

ONTARIO IS VOTING TODAY IN THE RAIN

Splendid Attendance of the Electors Marked Opening of Polling Booths.

Vote Polled, It Is Expected, Will Be Large and Representative.

Both Sides Eager to Secure a Thorough Test of Public Opinion.

"Abolish the Bar" the Question on Which Campaign Has Been Fought.

Toronto, June 29.—Although showers are general throughout the Province of Ontario today and the weather is raw and disagreeable a splendid attendance marked the opening of the polling booths in what promises to be one of the most interesting provincial elections ever held. The response of the electorate during the morning, despite the inclemency of the weather, is regarded by both political parties as an evidence that the vote polled will be large and representative. Leaders of the two parties are enthusiastic with regard to the result and the organizations developed to get the vote out are leaving nothing undone to make the contest a thorough test of public opinion.

A Unique Campaign.
The campaign, which was of about three weeks' duration, was unique in the history of the province. The Liberal opposition, under the direction of N. W. Rowell, restricted its claim on the electorate to the one issue, that the bars of the province should be abolished, the club licenses cancelled, and the sale of intoxicants confined to the liquor stores. No criticism of the government was offered on other grounds. Credit was conceded to Sir James Whitney and Sir Adam Beck for the policy pursued of providing the people with cheap power from Niagara, and the government's stand on the new workmen's compensation law was not attacked. An effort was made to bring the bilingual question into the limelight, but both parties professed to hold the same idea, that English should be the common language of the schools, and so the issue partially failed.

The Great Issue.
Sir James Whitney and the Conservative party have appealed to the country on their record, and so far as the temperance issue is concerned they have contented themselves with the declaration that any community in the province may have prohibition by means of the local option law, pointing out at the same time that their administration has been just to both sides, no friendliness being shown to the liquor traffic.

The Liberal party have contended that this is not a fact, and the liquor interests are desirous of having Sir James returned in the expectation of favors to come.

To summarize: The Conservatives claim that out of 111 seats, 70 are safe, 11 are Liberal and 31 in doubt. Liberals say that of 111 seats, 49 are safely Liberal, 39 are Conservative and 23 in doubt. At the last election, of 104 seats, the Liberals had 19, not counting Mr. Studholme, the labor representative.

MEDIATION LEGS ARE STILL WOBBLY

Lots of Hope for Success Expressed—Fears Felt for Failure.

Washington, June 29.—Despite continued expressions of hope that the plans for Mexican mediation will not fail, considerable apprehension was shown today in official quarters.

Considerable significance was attached to the fact that the mediation conference plans to take a recess unless there is some definite assurance from Carranza by tomorrow that his agents will meet the Huerta delegates and representatives of the United States on plans for a provisional government outlined in the recent protocol.

Carranza's latest reply to the mediators asking for time to consult his generals who participated in the plans of Guadalupe before agreeing to enter the proposed peace conference was said here not to have reached the mediators, but that it probably would get to Niagara Falls by tomorrow morning.

AFRICAN FARMERS TO TOUR CANADA.

London, June 29.—An extensive tour of Canada and the United States has been arranged for a party of fifty-five South African farmers, recently arrived here under the leadership of Johannes Adrian Nesser, member of the Parliament of the Union of South Africa. Some of the farmers intend to remain in the United States for a time to study fruit farming in California.

KOMAGATA'S HINDUS HEARD IN HIGH COURT

Five Justices Listen All Day to Alleged Faults in Canadian Law.

Adverse Decision from Appeal Bench Means Long and Costly Delay.

Conclusion of Case May Decide Fate of Turbanned Sons of India.

Ottawa and Privy Council Still Left If Adverse Opinion Is Rendered.

Victoria, June 29.—The Hindus' side of the case for the Komagata Maru is being presented to the Court of Appeal today. This morning, Mr. Robert Cassidy, K. C., addressed the court for two hours and he was followed by Mr. J. E. Bird.

The court did not appear to agree with Mr. Cassidy in any of his important points, though no definite rulings have been made. On the other hand, their lordships took issue on some technical points and appeared to lean towards getting at the "common-sense view," as Mr. Justice Gauthier expressed it.

