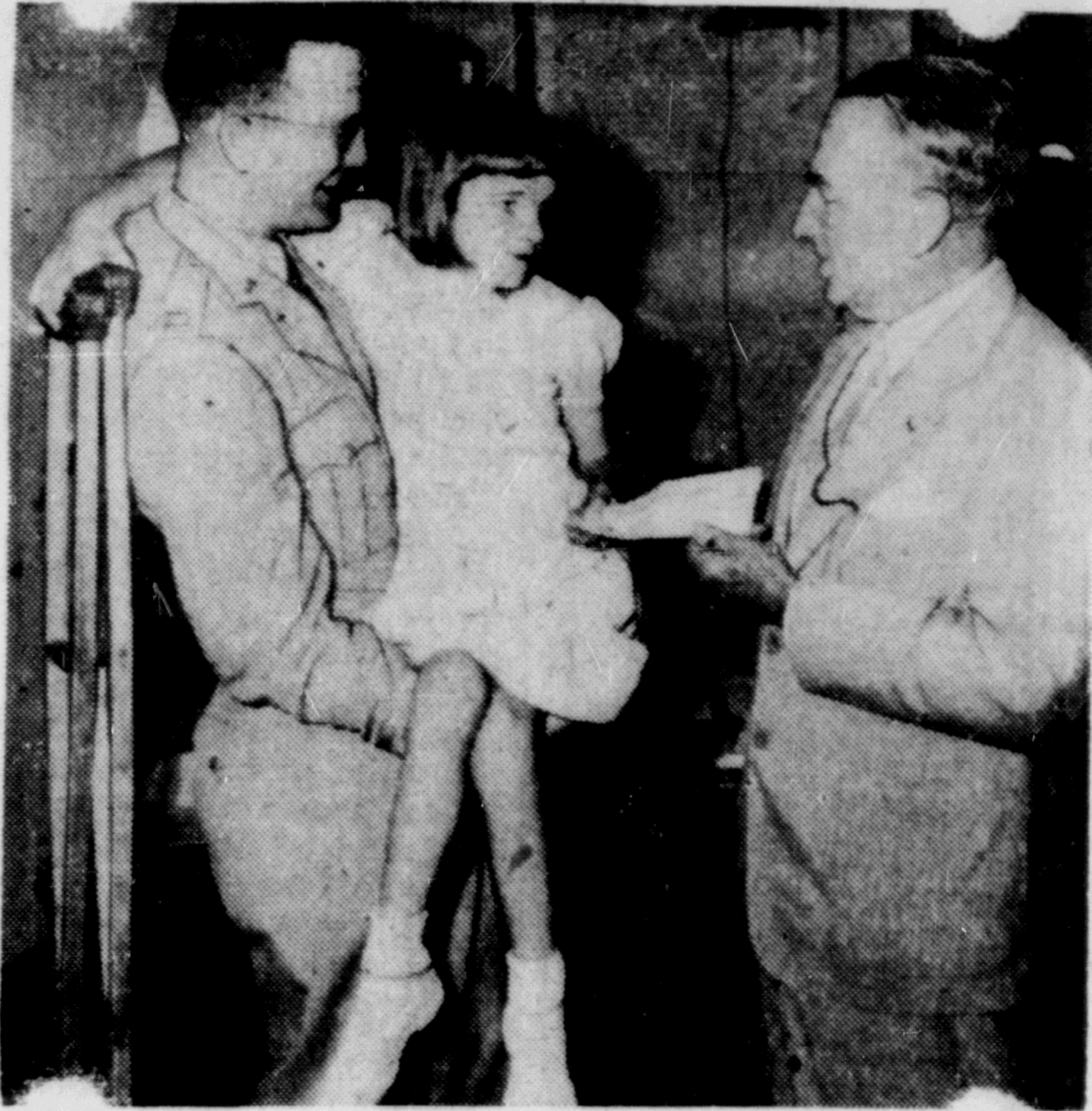
According to Utsunomiyo, when Foster returned from Prince Rupert, he borrowed \$1,500 from him to pay off a mortgage on the Wilson Bakery business which he said he proposed to buy. Utsunomiyo gave him the money and received a receipt.

George Wilson, proprietor of the bakery business, and Albert E. Day, a former owner, both denied that there was a mortgage on the business. Wilson told the court that Foster had had the privilege of buying the business for \$1,500 cash. Sale of the building and land, which was the property of Mrs. Wilson, was not mentioned.

Shortly after he had borrowed the money from the Japanese, Foster moved from Smithers to an auto camp at Lake Kathryn, four miles distant. After a brief stay there, he went to Vancouver where he remained throughout the winter.

