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EDMONTON NEWS

LOCAL.

Hugh Irwin, a prosperous farmer of Agricola, presented the Bulletin Friday with several heads of fine six-rowed barley which is ripe enough to cut. The barley averages sixty grains to the head.

Rev. T. Dewhurst, assistant to Rev. A. S. White, in the mission work of the Anglican Church at Fort Vermilion, on the Peace River, 700 miles north of Edmonton, is in the city for a brief visit after his first year's experience in the north.

H. Bragg, vice-president and managing editor of the Canadian Municipal Journal and Telephone News of Montreal, is in the city today. He came west to attend the municipal convention at Regina and is making a tour of the West before his return home.

JohnForbe s thinks there is reason for alarm at the attack which is being made on the wild cherry trees by some unknown grub. The fruit is most subject to attack, the insect operating by eating its way into the heart of the cherries and causing it to wither.

At the Methodist parsonage, Innisfree, on Wednesday, August 4th, Almon C. Hamilton, of Edmonton, was united in marriage to Miss Minnie Sherman, of Toronto. The pastor officiating was Rev. L. R Macdonald, of Vegreville. Immediately after the ceremony the happy couple drove to their new home at Viking, Alberta.

RUSHING THE C.N.R. GRADE.

A. W. Gustey, locating engineer of the C.N.R. on the Vegreville-Calgary line is in the city Friday and registered at the Alberta. He goes south to Stettler this afternoon. Mr. Gustey informs the Bulletin that the grading work on the C.N.R. branch is finished as far as Camrose and his outfit is now being moved to Stettler.

PARTY HAS HARD LAY OUT.

J. Welsh who went down the Athabasca some time ago with A. W. Ponton's survey outfit has returned. He reports Mr. Ponton and his party s having a hard time of it to make headway in their attempt to cut their way to the 5th meridian. They ran short of provisions and had to strike back for the river with all speed. They were practically out of supplies for three days before they got a little flour, etc., from Mr. Cameron's outfit that went down the river. When Mr. Welch left him, Mr. Kelly, of the H. B. Co., to come down so at he could get a further supply of provisions before making another attempt to get through.

MARRIED IN WASHINGTON.

(Saturday's Daily.)

A Sound Bend, Wash., newspaper of recent date contains the following item relative to the marriage of a prominent Edmonton business man: "The first marriage solmnized in the new Presbyterian church took place on Friday, July 30th, the pastor Rev. G. William H. Smith, D.D., officating. The contracting parties were Mr. Arthur Archibald of Edmonton, Alberta, Canada, and Miss Alice E. G. Wilson, of Toronto, Canada. The relatives of the bride present were her sister, Mrs. J. H. Davidson, of Dawson, Yukon Territory, and her brother Mr. H. H. Wilson, for many years a well-known resident of this county and at whose home the bridal party met. The customary gift of a Bible together with an engraving of the church were presented to the bride. Mr. and Mrs. Archibald will visit the principal coast cities as far north as Skagway, returning to Edmonton by the 1st of September."

ITALIAN IMMIGRATION OFFICES

Professor Attolico, of Rome, the inspector of immigration to North America for the Italian government, is a guest at the Alberta. Professor Attoloco is accompanied by Dr. Paul Faber, of Montreal, the C.P.R. general immigration agent.

When interviewed by the Bulletin, Professor Attolico, who speaks English fluently, told of the purpose of his visit to Canada. He has visited all the principal eastern cities of the Dominion in an endeavor to ascertain the exact condition of the lobar market for the information of the Italian government.

"There is no great demand in this country," said Professor Attolico, "for immigrants of other than the agricultural class. The evidences of agricultural development which I have met with in the West are simpl yamazing. Industrial development is bound to follow close upon such a wonderful agricultural movement."

Professor Attoloco expects to meet Hon. Sydney Fisher here. The latter was absent from Ottawa when Professor Attolico visited that city.

Professor Attolico is on his way to the coast, where, as he has been informed, he will find a second Italy.

Professor Feview, of Rome, the great historian, who recently delivered a number of lectures at various universities in the United States, and which excited world-wide interest, is a personal friend of Professor Attolico.

Professor Feview ranks with Mommsen as an historian. "He is at present engaged on a monumental historical work," said Professor Feview, "he also contributes weekly papers to 'The Secolo.'" On the completion of his work he will probably visit America again.

CHILDREN RING CALL BELLS.

Many complaints are made by the motormen on the new pay-as-you-enter street cars, that parents allow their children to ring the push bells in connection with each seat. These bells serve in the place of the conductor ringing to stop the cars, and the pressing of the buttons unnecessarily by children is a source of much annoyance, especially when the car is stopped and no one wishes to get off.

PRESS TO MEET HERE.

The sixth annual convention of the Alberta and Eastern B. C. Press association will be held at Edmonton on Thursday and Friday, September 9th and 10th, 1909. Arrangements are being made to have the Hon. Frank Oliver address the convention. J. S. Willison, editor of Toronto News will be in the West about the time of the convention and a strong effort is being made to have him present. Other men of prominence are expected. The program will be a splendid one.

BIG ENGINE ARRIVES.

The big 1,800 horse-power Goldie-McCulloch engine, which will operate the street lighting and power machinery being installed at the power plant, has arrived in the city and is now being unloaded at the power house. The erection of the engine will be commenced at once, and it will be ready for use in September, as stated some time ago. The boilers for this engine are now being installed.

FOUR CARS ON INTERURBAN.

During next week Street Railway Superintendent Taylor is arranging to run four cars on the interurban service. These cars will be in operation every afternoon and evening during the week, and if the traffic is sufficient it is likely they will be kept permanently on the line. The special reason for the four cars is the fact that Parker's Wonderland will exhibit here for the week, and this is expected to make a much larger traffic than usual. The cars will leave Strathcona every 22½ minutes, instead of every 45 minutes, as on the two car schedule.

HALF HOLIDAY COLLAPSES

The Wednesday half holiday started some time ago and for a few weeks strictly observed by almost all the large stores of the city, has gradually been abandoned Wednesday almost every store in the city was open and in another week it is probable that the weekly half holiday will be entirely abandoned for this year. The failure of one or two stores to live up to the terms of the agreement signed by them is given as the cause of the collapse.

WORTHLESS CHEQUES.

The officers of the German club, "Edelweiss," in this city, protest strongly in the interests of the German community against the conduct of a few lads of that nationality in using worthless cheques, thereby swindling not only their own countrymen, but also business men of the city. This baseness is deplored as disastrous to the efforts of the German people to establish and maintain a high reputation as honorable and respected citizens; and they are called upon to co-operate in protecting business men against such unworthy characters.

LOCAL OPTION CAMPAIGN.

Wednesday in the rooms of McDougall Methodist church there was an informal meeting of earnest temperance workers to disuss the advisability of holding a local option campaign in the city of Edmonton.

The majority of those present were in favor of a local option and pledge signing movement. It was decided to call a representative meeting to discuss the question further. An endeavor will be made to have delegates present to represent all the churches and all of the temperance societies in Edmonton. The meeting is to be held at the Y.M.C.A. on Tuesday evening, Aug. 31.

ELEVATOR AT BRUDERHEIN.

A. J. Clark, of Minneapolis, builder of grain elevators and mills, closed a contract with the Gillespie Elevator Company yesterday, for the construction of a 30,000 bushel elevator at Bruderheim. The structure is to be equipped with all modern machinery and fixtures and will be completed within three weeks after the material is on the ground. Fifteen men will be at work until the job is completed.

Bruderheim is an important place on the C.N.R. which hitherto has not had any elevator accommodation. A petition with sixty signatures from farmers in the community had been forwarded to the railway company for an elevator at that point, with the result that several competing firms were prepared to build there. The Gillespie Grain Company will build the elevator which is the sixth which the company has on the C.N.R. line.

Mr. Clarke has been in the West for about two months and is looking for a place to open an office and permanently locate. He has contracted to build several elevators in Manitoba and Saskatchewan but expresses an inclination to make his headquarters in Edmonton.

TO ORDER MORE STREET CARS.

In the course of the next week or two, Superintendent Taylor, of the street railway, will ask the council for authority to order about half a dozen new cars for use on the city and interurban system. There are now here eleven passenger cars in all, but with the new power plant in operation and the completion of all the contemplated railway extensions, there will be need for more cars. The superintendent wished to place the order as early as possible, so that the manufacturers may have all possible time to complete the cars.

NORMAL SCHOOL APPLICANTS.