The chief reasons why the Hindu, Monshi Singh, asks to be landed by release on habeas corpus are:

"That he is really a farmer and not an objectionable laborer, though the court of enquiry held by the immigration officials held that he could only be classed as a laborer.

"That Canada can not impose the continuous journey from India clause because Canada can not legislate how a British subject may spend his time before he comes to Canada.

"That the Dominion Government can not more legislate definitely to keep laborers out of British Columbia than they could to keep doctors out of Nova Scotia; in other words, that the prohibition must be nation-wide or not at all."

Victoria, June 29.—The Hindu case reached the British Columbia Court of Appeal today. A decision from the highest court in this province is expected before the end of the week. Commencing at 11 o'clock the five justices spent the day listening to the faults which counsel for the brave men aboard the Komagata Maru found in the legislation which Canada has provided in an attempt to keep the Asiatics out. This legislation is in the shape of orders-in-council which are admitted to have been somewhat hastily passed.

This is the first time important immigration cases have come before the British Columbia Court of Appeal. Previously the regulations were held to be not good law by Chief Justice Hunter of the Supreme Court. The British Columbia Court of Appeal is of course not absolutely final, for the case may yet get to Ottawa, and possibly even to the Privy Council in England. But Mr. J. Edward Bird, chief counsel for the Hindus, fought hard today because an adverse decision from this court means a long and costly delay aboard the already insanitary and overcrowded Komagata Maru.

Many Things May Happen.

If the Appeal Court this week upholds the regulations, a further appeal to the Supreme Court of Canada could not be got on until September and a lot of things may happen to the Komagata Maru by that time. So that while technically there is a further appeal, the fact is that a decision adverse to the Hindus by the present court will pretty nearly decide their immediate fate at any rate. The court sitting today consisted of their lordships Chief Justice Macdonald, Justices Irving, Martin, McPhillips and Gauthier. Forty spectators occupied all the available seats. In court and among them were half a dozen Hindus, all wearing their turbans. They stood, stalwart and stolid, six-footers all of them, when the court crier announced the coming of their lordships. The case today was entitled in re Monshi Singh. That gentleman was not present however. He is still enjoying himself aboard the Komagata Maru.

Counsel Is Wise.

Accompanying Mr. Bird in his appearance today was Mr. Robert Cassidy, a very eminent K. C., who has long been a resident of Vancouver. He is a man of 60. In Vancouver he has frequently spoken in public on various questions, notably that of the False Creek agreements. He is regarded as a very resourceful counsel. Mr. W. H. D. Ladner appeared for the immigration officials. With him as special counsel was Mr. W. B. A. Ritchie. He is a very tall, thin man of about the same age as Mr. Cassidy. He has had a very wide experience as a counsel in both Vancouver and in Eastern Canada. Mr. Cassidy first applied himself to

(Continued on Page 4.)

Members of Austria's Fated Royal



Archduke Franz Ferdinand of Austria, his wife, Sophie, Duchess of Hohenberg, and their children.

IRISH CONSTABLES LEAVE THE PRCE

Fear They May Be Called upon to Shoot Their Compatriots.

How the Lords Are Likely to Amend the Amending Bill.

(Special Copyright Cable to the Vancouver Daily Province and Montreal Star)

London, June 29.—Londonderry with its mingling of eager Nationalists and Orangemen is the one possible storm centre, which the Irish authorities keep anxiously watching. There, as elsewhere, the executive is being embarrassed by resignations from the Royal Irish Constabulary, especially by Protestants. One of the newly-resigned officers says: "I see nothing but trouble ahead in Ireland. We Protestant constables know we will be ordered, sooner or later, to fire on Protestants who withstand us in our efforts to maintain the law. If we wait until then to resign, we shall be guilty of refusal to do our duty, and shall be dismissed without character. By resigning now, we receive a certificate of conduct and service which will be accepted in Canada, Australia or England." The writer goes on to express the belief that within five years the Royal Irish Constabulary will be exclusively a Roman Catholic force, save for about five per cent of Protestants. These latter will be men of long service who are compelled to cling to the service for the sake of their pensions.