Mrs. Rose Marie Olsen, proprietor of the auto camp, told the court that during his stay there, he purchased a truck from her for \$700, which, he told her, he planned to use to bring in some equipment for the bakery he planned to start. William Grant, notary public of Smithers, identified the agreement drawn up between Foster and Utsunomiyo as one which he had prepared for Foster. Foster had signed the document in his presence, Grant said he did not know the Japanese whose signature also was on the contract, or when he signed it.

Several letters, purportedly



AIR FORCE AIDS POLIO VICTIM—Marion Hawco, 9, Newfoundland polio victim, inspired U. S. army air force men stationed near her home to raise \$4,200 to pay for treatment that may help her to walk again. She is held in the arms of base chaplain, Capt. Voight Sink as she presents the check to Brig. Gen. Joseph A. Baer (Ret.), director of services to the armed forces for the national foundation. Capt. Voight Sink and Lieuts. W. J. Houston and Sussillo, flew her to New York to make arrangements for her admittance to Georgia Warm Springs.

written from Vancouver by Foster to Utsunomiyo, were read to the court after being presented by Crown Counsel T. W. Brown. One of these spoke of the difficulties which Foster was encountering and said that he would be back in Smithers soon.

Another stated that Foster did not know Utsunomiyo was a Japanese and that he had thought him a Chinese. It asked Utsunomiyo to send Foster the agreement and Foster's receipt for the money and that the money would be returned to the Japanese, less some expenses incurred by Foster in promoting the enterprise.

The case adjourned late Monday afternoon after all the Crown witnesses had been heard. It resumed again at 10:30 this morning. Mr. Justice N. W. Whittaker is presiding.

POOR LITTLE FISH
Fish are generally near-sighted and have poor color vision.

AIR BASE IS BEING LEASED

City council last night gave first reading to a bylaw authorizing the leasing of the Seal Cove air base from the Department of Transport for \$1 a year, plus responsibility for maintaining certain buildings. The city has leased the hangar to Canadian Pacific Airlines and oil storage facilities to Imperial Oil which nets the city about \$250 a year.

AVERTED DISASTER
STRATFORD, Ont. (C)—Geo. Parkins, driving a bus here, didn't know his engine was on fire until a passing motorist signalled with his horn. Parkins stopped and put the fire out with an extinguisher. Passengers transferred to another bus.

Phone System Heavily Loaded

(Continued from Page 1)

telephones of all classes in use in the city.

OPERATORS OVERTAXED

"It is not unusual for an operator on any of the five positions to have the 15 cords of her position in use at once, thereby having to wait till a conversation is completed before being able to take another call," the report continued.

"A thoroughly experienced operator in standard telephone practice is expected to handle 200 to 210 calls an hour. By actual count, operators in this exchange handle during the busy periods 254 calls an hour."

"The telephone department is handicapped by always having at least one beginner in training. It takes an average of six weeks for a beginner to learn

the bare rudiments of operating. Then they must develop speed. Only after a year can an operator be considered experienced in local and long distance traffic handling."

At present, according to the report, there are 21 regular operators and one chief operator. Of the 21, eight are inexperienced in long distance operating and five in local operating. By next January 1, at least four experienced operators will be leaving the department.

"During the vacation period, if it had not been for assistance given by former operators, now married, the department would have faced a very serious, in fact, tragic situation," the report stated.

A situation which causes much confusion is the continual

changing of subscribers' addresses. Since the last issue of the directory, there have been 59 single changes and 75 instances where subscribers have changed their address more than once. In addition, there have been 237 new listings. This makes a total of 371 subscribers who are not listed in the latest directory, causing delay in handling calls while the operator seeks the unlisted number.

Currently, the city is seeking to float a self-liquidating loan to permit the rehabilitation of the telephone system along the

Reminiscences

By W.J. and Reflections

People have been taking time off to try and explain why tuna has appeared in quantity south of the Queen Charlotte Islands. They do this because they know nothing whatever about it. One bright lad says he thinks it is because the Japanese Current is shifting closer to North America, thus extending the range of warm-water fish. We just knew our old friend, the Japanese Current, would get into the general set-up, sooner or later.

Business at the Assize this week is light. It is one of the shortest Prince Rupert has experienced in years. The older the city and larger the population, the fewer crimes of consequence appear to be. During the early days, courts had no lack of serious offences to deal with. And some occurred, not during disturbed and abnormal times but when what seemed a holy serenity lingered over the land.

Some Canadian farmers resent the suggestion that tillers and liking it, it's refreshing to hear of somebody not suffering coming real prosperous, and li-

able to be compared with "highly paid industrial workers." All bunk, say the farmers. They work 14 hours a day, without Sunday or holidays off. What's \$15 for a hog after the brute has been reared, fed and kept clean for seven or eight months? Machinery, hired man, imported protein feeds have all "gone up." How much cash profit can be found in milk fetching seven cents a quart? Mr. Farmer, you have the floor!

