

TEMPORARY INSANITY PLEA TO MURDER CHARGE

Trial of James Atkinson, Accused of Killing Milo Bankes, Will be Conducted Today in the Supreme Court—Prosecution Has Finished.

(From Thursday's Daily.) The trial of James Atkinson, charged with the murder of Milo Bankes at the home of the latter in Shamrock Valley, September 22nd last, was terminated by H. H. Robertson, counsel for the accused, near the close of the afternoon session yesterday.

In the supreme court, Mr. Robertson said that while he did not care to disclose his defense right then, he wanted medical experts to examine Atkinson's eye with a view of determining whether or not the injury to the optic nerve effected, was the result of the blow received at the hands of Bankes just prior to the fatal shooting.

The examination of Atkinson's eye will probably be made some time before court opens at 10 o'clock this morning, when the testimony will be favorable to the theory of the defense as tending to show temporary insanity at the time of the shooting.

Miss Robertson told Justice Simons that the defense would in all probability conclude the side of the case by noon today. The prosecution may summon witnesses in rebuttal, and the finish of the case is expected to consume the remainder of the day.

Trial Resumed in Afternoon. The testimony of George E. Dodes, the first witness called, was taken up upon the trial being resumed yesterday afternoon. On cross-examination counsel for the defense took the witness over much of the same ground covered in direct examination by the crown prosecutor.

Miss Victoria Villebrun, the next witness called, was inclined to shrink from the gaze of a crowded court room and it was apparent from the outset that testifying at a murder trial was highly distasteful to her.

Miss Villebrun testified that she was at home in Regina, August 27th last, to attend Mrs. Atkinson, wife of the accused, during her sickness. She was rebuffed Dodes upon points touched in his testimony, with reference to Bankes calling at the Atkinson home about 1 o'clock on the afternoon of September 11th; of their friendly talk in the kitchen; of Atkinson and Bankes going outside to shoot at a target; and of their subsequent disappearance for a while in the tent, a short distance from the house.

Miss Villebrun recalled that Atkinson finally came into the house and got his rifle, which was hanging on the wall, at the same time mumbling something to the effect that he would shoot Bankes if the latter did not leave the place.

Justice Simons wanted his exact words, not what the witness understood them to be, and she was more explicit in her statement, quoting Atkinson's threat.

On cross-examination the witness said that she started to run over to Noble's house, an adjoining farm, after the shooting, when Atkinson commanded her to return her to the steps. She did, Miss Villebrun testified that Atkinson acted like a "crazy man, before and after the shooting. His eyes were swollen, one of his optics bearing the appearance of having been nearly traumatized by a blow.

Bankes Died in a Chair. Arthur Martin, a good-looking Frenchman, whose knowledge of the English language was so limited that an interpreter was sworn in, testified that Bankes came to the home of Mr. Savard, with whom both were employed, shortly after the shooting.

Bankes' face was covered with blood, which was flowing from his mouth and two wounds on the sides of his face. Martin hastily summoned Mr. and Mrs. Noble and they did everything they could for Bankes, who was unable to speak. Bankes died an hour or so later sitting in a chair.

Mr. and Mrs. Noble gave evidence to the effect that they saw Atkinson in the evening following the shooting and he appeared to be in a jovial mood. He never mentioned anything about the tragedy. Both witnesses declared that Atkinson's general reputation in the neighborhood was good and that he was not quarrelsome.

Physician Examined Body. Dr. Herbert S. Monkman, of Vegreville, testified that he examined Bankes' body on September 12th, and found a bullet wound on the left jaw, which was broken. The bullet passed through the mouth and came out on the right side of the neck.

The witness said that Bankes' kidneys were considerably congested, and Mr. Robertson, on cross-examination, asked it it were not possible that this might have caused death instead of the bullet wound. Dr. Monkman replied that it was possible, but not probable.

Constable Alfred J. Calow, of the mounted police force, told of placing Atkinson under arrest on the night of September 12th. Atkinson surrendered quietly and expressed entire willingness to accompany the officer.

Calow testified that he found two small holes in the tent, where Bankes was shot. Pointing to a rifle hanging on the wall of the house where the family resided, Atkinson was quoted by the constable as saying that it was the gun with which he shot Bankes.

Prosecution Rests Its Case. The prosecution rested at this point, and the taking of testimony for the defense began. August Frenchchild, a young Cree Indian, through the aid of an interpreter, told of coming in from his reservation home, ten miles distant, September 11th, for a visit with the Atkinsons. He was an eye-witness of the tragedy and gave evidence quite similar to that of Dodes. The Indian said that the man who was killed started the trouble, striking Atkinson twice. Both men fell to the ground with Bankes on top.

Extension of Water to the Burns' Plant. City Council Last Night Decided to Grant the Request—To Protect and to Improve the Health of the City and to Increase the Value of the Property in the Area.