WINDERMERE.

London, June 29.—Lord Lansdowne, Unionist leader in the House of Lords, intends supporting the second reading of the Home Rule amending bill on Wednesday. Owing to Lord Wills' amendment to the bill, it is certain that a vote will be taken. The Unionist peers, however, are pretty certain to allow the second reading. Committees of peers are already drafting amendments. The opposition, officially will seek to remove the time limit and extend the exclusion proposal to the whole of Ulster and will also insert provisions reserving the postoffice to the Imperial Government, and taking away all power to vary the customs. The entire omission of any reference to this much canvassed question is one of the most curious features of the amending bill. It is probable that in this matter, the government will accept the opposition amendments or a modification of them.

Empress of Ireland Fund.

London, June 29.—The Empress of Ireland fund has been increased to \$42,000 while the Liverpool fund has reached \$22,000.



Archduke Franz Josef of Austria, now heir presumptive, and his little son, Archduke Franz Josef Otto, Karl Franz, nephew of the aged Austrian Emperor.

TEDDY BELS "BULLY"

Former President Mounts His Horse for Lo Canter.

Oyster Bay, N. Y., June 29.—"I feel bully, just bully," said Col. Roosevelt today as he mounted his Persian gelding and started with his son Archie for a long ride.

The Mard Fund

Acknowledged	\$991.98
Sympathizers	7.00
Friends	2.00
Billy, Jeffy and Stuart	3.00
J. B. B.	2.00
Frederick C. Dunlop	1.00
B. M.	3.00
	50
Total	\$1010.48

KING IS NO

Denial of Report That

Canada New
(Special Copyright Cable Daily Province and Montreal Star)
London, June 29.—erick Ponsonby, assis retary to the King, contradicted a report p dian journals, appar York authority, tha Quaker intend to visit Australia, returning v autumn or early win Col. Ponsonby says: "The question of the dominions has cussed by the King, present no decision h at."

FUGITIVE HID IN POINT GREY STUMP

Nick Pistola Was Determined
Not to Be Caught by the
Vancouver Police.

After Living in a Hollow Tree
for Months He Was Caught
by Detective Ricci.

After hiding four months in a cave hollowed out beneath the roots of a great stump in the woods of Point Grey, Nick Pistola, an Italian wanted for an alleged murderous assault on a fellow countryman, on February 1, was arrested yesterday afternoon by Detective Joseph Ricci and Sergeant Walker of Point Grey. Detective Norman McDonald, of the city force also assisted in the preliminary steps to the arrest.

The pursuit and capture of Pistola reads like the pages of a dime novel detective story. Pistola and a number of other Italians were drinking in an East End house and it is alleged that a dispute arose between him and Dominic Caperto. They exchanged blows and it is said, Pistola in a passion drew a long-bladed knife and stabbed the other man five times in the abdomen. He immediately made his escape and the injured man was taken to the hospital where for a time his life was despaired of.

Detective Ricci was assigned to the case, and was told to effect the arrest of Pistola. For two days Ricci searched for the man in the city and was then told that he had escaped from Vancouver and was in hiding at Cloverdale. Ricci went to that place and securing a sleigh drove night and day about the vicinity visiting every possible place where he might be secreted without result.

It was claimed that the man had made good his escape to United States, but Ricci continued his search and a few days ago became convinced that he was still in the vicinity of Vancouver. On Friday night he set himself to watch the home of the accused man.

Disguised as Hindu.
He disguised himself as a Hindu and loitered about the place, until early yesterday morning, when just before daylight Mrs. Pistola emerged from the house with a basket on her arm. Ricci signalled to Detective McDonald and they set out to follow her.

After following a circuitous route the woman led them to Point Grey, but the officers kept doggedly after her. Ricci in the disguise of a Hindu, was able to keep fairly close to her, and although she noticed him she did not suspect that it was the detective whom she was in so much fear of. She went through Kitsilano and out the Marine drive. About 10 o'clock she disappeared from the road into the woods, and Ricci noted the place. The two officers then returned to the city, and Ricci adopted another disguise, this time that of an Italian navy. He secured the assistance of Sergeant Walker of the Point Grey police, and together they went to the place where the woman had disappeared into the woods.

Picking up the trail they followed the scarcely visible path that she had used. It was a difficult task moving about through the woods without making a noise. The greatest care had to be taken to avoid stepping on any dry twig or branch, which in breaking would alarm the man they were seeking. After following the zig-zag trail for several hours they finally came upon the man they were in search of.

Caught His Man.
Pistola and his wife were sitting at the mouth of his cave talking. Ricci sprang in front of him, and before he could do anything had him under arrest.

"You are a devil or else you would not have found me," hissed the fugitive, who then explained how he had been living. He had burrowed beneath the stump roots and after hollowing a hiding place, had it lined with oil cloth which his wife brought him, and with a supply of blankets was able to sleep quite comfortably in the place. Two or three times each week during the night his wife would bring provisions to the end of the trail and as soon as it was light she would bring them in to his hiding place. After remaining with him during the day she would return home under cover of darkness.

In his cave were found five loaves of bread, butter, canned goods and other provisions and a plentiful supply of tobacco.

Pistola appeared in the Police Court this morning and was remanded until July 2, when the evidence against him will be heard.

KOMAGATA HINDUS HEARD IN HIGH COURT

(Continued From Page 1.)

the point that Munehi Singh had been rejected because he did not have \$200 on his arrival in Canada.

Must Have \$200.
Chief Justice MacDonald—Do you mean to say that while this was not a reason for allowing him to land, it was at the same time not a sufficient reason why he should be deported?

Mr. Cassidy—Not exactly that. My point is that the limit of authority is that "immigrants and tourists" who otherwise could not land would require a special permission to land, the Governor-General is authorized to provide prohibition unless he has the \$200 mentioned. Instead we argue that the order is bad because it includes tourists as having to be provided with this money.

given by Parliament to do this. The act said that they must all have a prescribed minimum amount of money. Coming to the regulations the order in court was aimed distinctly against immigrants of the Asiatic race.

The act says every immigrant shall possess \$200. Mr. Cassidy argued that it was not good to vary the treatment for Asiatics only.

Must Be Here First.

Justice Martin—Simply because it does not apply to tourists as a whole you argue that the regulation is bad?

Mr. Cassidy—Quite so.

Mr. Cassidy next referred to section 23 of the regulations.

The Chief Justice—Your point is that they can not deal with the case. If the subject has come to Canada that every case must be met on its own basis?

Mr. Cassidy—Precisely. The immigrant must come to Canada before he can be dealt with.

Justice Gallaher—You argue that Parliament can not make a general order. When a man comes his case must be dealt with then, and not before?

Mr. Cassidy—Yes. My point, too, is that the statute says nothing on this. It is the governor-general-in-council who inserts the provision about continuous journey. We contend he can do this only from day to day as cases arise. It would be all right for Parliament to do this, but the distinction here is that Parliament did not definitely declare against continuous journey. This proposal is new with the governor-general-in-council. Parliament gives the right to the governor-general to make certain specified regulations but the continuous journey proposition is not among them.

Mr. Ritchie said he would take the preliminary objection that under section 23 the present court could not review the evidence submitted to the court of enquiry of which Mr. M. J. Reid of Vancouver is chairman.

Mr. Cassidy referred to the Thaw case. He argued that surely the rights of the subject to appeal to courts on fundamentals was unquestioned. There is no way an enactment can take away the right of appeal against a faulty hearing.

Mr. Justice Irving—We dealt quite fully with that in the Point Grey case.

Mr. Cassidy, in the instance Munehi Singh, says he is a farmer, but we have a gentleman named Hopkinson who looks him over and does not believe him. Hopkinson believes that he is a laborer. It is a deliberate misfinding when the immigration board decides he is a laborer when the only real evidence is the statement of the man that he is a farmer.

The chief justice did not think it could be regarded as a deliberate misfinding and Mr. Cassidy withdrew the deliberate.

Mr. Cassidy then quoted from Munehi Singh's testimony before the court of enquiry with regard to his farming experience. The Hindu said he was a farmer owning several parcels of land worth \$500 in his native village.

The Onus of Proof.

"On this evidence," said Mr. Cassidy, "they decided he is a laborer. How they decided that I can not understand when this man has done no other work in his life except work on his own farm. It is impossible that they can find that he is a laborer."

Justice Irving: "The onus of proof is on this man to prove that he is not a laborer."

Mr. Cassidy: "Yes, but here, this man says he is not the kind of person the act is designed against."

The Chief Justice: "To commence with, it is assumed that the man is a laborer."

Mr. Cassidy: "Yes."

The Chief Justice: "But the board refuses to believe him. How, then, can you suggest that we can review that in this court?"

Justice Gallaher: "This Hindu does

not present any documents. The authorities see that he has no money to buy land and do not believe his statement that he is a farmer. Is that a case where this court can say that the board acted without jurisdiction? If that man's story that he was a farmer was true, why not call Gur-dit Singh to corroborate him."

Mr. Cassidy—He had \$30. He was afraid he might be looted so he did not bring more.

Justice Gallaher—That would not go far in buying a farm in British Columbia.

Justice Martin—Did he bring any credentials or titles to land?

Justice Irving—Common sense would tell us, that no man could do much here as a farmer until he worked for a while as a laborer.

Mr. Cassidy continued to insist that the man was not compelled to carry all his money with him.

Presents Strong Argument.

After the noon adjournment, Mr. Bird addressed the court on behalf of the Hindus. He presented a very strong argument in support of his claim that the Federal order-in-council prohibiting the entry of "workmen or artisans" for the six months following March 31 last, was unconstitutional from the point of view of the British North America Act. He insisted that it was quite certain that under section 95 (British North America Act) that the various provinces of Canada have full jurisdiction in provincial affairs and he argued that when the order-in-council, as in the present instance, referred to a particular province through parts of that province, then the Federal authority was exceeding its jurisdiction.

"It is begging the question to say that these ports are also ports of Canada, where the order-in-council definitely describes them as ports of entry in British Columbia," went on Mr. Bird. "This legislation singles out British Columbia. If permitted to stand it might result in a very serious condition."

"Assuming, for the sake of argument only," continued Mr. Bird, amid the broad smiles of the court, "that British Columbia is controlled by a Liberal Government, and that a Conservative Government at Ottawa got into such a condition of bitterness towards British Columbia that they determined to punish the Pacific province. If this order-in-council is good in law then the government could by process of order-in-council singles out British Columbia for punishment by refusing to allow classes of immigrants to come here which the necessities of British Columbia demand."

Principal Argument.
"It seems to me, and this is the principal thing, I argue, that the order-in-council can deal only with alleged requirements or the prejudices Canada as a whole. It is the climate and general requirements of Canada which the Federal Government have to consider. Not the climate or the of the Province of British Columbia. In singling out British Columbia I contend that the government has acted unconstitutionally."

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In this connection I go further for I notice that the order prohibits the entry of certain men. They have no right to legislate against laborers and artisans, skilled and unskilled laborers as the order has it. They can only apply the general objects which the act imposes—that to be a good immigrant under the law a man must not be mentally or physically defective, criminal, procurers, beggars, etc.—objections which apply to all Canada, not alone to British Columbia.

Had Given Careful Thought.
Mr. Bird showed he had given a good deal of careful thought to the paragraph in the regulations which the officials are using against the Hindus and which provides that a "good" immigrant must come to Canada by continuous journey. Briefly his objection to this clause was the proposition that the Parliament of Canada could not possibly have anything to do with how one of the King's subjects spent his time while not at present in Canada. "It was a clever point and it may have quite a bearing on the present litigation."

"You may as well say that the Parliament of Canada has power to expel British subjects residing in other parts of the King's Dominions," argued Mr. Bird.

"The B. N. A. Act gives Canada authority not over the land, but over the King's subjects in Canada, identified by the fact that they do reside here. I argue that laws passed in Canada can not possibly apply to extra-territorial. They can not possibly be made to effect subjects of the King residing beyond the limits of Canada. When the issue is between the Canadian people or government on the one hand, and British subjects residing outside of Canada on the other hand, the powers of Canada are limited by powers granted to other authorities in the Empire. If, therefore, a Canadian act assumes to control the movements of British subjects outside of Canada, such as dictating to him and penalizing him for not making a continuous voyage, this legislation should be declared void as extra-territorial, as

trying to restrict his actions while outside the limits of Canada. Whenever the Parliament of Canada attempts to deprive a British subject residing in some other British country of a right belonging to him by law of nativity, and of which it is impossible for him to divest himself, such a law should be void, ultra vires, as encroaching upon rights which the sovereign himself is bound to protect."

That Kupoff died by his own hand now seems certain in the light of new evidence unearthed by detectives working on the strange case of the Russian witness who, after being threatened with death, was found wounded to death in a cheap rooming house. A Russian, a friend of the deceased, was located by detectives on Saturday afternoon, who said that he knew Kupoff was armed with a revolver similar to the one found at his side. He could not identify the revolver but was positive as to one of the bullets. Kupoff, he said, had showed him the revolver several days before his death and had remarked upon the make of the particular cartridge which was unlike the others in the chamber.

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Geo. M. Cohan's Latest and Best.
PRICE—Evenings, 25c, 50c. Matinee Wed. Tuesday and Saturday 25c, any seat.

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ALL THIS WEEK
Edmund Breese in
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SPECIAL SUMMER PRICES.
MATINEE—Admission 10c. Boxes 25c.
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ORPHEUM THEATRE
The World's Best in Vaudeville.
Matinee Daily Twice Nightly
3:00 p.m. 7:30 and 9:15
15c and 25c. 15c, 25c and 50c.
Seats Reserved One Week in Advance.

Holiday Specials

BABY CARS

Durability, comfort and value are the chief features of our Baby Car SPECIAL FOR TUESDAY. This is an English-made carriage, regularly priced at \$35, but for holiday trade we will sell for \$29.50. It is a spacious and roomy car, made by manufacturers of vast experience, and designed to give baby lots of comfort. Has large shock-absorbing springs, adjustable hood, rubber tires and is handsomely upholstered. If your child must ride in comfort you can not do better than \$29.50 inspect this car

GO-CARTS
We have a new shipment of the

Men's Silk Pyjamas \$3.00 Suit
Regular \$5 a suit. The silk pyjamas offered at this store are perfect fitting and beautifully tailored. The silk is of a very durable quality that washes like linen. All good plain colors and stripes.

Japanese Towelling Cloth
Made into runners for tables or dressers. It is printed with typical Japanese figures and designs and hemmed neatly at the ends. They are 30 and 36 inches wide and in length they run up to 63 inches. Regularly sold up to 35c. On sale now at, each 35c

20c, 30c, 35c Cotton Crepes, 15c
These come in many good pat-

Pure Silk Underwear FOR LADIES
This is by far the finest silk underwear we have ever been able to get. It is stronger and better wearing and woven from longer fibre silk than any we could find previous to this season. It is made with either no sleeves and bloomer drawers or with short sleeves (about two inches long) and bloomer drawers, double woven under arms and at drawer openings. The regular price of this underwear is \$9.50. On sale now at ... \$5.95

\$1.75 Pure Silk Hose 95c
In black and colors. The hose we offer our patrons are exceptionally durable.

248 Crepe Kimonos at \$1.00 Each
These are our regular \$1.50 and \$1.75 ones. Made of real Oriental crepe, silk faced and perfect fitting. The Empress just arrived brought us 400 new ones, and they are on sale at ... \$1.00

Kimonos and Mandarin Coats
These are all new styles and have been in the store only a week or two. They are different and better than any you have seen this season. The patterns,

Men's Silk Pyjamas \$3.00 Suit
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