WEST DOES NOT **WANT ROGERS**

Politician of His Type Is Not Acceptable to Saskatchewan.

Saskatoon, Oct. 8-The Phoenix will say editorially tomorrow: "The * quiry was held at Coudersport announcement in well informed Con- * and was adjourned indefinitely, servative circles that Hon. Robert Rogers is slated for minister of the 3 said it wouldn't be resumed interior in Mr. Bordens' cabinet as # for at least two weeks Three minister from Saskatchewan will not * bodies, and the bones of two * be received with any large degree of # others, were recovered from satisfaction in this province, nor in- # the ruins today. This makes deed anywhere in Western Canada. It * the total list of dead 55. was hoped that Mr Borden would se-cabinet. Experience shows that good men sometimes go wrong after they are put into harness, but when a leader deliberately chooses men for important positions, whose reputations are not the most savory ,and who are associated in the public mind with a type of politics, for from ideal, he orings himself under just criticism, as a man lacking in moral stamina and therefore one who cannot be depended upon to lay the foundation of a strong and enduring government.

Mr. Rogers is not acceptable to Saskatchewan and he is not a Saskatchewan man. The only seat which could be found for him in this province is Prince Albert, now held by Jas Mc- will be in Winnipeg Saturday. interior is that Mr. Borden's policy of own promotion. the last fifteen years, only on a much

A Policy of Delay. Some of the western Conservative papers have been intimating that there ould be a commission of inquiry into the affairs of the department of interior with object of finding out to what extent the people's resources have been squandered. This is a policy of delay. It means that the new government will have to put off carrying out of Mr. Borden's promises of turning over control of western lands to western provinces. What is there to investigate? Frank Oliver's administration of the department of the interior has been above Tory criticism, it has been severely just. If there is anything to investigate it is Siftonism, and no one supposes for a moment that Bob Rogers would undertake to investigate Clifford Sifton's adminis tration of the department of the in terior. It is therefore absurd to talk about any commission of inquiry. There is nothing to inquire into but there is evidently an understanding on the part of those on the inside and the tip has been given to the western editors that a policy of delay will be fol-

lowed after Bob Rogers is made minister of the interior. Expects Promises Fulfilled The people of Western Canada exsources over to the western provinces If he makes Pob Rogers minister of interior it will show that his first move is one likely to obstruct the very purpose for which he has declared, and other promise he has made to the

INFATUATION ENDED IN MURDER

Joseph Spellman Shot Mrs. Flora Kirsch On New York Street

New York, Oct. 10-A man's unrequited love for a married woman caused a double tragedy here today. Jowhile the woman tried to get away. When a crowd surrounded him and prevented his escape. Speil-man fired a bullet through his head. th probably will die. Friends of the Kirsch family said that Speilman had

London, England, Oct. 10 .- Viscount Haldane, speaking at Aberdeen. in Scotland, tonight, referred to the speech delivered on Saturday at Hardington by Mr. Balfour, in which the latter referred to the "felon blow" contained in Mr. Asquith's "traitor-Lord Haldane said: We have no bargain. It would be very unbecoming to make a bargain with the Crown. We didn't ask any pledge of the King. We only said that we must have an understanding as to the real issue which was being submitted to the nation. The King took the only course which a constitutional monarch could take and that was to say: 'What the country

***** G.T.P. MECHANICS

HAVE STOPPED WORK Twenty-five mechanics and boilermakers employed at the G.T.P. shops at Calder, went out on strike yesterday as a result of the general strike today of G.T.P. mechanics and boilermakers. The men say the recognition of a union, but paid at the same rate and have the same hours of work as the men employed on the other western lines. They ask

THE DEATH ROLL AT

Austin, Pa., Oct. 6.-Fred K. Hamlin, superintendent of the Bayless Pulp and Paper Company, which owns the dam which broke last Saturday at the expense of many lives and * the practical destruction of * Austin village, refused to testify, upon the advice of counsel, at the coroner's inquest * this afternoon. Further in-* and District Attorney Nelson

NEW VICE PRESIDENT C.P.R. COMING WEST

Make His Headquarters in Winnipeg-Changes to Be Made.

Winnipeg, Oct 5,-Geo. Bury, new vice-president of the Canadian Pacific, left Montreal this morning and He Kay, and the people of this province has already entered on the full meawould much prefer McKay to Rogers sure of his new responsibilities and if they had the opportunity to choose. will, on his arrival in the west, at

turning over the lands and resources It is still uncertain what the exact of the western provinces to provin- nature of the duties of vice-president cial control will be indefinitely defer- will be. Sir William Whyte had exred. With Rogers in the saddle, the traordinary powers in Western Canwestern provinces and the lands in ada, and it is considered improbable the north could be organized and ulti-ized to splendid political advantage his successor. The circular to be and would offer him an excellent op- issued in connection with the apportunity of repeating the political pointment of Mr. Bury is to bear the success of the Roblin exploitation of words "Vice-president and general manager, in charge of maintenance and operation for western lines. This was the title borne by Sir Wm. Whyte when he came back into active charge of the western lines after a period in which he was executive

agent of the company in this city. Mr. Bury has two assistants, one harge of maintenance and the other in charge of operation. This is the system in use on other eastern lines and railway men consider it possible that it may be adopted in the west. It is rumored today that Grant Hall, superintendent of motive power, will be chief assistant, but this cannot be confirmed. Mr. Hall himself has not heard of it.

ture.

Ottawa, Oct. 10-With every evidence of heartfelt regret, Ottawa said farewell this afternoon to His Excellency. Earl Grey, Lady Grey and their pect Borden to implement his prom- two daughters ,Lady Evelyn Grey and ises to turn western lands and re- Lady Violet Grey. It was more than a General, it was national in scope for Hopewell and Col. Fred White.

Sir Wilfrid Laurier is in Montrea and could not be present, but a chair near the car platform was occupied by Lady Laurier, who had a beautiful poquet to present to Lady Grey. Several other boquets were presented in cluding three fine ones by the C.P.R. ellman, 36 years old, met Mrs. His Excellency and family were es Flora Kirsch, 11 years his junior, on cort to the station by a smart escort to the street, and after an argument, shot of cavalry previded by the Princess Country Home at Tarrytown. of cavalry previded by the Princess Louise Dragoon Guards. All along the route from Rideau Hall to the station, crowds expressed their feelings of ad-

one accord, the large crowd of at least 3,000 people which jammed the platform and crowded around Earl Grey's has started endless gossip. One sug-

'Auld Lang Syne." clapping the boys on the shoulder and complimenting them on their soldierly appearance. The Scouts gave three doing a lot of business again. cheers. Premier Borden, stepping on the car platform called again for three nore cheers and they were given with a will.

A. &. G. W. COUNSEL.

(Continued from Page One.) Assuming Act Ultra Vires.

But on other grands, the act was ultra vires. Because, fir. sence it was legislation relating to banking and so among the subjects assigned to the Dominion parliament by the British North America act. In the second place, because it was in direct conflict with the provisions

of the Bank Act of Canada Thirdly, because it assumed to h terfere with transactions affecting rights and interests arising outside the territories and limits of the province, and to which persons outside the province were parties over whom the province had no jurisdiction. The fact that the legislature was acting on behalf of the crown did not

ommodation on train.
NO EXTRAS. NO WORRY. widen its jurisdictional powers. It could say equally as well that the money be paid out to any private 深义非常杂类杂类杂类杂类杂类杂类

FORMER KING

Manuel Has Not Been Seen In England For Some Time.

London, Oct. 7-In an official state ment made today the Portuguese legation here declared that the royalrepublican troops.

oyalist forces in his native country. by the representatives of the province Today the statement given out from ais English residence at Richmond hat the reports were untrue, that Manuel was still at Richmond and that he had no idea of going to Portugal. However, it looked as if the story of his trip to the continent must Examined by Mr. Bennett, the manather at Richmond nor anywhere in ser of the Royal Bank gave evidence be true as Manuel has been seen nei-England. The Richmond residence is

in the vicinity. Since he was last seen here the former King has had time to cross the Whether Mr. Borden sees it or not the once take up the question of changes Portuguese frontier, and if he did so significance of Rogers as minister of which must be made owing to his it is considered more than likely that he took part in today's fighting, which from \$350,000 to \$400,000. Owing to the efforts of the Portuguese ranging the advances to Mr. Waddell ensorship only the most meagre details of the fight have filtered through to the cities along the fron-

> gle big battle, but a series of fierce skirmishes resulting in victory for the epublicans all along the line. The here they might keep up a guerrilla ampaign for some time. How great the loss has been so far is not known but reports are that the five engagenents were very determined and that on party alone killed twenty royalists

BORDEN'S MAJORITY HAS BEEN CUT IN TWO

and Other Three Conservative Ma

count in Halifax which ended today before Judge Wallace, R L. Borden's Governor-General is Given Great De-majority in this riding is reduced McLeod told of his trip to New York against the Royal Bank, the Alberta been received from the government an extension of time, and the lieuten-monstration on Occasion of His from 190 to 100. Four deputy return-to visit the banking house of J. P., and Great Waterways Railway and in any case. from 190 to 100. Four deputy return-Leaving Ottawa-Great Regret is ing officers put the numbered counter Morgan and Company. He took with the Canada West Construction Com-Expressed at the Viceroy's Depar- foil into the box with the ballots. him a blanket bond for \$7,400,000 Three of the rejected boxes gave Bor- which he delivered to the den large majority, and one was a banking house, the proceeds to be Liberal majority.

this kind. It gave the Liberals about act as the agent of the province on thirty majority. Then Sobor Island, terms set forth in a previous letter East Chezzelcook and Dover with Conservative majorities were rejected civic farewell to one of the most dis- for similar reason. The two last mentinguished of Canada's Governors tioned polls made a net loss to the Conservatives of 90. The result 's the thousands who gathered at Union that Mr. Borden is reduced to 100 over depot to cheer the great nobleman on MacLean and 166 over Blackader, his departure. There were prominent while Blackader has 93 instead of the people at the station including Sir previous 23 over Crosby, The Conserv-Richard Scott, General Otter, Mayor atives gained 25 exclusive of the polls thrown out. The stupidity and ignorance of the deputy presiding officers the ballots it was possible to tell how each elector voted.

ROCKFELLER IS IN BUSINESS

Tarrytown, N. Y., Oct. 10-John D Rockfeller is having a private telemiration by cheering heartily. The oc-graph wire extended to his home on cupants of the carriage were kept the hill and will have an operator inbusy bowing their acknowledgements. stalled at the terminus of the line in When the train pulled out of the his residence. It is said that Mr. the re-assembling of the house, and station shortly after five o'clock, a Rockfeller's first order on returning that no bond money would be paid most affecting scene occurred. With here for the winter was for the private wire. In all the years he has livcar burst into the old familiar song, gestion current here is that, as Willam Rockfeller has sailed for Europe, Earl Grey passed around the escort Mr. Rockfeller is assuming charge of of Boy Scouts who lined the crowd, certain business affairs again. One thing is certain—Mr. Rockfeller is feeling as well today as he did twenty years ago, and is capable of to the transfer of \$3,000,000 from the

DENIES CENSORSHIP OF NEWS Portuguese Minister Receives War Reports From His Own Country.

Washington, Oct. 8 .- Denial was nade in a statement issued by the mier whether the difference of opinion ortuguese minister in Washington to- in the legislature at the time of the day that a censorship of news had upheaval in the spring of 1910 was been established in Portugal. At the confined to the A. & G.W. Mr. Ruthsame time a public cablegram receiv- erford replied that it was not; that ed by him, from his government, stat- there were other differences which ed that the garrison of Bragansea had were not made public. been increased to resist any attempt of armed men to cross the frontier.

SPECIAL EXCURSION TO ENGLAND

FROM ALL POINTS. Congenial company and comfortable surroundings will characterise our CHRISTMAS EXCURSION to the OLD COUNTRY sailing by the Canadian Pacific Railway Company's peerless "Empress of Britain," which leaves ST. JOHN December 1st. Rates include meals and sleeping ac

Early bookage will secure choice of DELALANDE & AMPHLET, Lloydminster, "Yes."

EVIDENCE HAS ALL BEEN TAKEN IN THE BIG SUIT

G. W. Suit Today-Hearing of Case Has Been Brief-Dr. Rutherfo Tells of Dying Days of Old Govern-

J. F. McMillan, manager of the Ednonton branch of the Royal Bank, M.J. McLeod, clerk to the Executive Council, and ex-Premier Rutherford were the principal witnesses called 1.3 the defence in the Great Waterways, case in the Supreme Court yesterday ist invasion in North Portugal has afternoon. The full case for the debeen queiled after several clashes fence had been presented at 4.30 and between the revolutionists and the the court adjourned until 10 o'clock this morning when any evidence of According to advices the invading the defence in rebuttal will be put in, force had been driven back across the to be followed by the argument. In border and the revolt nipped in the the argument, it has been agreed by bud. Not only did the insurrection counsel that Mr. Moss and Mr. Ford, suffer a set-back but there are grave representing the Alberta and Great fears here for former King Manuel Waterways Railway and the Canada It was rumored yesterday West Construction Company respecthat the deposed monarch was on his tively speak first, to be followed by Mr. way to put himself at 'the head of Bennett for the Royal Bank and then

Royal Bank Manager's Evidence. J. F. McMillan, manager of the Edmonton branch of the Royal Bank, was the first witness called by the defence when the sittings of the cour was resumed yesterday afternoon regarding the A. & G.W. banking transactions of his branch. There had heavily guarded by the police and visi-tors are not even permitted to linger construction Company kept in the Royal Bank. In round terms, the in debtedness of the Canada West Cor struction Company and J. A. Waddell the bank for advances made was

and the Canada West Construction Company, Mr. McMillan had taken no part. All these arrangements had been made at the head office of the company in Montreal. The payments

Cross-examined by Mr. Walsh, the reated into the mountainous districts Royal Bank manager stated that of a cheque for \$500.000 presented for parment by B. R. Clarke, president of the Construction Company, half had been paid out and the remaining \$250,000 held in trust account.

Mr. Moss asked whether in March 1910, Mr. McMillan had stopped advances to the Canada West Construction Company. Mr. McMillan replied that he had, acting under instructions rom head office.

M. J. McLeod's Evidence. M. J. McLeod, clerk to the Execu-

Halifax, Oct. 7-As the result of the had never, yet been approved or dis- ing certain defaults of the railway government in the ordinary course. Work of construction is delayed, the approved

to visit the banking house of J. P. Morgan transferred to the provincial treasurer. Herring Cove was the first box of J P. Morgan and Company agreed to dated in October, 1909.

E. C. Bowker's Testimony. E. C. Bowker, manager of the Ednonton branch of the Dominion Bank, and J. J. Anderson, manager of the were called to give evidence as to the ocation of the head offices of their banks. The head office of the Dogeneral managers of their respective deputy provincial secretary, was also called to give evidence as to the location of the head office of the Standard Trust Company, which is in Winni-

Ex-Premier Rutherford was the last witness called. Examined by Mr. Moss Mr. Rutherford said he recollected anouncing in the legislature in March 1910, that no part of the route beyond Battenburg would be approved until the re-assembling of the house, and intil after that time. Mr. Rutherford said he remembered some grading being done in the fall of 1909. He had had up to the time of his resignation, no reason to suppose that the road would not be carried to completion. The ex-premier identified a letter of October 28th, 1909, written to E. R did Clark and signed by himself agreeing Traders Bank to the Royal Bank and onveying the assurance that the onies would be used only for the

purposes of the railway. Dr. Rutherford Cross-Examined, Mr. Walsh conducted the cross examination. He asked the ex-pre

"Is it not the case that this bill, said Mr. Walsh, referring to the & G.W. agreement, "was passed in the dying hours of the last session of the first parliament of Alberta." "I would nardly put it that way, eplied the ex-premier. "The bill was given its final reading shortly before

the house was prorogued, but its first reading had been early in the session." Government's Resignation

Mr. Walsh asked a number of quesions concerning the retirement of Mr. Rutherford's government, con

"And the house adjourned pending the sitting of the Royal Commission?"



ALL KINDS OF GUN REPAIRS A SPECIALTY

SIMPSON & HUNTER

JASPER EAST

EDMONTON

"And before the report was presented your government resigned?"

"And you never signed approval of the plans or profiles of the railway?" The case for the defence was then the one which had been presented for announced concluded by Mr. Bennett. | payment at the Royal Bank to Mana-The counsel for the plaintiff asked to ger McMillan on December 16, 1910. be allowed time to consider what evi- Mr. McMillan had first asked for a ways Railway company had, as stated dence, if any, should be offered in little time, and later, on being press- in the preamble to the act, made de

rebuttal, and adjournment was made ed, said that he had instructions not fault in the payment of the interest until ten o'clock this morning. Monday Morning. " The Alberta and Great Waterways deal came into the limelight yesterday with the opening in the Supreme Court of the trial of the ac-

tion brought by the province to comthe province by the provisions of the indebted to the bank. Had the money and the consequent rights of the No disposition of the money would company may make application to Cross-examined by Mr. Davis, Mr. province. In the action brought have been made until an order had the licutenant-governor-in-council for and Great Waterways Railway and in any case.

One Witness for Plaintiff,

in the one suit. The trial of the action commenced in the Supreme Court at ten o'clock in the morning Mr. Justice Stuart presiding. The case for the plaintiff was presented by W. L. Walsh, K.C., of Calgary. Mr. Walsh cited the act of the Legislature of December 16th, Edmonton branch of the Union Bank, 1910, as the basis of the claims of the province against the bank, and read at length from the examination or discovery of J. H. McMillan, manminion Bank was in Toronto and the aged of the Edmonton branch of the head office of the Union Bank in Royal Bank. This examination was troduced. is the cause of the trouble. With the acted under instructions from the to Mr. McMillan's refusal to pay Montreal. Both Edmonton managers | made in June last and related largely over the \$6,000,000 to the order of banking institutions. E. Trowbridge, the provincial government. But one witness was called for the plaintiff, . R. F. Kirkpatrick, manager of the Edmonton branch of the Imperial Bank. The whole of the plaintiff's case was presented in less than an which were cited, but will not be argued at length until later in the course of the trial. A sprinkling of spectators was present in the court and a few interested parties, some of whom had been summoned as wit-

nesses, including ex-Premier Rutherford; J. H. McMillan, manager of the Royal Bank; M. J. McLeod, clerk to sit again at two o'clock. he executive council, and E. Trowbridge, deputy provincial secretary. Counsel in the Case.

Ford and C. F. Newell of Edmonton, 1910 by which the money in

n the action against the Royal Bank, ant railway company and the probe stricken from the action, as hav- vince. ng nothing to do with the case. This piection was noted.

the Legislature, he would be required of the province. This act, by which vince of Alberta, and the act is to pay over to the Imperial Bank, on \$7,400,000, with accrued interest, de- binding on either of the defendant of \$6,042,000.28 on deposit.

the Edmonton branch of the Imperial by the defendants. Bank, was the first and only witness called by Mr. Walsh.

Mr. Kirkpatrick identified the to this act are untrue in the followcheque, signed by Premier Sifton, as ing respects:-

stated, had no interest in the cheque Great Waterways Railway company

other than its collection. The Cross-Examination Mr. Bennett, cross-examining, asked Mr. Kirkpatrick whether the propel the Royal Bank to pay over to vince was not indebted to the Imperial the provincial treasurer the sum of Bank at the time the cheque was \$6,000,000, proceeds of the A. & G. given the bank for collection. Mr. line of railway shall commence with-W. bond sale, now held by the bank. Kirkpatrick replied that it was. He in one year of the passing of this act On the decision of this case also rests also stated, in reply to questions by (that is from the 25th day of Februthe disposition of the \$1,400,000 in Mr. Bennett, that had the money been ary, 1909), and shall proceed with the bond money already paid into court collected it was to go to the credit of utmost despatch and shall be comtive Council, was the next witness by the Union Bank and Dominion the government against its indebted- pleted within four years from the Mistakes of Deputy Returning Officers called. Examined by Mr. Moss, Mr. Bank. This \$7,400,000, with ac-ness. He could not remember the commencement of such work, unless Result in Four Polls Being Thrown McLeod stated that plans, profile and crued interest, was declared to form extent of the indebtedness. At the prevented by the act of God, the Out—One Gave Liberal Majority a book of reference of the A. & G.W. part of the general revenue fund of present time the government was not King's enemies, internal disturban from Mr. Jackson of the A. & G.W. act of the Legislature of the province, been collected from the Royal Bank youd the control of the company. If on February 1378, 1010. These plans passed December 16th, 1910, specify- it would have been credited to the for any of the causes aforesaid, the

> pany have been joined as co-defen- of the plaintiffs be dismissed, on three delay. dants. The relations of all parties grounds: (1) That the statute of Deconcerned will thus be determined cember, 1910, was ultra vires of the legislature of the province (2) That erways Railway company did comthe statute was ineffective to accomplish its purpose; (3) That there had line of railway within the year men-

been no compliance with the terms of | tioned in the said act of incorporation the statute. Argument on these points was waived by Mr. Bennett, and by Mr. Moss, provisions of the said act of incorpor in seconding the motion ,until the stion, the mortgage deed and agree-

main argument had been made. Mr. ment, hereinbefore referred to, until Justice Stuart reserved his decision such work of construction was stopon the application.. Permission was granted the plaintiff's solicitors, at the close of the de- that is by the plaintiffs herein and not-

fendants' case, to object to relevancy withstanding the interruption of the but not mode of proof of evidence in- work of construction caused by the acexhibits, copies and originals of deeds, rangements for the immediate redocuments ,orders-in-council and let- sumption of work and expended large ters bearing on the agreement between sums in connection with the wors, the government and the A. & G. W. and, amongst other things, purchased Railwy Compny, the sale of the quantities of construction supplies bands and their guarantee and the which were distributed in the neigh subsequent deposit of monies accruing borhood of the line of railway under from their sale in the Royal Bank. construction, in the expectation that hour and the case for the defendant The original copies of the assignment the government of the said provinger of the A. & G. W. to the Canada would cease to prevent the constru ven o'clock with a motion that the West Construction Company of the tion of the said line. action be dismissed for three reasons, entire proceeds of the bond sale (\$7,-400,000) of date March 8, 1911, and the subsequent assignment on the fendant, the Alberta and Great Will same date of the Canada West Con- erways Railway company, in paym struction Company to the Royal Bank. of interest upon the bonds, as alleged Mr. Bennett read also a portion of in the said preamble, such default was the examination for discovery of Pre- caused by the action of the govern

mier Sifton. The court adjourned at 12.30 to the construction of the said line Government Blamed for Default. In its statement of defence filed with the court, the Alberta and Great interest on the said bonds, as allege An imposing array of counsel was Waterways Railway company denies in the said preamble, such default, present. The province was repre- ever having made default in the con- the express terms of the said more sented by W. L. Walsh, of Calgary; E. struction of the railway, claiming to gage deed, provided that in default P. