

Much Beer, Some Whisky No Conviction In Court

Dismissal of Keeping for Sale Charge Against Joseph Alexander. Magistrate Finds Evidence Not Conclusive. Prohibits Breaker Gets Option of Fine or Jail Term.

A charge of keeping liquor for sale against Joseph Alex alias Joseph Alexander was dismissed for lack of evidence in police court.

Sergeant DesRoches testified that he and two constables went to 83 Fifth avenue, Alexander's home, at 1:20 p.m. on Sunday. They rapped and a lady came to the door. She looked out and then went back inside shutting an inner door behind her. Finally the door was opened.

Inside were five men and three women. The accused was at a wash basin. Near it were many glasses which smelled of beer and liquor.

The proprietor said that he was having a birthday party.

"A birthday party," said the Magistrate. "That makes three of them."

Sergeant DesRoches continued. The accused could not name the people in the house nor did they know his name. In Alexander's bedroom were four bottles of whiskey. He said the whiskey belonged to a roomer, Camille Roy.

Sergeant Devine told of an earlier raid on Sunday. He and two constables arrived at the house at 2:35 a.m. on Sunday morning. There was one man in the front room. He appeared to have no beer, although some which had been hidden, was found. A man and a woman were on the chesterfield. In one bedroom was a man sleeping. His name was Roy.

Ninety-four pints of ale were found and 48 pints of lager beer. One full bottle of whiskey was discovered. Asked why he had such a large amount of beer on hand the tenant said that he was having a party on Sunday evening for the men who worked with him on his mining claims.

Testifying in his own defence, Mr. Alexander said that he had twelve mining claims in Turnbull Township. The man and the woman were friends of his from Val d'Or and the other man their friend. Name of the third man was Murray Tremblay, he said.

While they were drinking some beer the police made their early morning entry.

Referring to the later raid, Mr. Alexander said that four of the men in the place were friends who had called for Camille Roy.

"There does not appear to be enough evidence here to warrant a conviction," said Magistrate Atkinson, dismissing the charge.

Conducts Own Defence

Romeo Bureau alias J. Rosario Bureau, was charged with assaulting Donat Charrette and breaking his nose. Bureau conducted his own defence but it did not save him from conviction. He was given the alternative of a fine of \$50 and costs or thirty days in jail.

Mr. Charrette told the court that the fracas in which he was assaulted occurred in the Grand Hotel. He was sitting drinking beer, he said, when Bureau walked over and struck him.

Dr. Minthorn said that he treated Mr. Charrette for a bad black eye and a fractured nose.

Then followed a long string of witnesses for both the prosecution and defence. As Mr. Charrette could not positively identify the man who struck him the case evolved into a matter of identification.

Ronald LaFlamme, Rene Leclair and Albert Thibault, all witnesses for the defence said that they saw the assault and identified Bureau as the man who made it.

E. Ouellet, Jerry Belanger and Antoine Leblanc, defence witnesses, all said that they did not see the assault.

Magistrate Atkinson decided that there had been one however, and convicted.

Assaulted Rooming House Owner

An assault upon George Vartenuik by Leeman A. Fletchett was made in front of Constable Barlow of the Timmings force. Although Fletchett pleaded not guilty in police court on Tuesday the evidence against him was too strong.

Mr. Vartenuik said that Leeman brought a bed in his place one night and then did not pay for it the next. When he did not pay his twenty-five cents for the third night he called the police. When he tried to assist the policeman get Fletchett out of bed the accused jumped up and struck him on the mouth. The evidence was corroborated by that of Constable Barlow and the defendant sentenced to a fine of \$10 and costs or thirty days in jail.

North Bay Nugget: True northerners are the Dionne quintuplets, for they relish waist-high snow drifts and sub-zero temperatures reaching to near the 30-degree mark.

Toronto Globe: The real human interest story from the San Francisco World's Fair lies in the fact that there is a special hospital for the soothing of sore feet. Not all the splendors of this exhibition—or of anything else, for that matter—mean much to the spectator tortured by any of the afflictions that operate in the boots.

Says No Onus on the State to Find Jobs

Hon. T. A. Crerar Contends Individuals Owe Duty to Look After Himself.

Sharp issue with the present-day contention in some circles that the government owes every man a job, was taken by Hon. T. A. Crerar, minister of mines and resources in the federal government, speaking in Sudbury Saturday evening. The first business of the individual, he said, was to look after his own future, and if the government policy was to assume the duty of maintaining those who were careless and shiftless about their own well-being, it would mean to a large extent curtailment of the freedom and energies of the individual.

Mr. Crerar was guest speaker at the first dinner of the year of the Sudbury branch, Canadian Institute of Mining and Metallurgy. Hon. C. D. Howe, minister of transport, was to have been the speaker, but owing to illness his place was taken by the mines minister. He selected as his topic "Whither Democracy?" and in an interesting and informative manner reviewed the problems confronting democracy of the present day.

Canada's progress during the last 20 years was remarkable, said the speaker, the development west of the Great Lakes being a vital factor in the national growth. Mining also was outstanding, and had been a great contribution to the stability of the Dominion.