D. S. McKenzie, deputy minister of Education, is in Calgary today on matters in connection with the normal schiol. An inquiry at the department this morning the Bulletin learned that the applications for admission to the normal school are coming in much earlier than last year and that a greater number have been received to date. There are fifty-six applications for second class and thirty-one for first class certificates. As the session does not open until August 23rd it is expected that the applications will greatly exceed the 100 mark.

OLD ENGLISH LAW SUSTAINED.

The old English statute of George II., which prescribes that where the occupant of a rented house removes the goods to prevent distraint for rent he shall be liable to pay twice the value or suffer imprisonment in the house of correction, was held, by Magistrate Cowan Friday to be effective in the case of John Skinner vs, Alex. Biggart. Biggart had rented a house from Skinner through Watson & Co., real estate agents, and allowed the rent to get in arrears. Then he removed his goods to a house near the packing plant. He was ordered to pay to the extent of $30.

The improper dismissal case of Seton W. Anderson vs. Alfred Violette was again adjourned till next week.

A drunk was fined $5 and a cyclist for riding on the sidewalk $2.

A PLUCKY CAPTURE.

What threatened to be a disastrous runaway on Jasper Avenue Friday afternoon was brought to an abrupt stop by a plucky capture by H. A. Harwood, of Johnstone Walker & Co.'s store. A horse attached to a delivery wagon of the Norwood Bakery took fright near the corner of McDougall avenue and dashed down the street to the east. While near the corner of Queen's, Mr. Harwood, who was standing on the sidewalk, dashed out and managed to seize the reins, bringing the affrighted steed to a standstill after it had gone a short distance further. The horse was returned to the driver uninjured and without having done any damage by his dash.

200 SCIENTISTS COMING.

(Saturday's Daily.)

Prof. McDiarmid, principal of the Deaf and Dum Institute of Winnipeg, is in the city today, to complete arrangements with the city council and the board of trade for the coming of some two hundred scientists of the British Empire, all members of the British association for the advancement of science. The 79th annual convention of the association will be held in Winnipeg this year for the week beginning August 23. Prof. McDermid, who is chairman of the Winniptg entertainment committee has arranged for a special excursion from Winnipeg to the Coast taking in Edmonton on the return. A welcome will be extended by Edmonton to the visitors on September 11th.

COOKING LAKE PROSPEROUS

D. H. Douglas, J.P., has returned from Cooking Lake, where he has been taking care of the hay crop on his farm. He says that the water in the lake is five feet higher this year than he has ever seen it and consequently no hay has been cut along the shores of the lake as in former years. The crops in the Lake district are well advanced and the cutting of barley will be general by the beginning of next week and a few fields of oats will also be ready to cut.

The Douglas school house is nearing completion and will be ready for occupation by the fall. On the north east quarter of Mr. Douglas' farm, the new council hall is completed and religious services are conducted there bi-monthly by Rev. Haywood.

Mr. Douglas says that Cooking Lake is proving very popular as a summer resort and that settlement is progressing in the surrounding country.

SUNDAY SCHOOL CONVENTION.

H. F. Kenny, field secretary of the provincial Sunday School Association, discussed, along with a group of Sabbath school workers in Alberta College Thursday several topics having a close relation to Sunday school work.

It was decided to ask all the Sabbath schools in the city to have a rally day on the third Sunday in September. The object is to revive the schools and gather in all who have been out of touch with Sunday school work during the summer vacation.

The religious workers were urged to make every effort to insure the success of the Provincial Sunday School Convention, which will be held in Edmonton the last week in October. It is expected to have a choir of 500 voices for the occasion, which will be under the leadership of Professor Excell. He will conduct the choir at two public meetings, which are to be held in the Thistle Rink. Several addresses will be given during the convention by Marion Lawrence, a member of the executive of the International Sunday School Association.

A religious census of the city will be taken on the first Wednesday after rally day. In order that the matter may be done in a systematic manner, a committeee, composed of A. Butchart, C. Grant and A. W. Fullerton, was appointed to map out the city into districts.

TELEPHONE EXTENSION.

"The fall wheat harvest is just nicely started in the south," said John Stocks, deputy minister of public works, this morning, on his return from an extensive business trip through the southern part of the province. "Prospects for a good year are exceptionally good. The late crops, such as spring wheat and oats, which were sown on poor fields of fall wheat in the spring are coming along well and will be successfully harvested."

Mr. Stocks drove through the Pincher, Cowley, Macleod, Lethbridge and Taber district, with the object of looking into contemplated improvements to roads and bridges which have been rendered necessary by development of the country. At Lethbridge Mr. Stocks found a good staff at wor kon the foundation of the court house and jail and work was progressing favorably on the telephone building.

Appeals have come into the department for telephone extension in new localities in the sout hand Mr. Stocks will shortly make a trip through the south to look into the requirements in this line.

CONTRACT FOR TWO BRIDGES.

Charles May, of the May-Sharpe Construction Company, returned from Winnipeg this morning, where he was the successful tenderer for the concrete work on the G.T.P. bridges over Wolf Creek and the McLeod River.

To a Bulletin representative Mr. May said that he will have men on the site of the bridges next week with teams to stack gravel and make the necessary dry excavations. In all there will be 10,000 cubic yards of concrete in the abutments and pedestals of the two bridges. Only one pier will be necessary, which will be central in the McLeod River bridge and will rise to a height of 98 feet.

"The G.T.P. Railway will deliver the cement required over their own line by the first of January," said Mr. May. "If they can do this, the Wolf Creek foundations will be completed by March 15th and the McLeod by April 15th. The work on the country, Mr. May said that he never saw the country looking better and prospects were never more favorable. superstructures may then go ahead

Speaking of the appearance of the the following summer."

WORK STAARTS ON SHOPS.

Work commenced Thursday on the construction of the $75,000 workshops and round house which are to be built by the G. T. P. on the property to the north of the city.

The location of the railway buildings has been a matter of great interest to Edmonton citizens and especially to the owners of northern sub divisions. It transpired this morning when the work of excavating began, that the location of the round house and shops will be on the westerly side of the G. T. P. property, immediately adjoining the Hagman estate.

J. G. Porteous, representative of the contractors, Carter, Hall & Adlinger, of Winnipeg, had a gang of men at work today clearing off the site and preparing for the excavation work. Spur lines of the G. T. P. will have to be laid to facilitate the work of construction in getting in materials.

The plans for the machine shops and round house show a large building, only part of which will be built at present. The machine shop adjoins the round house and is to be 180 feet in length by 60 in width. The engine house when the full round is completed will be one of 44 stalls with a radius of 196 feet, 6 inches from the centre of the turn table to the circumference of the wall. A section of 18 stalls, each 26 feet 9 1-2 inches in breadth at the outer margin, will be constructed at the first building.

On Tour of Inspection.

Collingwood Schreiber, government inspector of railroad construction, and B. B. Kelliher, chief engineer of the G. T. P. left last Thursday on saddle horses on a tour of inspection of the G. T. P. grade as far west as the Macleod river and probably some distance beyond to the Yellowhead Pass.

The chief engineer arrived over the C. N. R. Thursday from Winnipeg and joined Mr. Schreiber, who has been awaiting him here since Saturday last.

On the return of the party, the two engineers will proceed to Brince Rupert via Vancouver, and make a tour of inspection over the line from that point.

HARRY THAW AWAITS DECISION

Justice Mills Will Deliver Judgment on Thursday.

White Plains, N.Y., August 9.—In a cell at White Plains jail, Harry K. Thaw awaits the decision which will hold him sane or declare him a lunatic. The hearing in the supreme court in the habeas corpus proceedings against the state of New York, ended this afternoon, when his attorney, Charles Monschauser, summed up his case. Distoret Attorney Jerome preceded Mr. Monschauser this morning. Justice Isaack Mills said he will hand down his decision on Thursday morning next.

Mrs. Thaw, the prisoner's mother, wit hher daughter, the former Countess of Yarmouth, and her son and daughter-in-law, Mr. and Mrs. Joseph Thaw, will remain until Harry Thaw's fate is settled.

Thaw's mother and sister have not missed a day in court since the hearing began, and Mrs. Thaw's statements show that if this case goes against her son, she will love no time in trying to free him by other means. An appeal to the state court of appeals from a decision of the appellate division, upholding Justice Mills' refusal to lay th equestion of Thaw's sanity before a jury is now pending.

The summing up of District Attorney Jerome and Mr. Monschauser today was free from the autbursts of oratory that characterized the two homocide trials. The district attorney was particularly temperate. Mrs. Mary C. Thaw's personal attacks on him were passed without mention and of Thaw himselg, Mr. Jerome spoke pityingly as "that poor boy."

Only two witnesses among several hundred that testified for Thaw at his trials and hearings were picked out by Jerome for rebuke. These were Evelyn Nesbit Thaw and Mr. Britton D. Evans, Thaw's chief alienist. Without raising his voice, but in the frankest language, the district attorney said that in his belief Thaw's pretty wife "had deliberately and wilfully falsified."

Counsel Review Case.

In his summing up, Mr. Monschauser reviewed the evidence made in the trials. One of his arguments was a personality that had not appeared in the hearing.

"I have been Mr. Thaw's attorney for a year," he said in substance, "and we have had a great many defeats. If he had been as suspicious as has been stated; if he had had delusions regarding combinations against him, would not he have gotten rid of me?"

Evelyn Thaw came in for condemnation from both attorneys. Mr. Monschaused said that the reluctance she expressed to testify at the hearing of Thaw's alleged threat to shoot her was all assumed. He said that on the night before shef testified she had consulted with Dr. Austin Flint in Mr. Jerome's office and had formed a combination with the alienist against her husband. Mr. Monschauser concluded with a denunciation of Stanford White and an appeal for Thaw's mother.

The district attorney's summing up lasted an hour and 35 minutes. Mr. Morschauser talked for two hours and 50 minutes. Mrs. Thaw emphasized her opinion of Mr. Jerome and his efforts by reading a magazine story through his argument. When her son's attorney began she listened attentively.

Justice Mills allowed Thaw to remain in the local jail until his application is decided.

RAID ON LONDON BANKS

Daring Attempt to Secure Over Half a Million.

London, Aug. 9.—A daring attempt was made recently to defraud four London banks of £120,000.

The banks in question each received on the same morning a cablegram from Rio de Janeiro in the bank cipher, properly authenticated by secret code words, directing them to pay to a certain man mentioned, whose address was given at a Bloomsbury hotel, the sum of nearly £30,000, and to charge the senders of the cablegram with the amount.

A call was first made at the Russian bank in Gracechurch street. The magnitude of the sum asked for had made the officials suspicious, and the latter's answers to questions not proving satisfactory, an appointment was made for another day.

Communication was opened with Rio de Janiero, and it transpired that the cablegram was a forgery and had been sent by a man who was formerly an employe of the South American bank.

Meanwhile three other men had called at three other banks on precisely similar errands, but with no more success than that achieved by the first.

The city police, as soon as they received notification of the facts, advised the city banks and other banking houses throughout the country of the form of fraud which the men were attempting to practice.

A description of the caller at the Russian bank has been secured. He is described as being of powerful build, broad-shouldered, about thirty-five years of age, height 5 ft. 11in., little black moustache, swarthy wearing croppedblack hair, speaking French fluently, wearing a frock coat and top hat, and at times pince-nez.

Inquiries at the Bloomsbury hotel show tha tthe man had been associated with another man who is described as a German, twenty-six years of age, 5ft. 6in. in height, fair hair, slight moustache, slight squint, slight build, and wearing a light grey suit and panama hat.

AUSTRALIAN PREMIER HOT.

Incensed at Grievances Brought Before Him by British Immigrants.

London, August 9.—The premier of Western Australia, replying to a deputation of settlers from the old country who brought a number of grievances under his notice, became incensed and declared bluntly "I have had more trouble with British immigrants than any other class of settlers, and am going to tell the agent-general not to send out any more immigrants, no matter how much capital they have, unless he is thoroughly satisfied they are men who will make a success on the land."

Man and Children Missing.

Regina, Aug. 9.—E. C. Corbeau, local piano agent, went for a drive yesterday with two little children and has not since been heard from. Much anxiety prevails and the country is being searched.

Killed by Runaway Team.

Markstay, Ont., Aug. 13—Victor Lafebvre, a young man, was killed on his father's farm near here, where a tractions team of horses ran away with a load of hay. In attempting to stop them he was knocked down, the heavy load passing over his back, breaking it. He lived three hours.

WE HAVE

Some splendid buys in the business portion of the city, also in the residential parts, especially in the West End.

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J. C McTAVISH, Principal.

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Fine white granite cups and saucers, $1.00 per doz.

Butter crocks 35c per gal.

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Camrose—October 6 and 7.
Olds—September 13 and 14.
Leduc—September 21.
Daysland—September 22 and 23.
Sedgewick—September 24.
Lloydminster—September 27.
Innisfree—September 27 and 28.
Vegreville—September 29.
Vermillion—Sept. 30 and Oct. 1.
Viking—October 5.
Raymond—September 16 and 17.
Nanton—September 20 and 21.
Pincher Creek—September 22.
Magrath—September 23 and 29.
Cardston—September 28 and 29.
Taber—September 30.
Irvine—October 1.
Didsbury—October 5 and 6.

SEALER RINGS

NOW that the Season is here for preserving fruit you will require RUBBER RINGS for sealing the containers. We sell them for both quart and pint jars.

GEO. H. GRAYDON

Chemist and Druggist.

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Phone 1411. 260 Jasper Ave. W.

NOTICE!

I am back at the well business again and back to stay. All work done quickly and up-to-date. If you have anything in this line you wish done, please drop me a line.

E. KEPHART

Box 1507 - Edmonton

Liverpool, August 14.—John Rogers & Co. report today states: Steers from 12½ to 13 cents, Canadians 12 to 12½, cows and heifers 11 to 12, ranchers 11 to 11¾, bulls 9½ to 10½. Trade is very slow.

SEMI-WEE EDITIO

VOLUME V.

STRIKERS FI COMPANY'S

Pittsburg Steel Stri More Serious Aspec breakers Object of

Pittsburg, Penn, Au steamer, Steel Queen, Pressed Steel Company, this morning while Ohio River with the en office clerks who had fe through the town of M because of mistreatm strikers.

About 300 strikers o opened fire on the bo was yet in midstream lets, mostly from revolve made a great splashing and it was with difficul of the clerks and steno restrained from jumping

So hot was the fire running the boat decide ture into the bullet zone tired to the Allegheney river, while a score of stables rode down the the river banks, and, with the butt ends of forced them to retire.

More Workmen A

During the day 250 add men came by special tr West and were hurried in Later in the day the P Car Company, which is ing the plant in part, ra ly-made cars out of th show that they were turn work. The strikers sto cars. It is claimed that last night fired many shots into the high boar rounding the mills, inte jure the men inside the this is denied by strike

This afternoon a co strikers visited the Un authorities, calling atten fact that the boats being company for transferr breakers carried no licen senger traffic and they that the fine of $500 provi offences be enforced.

SCIENTIST HEALER NO

No Trouble Exists Betwee and Mrs. Stetso

Boston, Mass., Aug. for the Christian Science Mrs. Mary Baker G. E Farlow here today denie Mrs. Auguste Stetson had from the practice of he First church, of New Yor to her ambition to succee as head of the church.

"There is absolutely no tween Mrs. Stetson and said Mr. Farlow. "There in the statement that M done anything to evict and her followers from The bylaws provide that tioners shall not further ing rooms and the adjace the carrying out of the tre underwent.

Heretofore, this was p a matter of convenience, i ed upon that in some i same facilities were not the reading rooms and and it was customary t use of these apartments regarded as a matter of c

"It was, of course, a ma venience and it was thu but this toleration did n well, so that it was foun to conform to the law."

INDIAN ASSASSIN EX

Madar Dhinga, who Killed Wyllie and Dr. Lalcaca

London, Aug. 17—Mad the Indian student who Curzon Wyllie and Dr. L spectacular manner at t institute July 1, was han tonville prison this mo great crowd outside the p necessary extra police. D sidered himself a menace no signs of fear. He decl take of breakfast and wa scaffold calmly and qui was instantaneous.

THIS PROPOSITION IM

French Aviator Says Ca Ocean in Aeropla

Paris, August 18.—Lo who flew across the Engl in his monoplane, says crossing the Atlantic in a is fantastic in the prese the science of aviation, has yet been up in the hours at a stretch in a air machine. M. Bleriot discuss the question furt

Fire Protection Inad

Toronto, Ont., Aug. 17. ner's jury investigating Clara Andrews in the Ha fire, found the city and pany responsible for the per fire protection.

Washington, D.C., Aug entic information of the the naval court of inquiry vestigated the cause of Lt. James N. Sutton, of corps, was obtained court's decision varies hit decision from the first quiry.