(From Wednesday's Daily.) The city council last evening decided to grant the request of P. Burns & Co. for the immediate extension of the water, light and telephone system to the new plant which they are erecting beyond the northern limits of the city.

The application of the company for special rates was referred to the industrial committee for consideration and report. Mr. Alexander, chairman of the committee, reported that every effort would be made to complete the necessary excavation before winter and that it was expected that the building would be completed by August 1st, 1912.

The G.T.P. Development Co. having asked that the approval of the legislature be secured to the bylaw granting special privileges to the company in view of the erection by them of a hotel on McDougall Avenue, the council instructed the city solicitor to take the necessary steps to comply with their request.

The object of the extension of the water, light and telephone system to the new plant which they are erecting beyond the northern limits of the city, is to increase the value of the property in the area and to improve the health of the city.

The extension of water and sewer to the west half of block 22, River lot 12 was accepted. This lot forms part of a block of property adjoining the railway and the water main on the south side understood to be required by the company for a site for the erection of freight sheds.

A suggestion of the city solicitor that standard forms of lease or agreement be drawn up for the proposed making such provision as shall provide a guarantee that the land will be used for the purposes for which it was referred to the industrial committee for report.

MANLEY CONSTRUCTION CO. IS AGAIN ON CARPET

City Council of Strathcona Speak Strongly on Work Being Done by This Company—Criticism by Water and Sewer Superintendent.

(From Wednesday's Daily.) The sewer work being done by the Manley Construction Company was once more the prime subject at Tuesday night's meeting of Strathcona city council.

Superintendent J. W. Turner, of sewers and waterworks, was present with a complaint that one of the foremen of the company was laying the sewer line in a very unsatisfactory manner on Second and Fourth streets west and on Rupert street.

This started the fireworks, and in the twinkling of an eye the city fathers were finding piecemeal the history, past and present, of the Manley Construction Company.

Mr. Turner asserted that the pipe had been laid in a very improper manner in the one instance where he was aware. He stated that a young and incompetent foreman was in charge, who was covering up his trenches without the required formality of an inspection.

"In all my experience," said the superintendent, "I have never seen work done in such a slipshod and easy-going manner as this."

This was proved in time past one of the favorite topics of the council, and no sooner had Mr. Turner made his announcement than the council was as lively as a nest of hornets.

Alderman Richards stated that he had heard that many of the joints were being put in with clay, instead of the regulation cement. Mr. Turner stated that he also heard the report, but could not vouch for its veracity.

City Engineer McLean informed the council that Inspector Ogilvie denied the charges. All the work that had been done under the master's supervision was alright.

"I would like to place myself on record," said Mr. Turner, "that this kind of work shall not go on, not even tomorrow. The company appears to be able to do just as they please."

"A Dirty Shame," Says Ald. Richards. "It's a dirty shame that these people have held up the way they have and done the class of work they are. It will mean a law suit when it is done and we might as well have had the law suit three months ago, by taking the work over."

"It's time we were getting down to work and seeing the hands of the payers at a reasonable figure any board walks not in existence over four years at a price fixed by the city engineer. This matter holds in cases where cement walks take the place of the old board walks where the latter had to pay double the price."

"I think the matter is serious," said Alderman Calder, "that the pipe which has already been laid should be dug up and relaid if necessary."

Immediate Action. Alderman Richards proposed on a motion of Alderman Rankin and Calder, instructing the city engineer to inform the company that it must cease covering up its work until inspected by Mr. Turner, and that the matter be referred to the sewer and water committee for immediate action.

There were present at last night's meeting Mayor J. G. Stewart, Aldermen Rankin, Loughlin, Richards and Calder. The council adjourned at 11:15 p.m. after another meeting on Thursday night.

Correspondence. A communication was received from the Union of Municipalities inviting the Strathcona council to send representatives to the annual meeting in Macleod, October 25 and 27. The letter was filed.

Deputations. Mr. Thompson, representing the National Paving and Contracting Co. of Winnipeg, extended an invitation to the council to send a delegation to the city of Winnipeg to inspect the quality of paving laid by his firm, in view of the large program which is contemplated next year.

Mr. Carter asked that Tenth street west be widened to the city limits. This would then give connection with the new road to the south of this, which would be a great benefit to the city.

A petition was received, signed by a number of ratepayers, asking for the extension of the electric light system on Fifth street east from Sixth avenue south to 13th avenue south. Referred to the electric light committee.

The Exchange of Parks. The special committee appointed last week to investigate the offer of the Canadian Land Co. owners of the Allandale Estate, to exchange six blocks of land north of the city as a park for the present two blocks owned by the city, known as Allandale Park, presented a report recommending the acceptance of the offer.

The report also recommended that the city engineer go over the property before the offer is finally accepted. The report was laid on the table for a week, until the engineer's report is received.