War Leaves Impact

The world, said the speaker, was passing through a troubled period. The Great War had left an impact upon financing, upon processes of man never before experienced. There were mistakes made in the peace treaty, but it was of no avail now to dwell upon them. The solution of the difficulties would be found in the sound, honest thinking of men.

There had been a struggle between two philosophies of government, and although a system of force and dictatorship had been evolved, there was also a new conception of democracy, which was now approaching the crossroads. There was no doubt that democracy had brought human progress to a higher state of efficiency. Many achievements of recent years were due to the democratic states, particularly in science, art and literature. Opportunities were given to all under democracy, where individual effort was curtailed in the totalitarian states.

Canada, with a population of only a little over 11,000,000, had attained a degree of prosperity unequalled despite the difficult times. It stood fourth in exports, and through intelligent development of its resources, was sixth among the nations in trade.

New Parties Mooted

The world had not yet recovered from the economic disturbances of the last few years, and in some countries there was a trend toward the dictatorship idea. Germany had turned her back on the former form of government, had abolished freedom for the individual, freedom of the press and of religion. Under democracy, however, every one can have a say. There were signs of new parties being organized, but Mr. Crerar asserted he was not worried by their appearance. It only reflected the desire for something better, and most likely some good results would accrue.

Responsibility of administration rested on every member of the body politic. Every citizen over 21 is entitled to say how the government should be carried on, and his concern is to see that the democratic system works and is improved. Unfortunately there were many who could not answer intelligently stated questions as to government routine, and present-day problems required a lot of thought on the part of all the people if they were to be solved.

Public expenditures required careful analysis on the part of those who from time to time requested the government to undertake new projects. Mr. Crerar reminded his hearers that in the fiscal year before the outbreak of the Great War, Canada raised from taxation \$112,000,000. The government was criticized then, and the sum was regarded as a staggering one. At the start of the war the net debt of the Dominion was \$336,000,000. Today the country requires to raise \$500,000,000 annually to conduct the affairs of the nation, and the debt has grown to \$3,200,000,000.

Pensions Take Millions

Of the huge amount needed yearly, no less than \$133,000,000 is to service the debt, even although the rate of interest is low. The war added over \$2,000,000,000 to the debt, and in 1930 the depression came and diminished Canada's revenue from trade and increased costs of administration. Pensions and hospitalization of ex-service men took

MOVIE STARS TOP LISTS WITH \$200,000 INCOMES



James Cagney ranks as the highest paid movie star, according to his employer's report to Washington. In 1938 his salary was \$234,000. Kay Francis takes second place with \$234,000 a year, an in-



crease of \$15,000 over 1937. Cagney's salary was not listed among the top names in 1937. These two amounts were the largest reported to the securities and exchange commission.

Another Tax Burden For the Prospector

If He Takes Any Part of His Payments in Ore Milled or Smelted.

(From Globe and Mail)

"Any prospector who sells a property and is prepared to take any of his payments by way of returns from ore milled or smelted, must pay income tax on that income, instead of treating it, as it always has been treated until the amendment of the Income War Tax Act, as capital received."

That is the latest ruling of the Department of National Revenue as applied to a case in British Columbia and one that will drive one more spike into the coffin of prospecting in this country if not modified.

The facts are based upon a letter received by this department of The Globe and Mail from E. C. Wragge, well-known barrister and solicitor of Nelson, who encloses copy of the official letter from the Ottawa officials in proof of the attitude adopted by the Department.

Mr. Wragge says that he does not think the matter has been brought to the attention of the mining industry at all, and that, to his mind, it is a most inequitable and unfair way of treating a prospector or other owner and receives payment in instalments, or sells any commodity on the installment plan, and it is obviously unfair to

gress unparalleled in history. There had been a greater advance in the last 25 years than in the previous 2,000. Canada was endowed with riches unequalled in few countries and surpassed by none. The problem was to find markets for the new wealth produced. Great as these problems are, they are not insoluble. The country was worth the strenuous effort of every man. The responsibility, however, rests upon all and not merely upon the government's.

What is done in the next 10 or 15 years may well determine the history of the Dominion in the ensuing century.

Dr. Charles Camsell, deputy minister, who accompanied Mr. Crerar on his trip to Sudbury, said he was much interested in the expansion of the nickel industry in the district since he was last here, and in the preparations that had been made for the comfort of the workers and for research and development of the mineral fields.

single out the mining industry for a tax of this sort and particularly where it is, as in the majority of cases, the prospector or original locator who is taxed and when the inducement to prospecting is growing less and less every year as the result of blue sky laws and just such added impositions as this.

The letter from the Department of National Revenue, signed by C. D. Elliott, Commissioner of Income Tax, and dated Jan. 16, 1939, is, in full, as follows:

A perusal of the copies of the agreements leads this office to the opinion that the royalties or payments going from mine to the individual vendors are royalties within the provision of paragraph (f) of S.3 of the Income War Tax Act. By this section income is defined as including:

"3. (f) rents, royalties, annuities or other like periodical receipts which depend upon the production or use of any real or personal property, notwithstanding that the same are payable on account of the use or sale of any such property."

In view of this definition of income the recipients are taxable under the Act on the royalty payments, irrespective of the fact that these payments are in satisfaction of purchase price.

By S.27 ss. (1) non-residents in receipt of royalty income, or in receipt of any similar payment for anything used or sold in Canada, are deemed to be carrying on business in Canada and to earn income thereby. In other words the non-resident vendors are taxable just as are the resident vendors on the royalty payments made to them under the above mentioned agreements.

By S.27 ss. 3, your bank in Nelson, as intermediary between the mine and the vendors in making the said payments, must deduct 12 1/2 per cent. of all payments made. This deduction must be remitted to the Receiver-General, where it is held as a credit against the resident's tax to be assessed in the normal course, following a filing of a T.1 return by the non-resident individuals. If the normal individual tax as eventually assessed against the said non-residents is less than the deposit or credit so created with the Receiver-General by means of the aforesaid deductions, then the difference will be remitted to the non-resident taxpayer.

There is no question of 5 per cent. liability in this case. The 5 per cent. tax is imposed by Section 9B on certain specific payments going from Canadian sources to non-residents. The royalty payments in question here are not within the type of payments covered by Section 9B.

Convictions in Bawdy House, Assault Counts

Witness With Battered Body Testifies in Four Cases. Visited Bawdy House and Then Was Badly Beaten. Assaulter Gets Two Months. Bawdy House Keeper Convicted.

His face puffed and discoloured, his eyes backened and bloodshot and cut in his head held together by clamps, Matti Aho was principal witness in four charges in police court on Tuesday. His evidence was instrumental in sending Jean Baptiste Lacourse to jail for two months and giving two women the alternative of fines or jail terms.

Aho charged Lacourse with assault occasioning actual bodily harm. He said that he and Lacourse went down to the river in a taxi cab. When they arrived at their destination the driver and Lacourse asked for more than the fifty cents fare he had paid. They stopped the car and Lacourse hit him. He fell and then got up and ran. The two men chased him and caught him and Lacourse began to beat him.

Aho denied Lacourse's contention that he had drawn a knife.

Although Lacourse pleaded guilty to the charge the evidence of Dr. John Leddy, who attended Aho, was taken. Dr. Leddy said that when Aho came to him his face was swollen and his eyes blackened. There had been a haemorrhage of one eye ball. His ribs were bruised and there were three clamps in his scalp.

"Why did you run after him and beat him," asked the Magistrate.

"I got mad at him," replied Lacourse. Judging by the appearance of Aho, Lacourse must get in quite a temper when he gets "mad."

Bawdy House Charge

Aho was also principal witness in a charge of keeping a bawdy house against Rose Latour.

Asked by Magistrate if she was guilty of the charge against her Mrs. Latour said "guilty a little bit."

Aho said that he was at the house run by Mrs. Latour before he met with the unfortunate episode which caused his features to look slightly like a rare steak.

He identified Rose Latour as one of the two women he was with while at the house. He paid the girls \$2 each, he said.

Provincial Constable Harold Gall said that he raided the place at 68 North Road on one occasion and found Rose Latour and her sister, Blanche, and two other girls there. Rose Latour was in charge.

On a later raid, last Saturday morning, said Constable Gall, he found the

Latour sisters in bed with men.

"There is no doubt about that place," said the Magistrate. He gave Mrs. Latour, who admitted that she was married with four children, the alternative of a fine of \$100 and costs or two months in jail.

Blanche Latour and Doria St. Pierre were each charged with being inmates of a bawdy house. The charge against Mrs. St. Pierre was dismissed when Aho said that she had "not being doing anything bad" while he was there. Constable Gall also said that he did not see Mrs. St. Pierre in circumstances which would warrant a conviction on such a charge. He said that Mrs. St. Pierre left her home and husband last Thursday or Friday. She had two children.

"You had better go back to your children," said Magistrate Atkinson. Blanche Latour was convicted and sentenced to pay a fine of \$50 and costs or spend thirty days in jail.

Aho said that he had been with Blanche and had paid her \$2. Constable Gall said that he found the accused in a compromising position when he raided on Saturday.

A man was charged with being found in a bawdy house—the same one. The charge was dismissed. Inspector Olson said that the man was there at the time of a raid on Monday morning. He was fully dressed and told police that he had gone there to light the fires.

Northern News: The diseases of fish are being studied at Queen's University. We hope that their eyesight will be studied too. Some of them failed to see our best plugs and lures last summer.

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WEDNESDAY and THURSDAY, MARCH 15th and 16th
JANET GAYNOR, DOUGLAS FAIRBANKS Jr. and PAULETTE GODDARD in
"THE YOUNG IN HEART"
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JEANETTE MACDONALD and NELSON EDDY in
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JANET GAYNOR, DOUGLAS FAIRBANKS Jr. and PAULETTE GODDARD in
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"GENERAL DIED AT DAWN"
Starring—GARY COOPER and MADELEINE CARROLL

Wednesday and Thursday, March 15—16
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