Joe Juneau, the prospector of 70 years ago who gave his name to Alaska's capital, wouldn't know the old home town today. Something doing up there every minute lately.

Another industry not yet been scratched, says Ketchikan comment is on the production of fur-bearing animal feed from salmon waste which Prince Rupert is finding so lucrative. In an age of universal lamentation over the job of making a living and liking it, it's refreshing to hear of somebody not suffering from too great pressure.

TODAY AND WEDNESDAY
SHOWS AT 7:00 - 9:05 P.M.

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AIR TRANSPORT BOARD

to make a limited number of charter flights into Canada during the month of September, and it is anticipated that similar flights will be permitted during succeeding months. This authorization carries permission to proceed to one interior point beyond the first landing at a Customs Port of Entry.

8-Passenger Grumman, Ketchikan to Prince Rupert and Return, \$138.00
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5-Passenger Belanca, Ketchikan to Prince Rupert and Return, \$103.50
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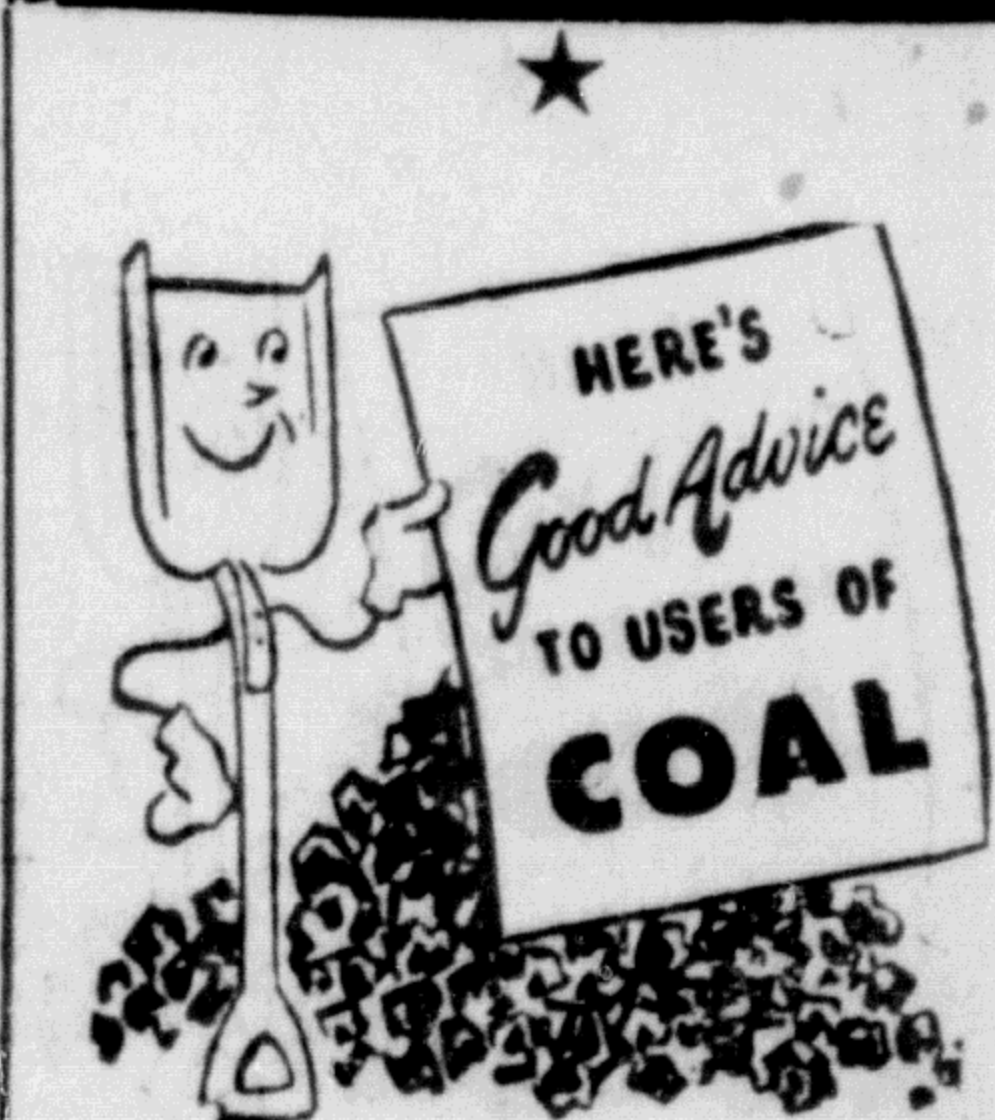
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