The public works committee appointed last week to investigate the offer of the Canadian Land Co. owners of the Allandale Estate, to exchange six blocks of land north of the city as a park for the present two blocks owned by the city, known as Allandale Park, presented a report recommending the acceptance of the offer.

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Widening of Main Street. The public works committee submitted a report on the widening of Main street from University avenue to the Allandale property. The committee recommended that the street be widened by the city as it would entail a large expense to the city.

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A Good Gravel Supply. Aid. Rankin on Behalf of the Public Works Committee, Informally Reported that a permit had been received for a large block of gravel along the river, east of the city and recommended that teams be secured and that as much gravel as possible be hauled out at once.

The public works committee was authorized to enter into negotiations for the purchase of lot 29 and block 40 for the opening up of Ivy street.

A Clean Bill of Health. The medical health officer presented a comparatively clean bill of health for the city. At present there are only eight quarantine cases, seven of measles, and one of diphtheria.

Secret Lights Needed. Under the head of enquiries, Ald. Rankin asked what was going to be done in regard to the new street lights needed throughout the city.

"Amalgamation is at hand," replied Ald. Richards, chairman of the electric light committee. "The city of Edmonton has just discarded a system similar to the one we are putting up, and it seems to me it would be a mistake on our part to install a large number of new lights. The Strathcona system will have to come out in time, but the best way for a better system."

A Typical Homeowner. Looking like the typical homeowner, Ald. Rankin assumed no airs and was entirely natural to him. Atkinson went to the witness stand about eleven o'clock yesterday, and was guided by his counsel, H. H. Robertson, gave his own version of the tragedy in which he was the chief figure.

He said that up to that date nothing had ever marred the friendly relations existing between Bankes and himself; that when Bankes called about dinner-time they chatted pleasantly in the modest little house where he resided with his family, and he was not at all surprised when Bankes produced a square bottle containing whiskey and they had a drink; that they shot at a few targets, later in the afternoon, and then returned to the house. There they drank a number of times. Finally Bankes, who had been drinking, became boisterous and used foul language.

Bankes Used Foul Language. Atkinson's visitor to desist, remarking that he should not use such language in the presence of ladies and children. Bankes, however, continued to act in an insolent manner, and Atkinson urged the witness to get up and defend himself. He was engaged in a scuffle and Bankes knocked Atkinson down.

While in this position, the defendant said, Bankes tried to gouge his eyes out and did succeed in injuring him badly. After that he did not remember what happened.

Atkinson Did Not Remember. Atkinson declared that he had not the slightest recollection of any such scene. He remembered, however, that he was in the house and getting up to defend himself. "After shooting into the tent, don't you remember," he demanded, "the girl, Victoria, running to the house as she was running away from the scene?"

Atkinson remembered nothing of the kind, while he admitted that too much whiskey left him in a peculiar condition. He stated that he was in the house and getting up to defend himself. "After shooting into the tent, don't you remember," he demanded, "the girl, Victoria, running to the house as she was running away from the scene?"

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JAMES ATKINSON TELLS HIS STORY OF THE CRIME

Alleged Murderer Declares He Has Absolutely No Knowledge of Shooting His Friend—Recalls Drinking With Him and Also a Tussle Which Ensued.

(From Thursday's Daily.) "It seems like a dream; he struck me and I was the one who was gouged my eyes out. After that I knew nothing, and did not realize anything until some time that night."

Standing in the witness box and testifying in his own behalf before six jurors in the Supreme Court this morning, James Atkinson, charged with the murder of Milo Bankes, a neighboring farm hand, in Shamrock Valley, on the night of September 22nd, spoke earnestly and, as far as appearance was concerned, truthfully, of circumstances attending the tragedy in which he was the chief figure.

He said that up to that date nothing had ever marred the friendly relations existing between Bankes and himself; that when Bankes called about dinner-time they chatted pleasantly in the modest little house where he resided with his family, and he was not at all surprised when Bankes produced a square bottle containing whiskey and they had a drink; that they shot at a few targets, later in the afternoon, and then returned to the house. There they drank a number of times. Finally Bankes, who had been drinking, became boisterous and used foul language.

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WILL PUT ALL THEIR PROPERTY ON MARKET

Hudson's Bay Co. Have Decided to Subdivide and Offer for Sale Their Estate Holdings in the City for a Park.

(From Wednesday's Daily.) Following upon the announcement that one thousand acres of the Hudson's Bay reserve in Edmonton would be surveyed and placed on the market in the near future the rumor is current in well-informed circles that the company will place on the market every acre of land now owned by them within the city's limits, and it has been stated upon excellent authority that they will offer to the city for park purposes at its assessed valuation the whole of the property below the hill now used as a golf links.

Driscoll & Knight are at the present time engaged in making a survey of the company's land and Land Commissioner Thompson, of the Hudson's Bay company, is in the city. The board of directors of the company will meet in London, England, on November 2nd, when it is practically certain that the necessary action will be taken which will place upon the market all the company's land holdings in the city. This, Skinner, deputy governor of the company, and Leonard Conliffe, member of the board of directors, were in Edmonton recently and are now on their way east from Vancouver to London, where they will attend the meeting on Nov. 2nd. Action will be taken on their recommendation and it is stated on good authority that the board of directors of the company is that which has been predicted.

A Great Opportunity. The offer to the city of the golf links property for park purposes at the assessed valuation which presents an opportunity which is likely to be seized by the ratepayers. If advantage is taken of this offer Edmonton will be placed in possession of one of the most beautiful natural parks in the Dominion.

Several unsuccessful attempts have been made by the city council to induce the company to set a price on the property. The last attempt was made a few months ago when the company stated that the land was not for sale at that time, but intended that at some time in the near future an opportunity might be given to the city to acquire it. The assessed value of the land is approximately \$300,000.

It is an opportunity which we cannot afford to miss," said one prominent city official when the subject was being discussed. "Only a person lacking all regard for the future needs of the city would object to the expenditure, large as it is. Edmonton has already a reputation as one of the most beautiful cities in the west. The possession of such a park would give us an attraction unsurpassed by anything to be found in any other city in the Dominion."

The proposed action of the company is very generally regarded as a vindication of the city's policy of system of taxing land values adopted by this city in 1904. The primary object of the policy was to induce the owners of such land to improve their property, the burden of taxation imposed on their land has been equal to that on neighboring improved land.

The amount of the taxes contributed by the company to the city treasury during the present year was more than \$80,000.

Alberta Will Get Next Dry Farming Congress. Lethbridge Sure to be Meeting Place in 1912—Alberta Again Captures Grand Challenge Trophy for Best Exhibit of Grain and Grasses.

Bulletin Special. Colorado Springs, Colorado, October 18.—Lethbridge, Alberta, represented here by a big delegation, headed by the Hon. Duncan Marshall minister of agriculture of Alberta, has secured the Seventh International Dry Farming Congress with its associated conventions, the International Congress of Farm Women and the International Conference of Agricultural Colleges and Experiment Stations.

The Canadian delegation came down to Colorado Springs a hundred strong by special train from Lethbridge. In their successful effort to land the convention for Alberta they were supported by the Colorado Springs delegation, in return for support given this city at Spokane last year, and by the Spokane, Salt Lake and other delegations.

Alberta has also established its right to be the place of meeting of the International Congress by winning for the second time in succession the grand challenge trophy for the best collective exhibit by any state or province. The grand challenge trophy is a silver cup valued at two hundred and fifty dollars. Olds homa ran Alberta, a close second in the race for this premier trophy of the Congress.

The award was made on the following basis: Arrangement of display, 25 per cent. Quality of exhibit, 45 per cent. Twenty-two first prizes, four second and two thirds were captured by the exhibits of Mr. Baxter, gardener of the Alberta government. Mr. Baxter also won the highest award in vegetable classes, gold medal and silver cup.

Arthur Perry, of Cardston, won 18 first prizes, 8 seconds and 2 thirds with his exhibits of grains and grasses.

Four Killed in Explosion. Rigaud, Quec., Oct. 19.—An explosion occurred here this morning at the Curtis Harvey Explosive Co. plant in the black powder department. Four men were killed. The name of the victims are Nap Castorany, Eugene Senechal, and Wilfrid Malette. Saveny and Malette were married the later only three weeks ago. The cause of the explosion is not yet known. It is possible it never will be known.

Governor for Brandon Jail. Brandon, Oct. 18.—It is stated on reliable authority here today that T. McParland, governor of Brandon, has resigned and will later be appointed permanent. Wm. Wilson, a prominent Conservative here, is mentioned as a possible successor.

If you have young children you have perhaps noticed that distemper, influenza and their most common ailments are their most common ailments. To protect them you will need Chamberlain's Cough Remedy. It is pleasant to take and is a positive relief. For sale by All Dealers.

WATERS' UNION CONDEMNS ACTION OF BRICKLAYERS

Strongly Worded Resolution Passed by Hotel and Restaurant Employees' Union Condemning Bricklayers' Union for Engaging Japanese to Cater for their Annual Banquet Last Monday.

(From Thursday's Daily.) At a special meeting of the Hotel and Restaurant Employees' Union, Local No. 55 held on Tuesday, attention was drawn to the fact that, at the Bricklayers' Union Banquet held in the Mechanic's hall on Monday evening, the catering was done by the Japanese Restaurant people, known as the W. Paul Cafe, whose wipers are non-union.

The following resolution thereupon moved and unanimously passed: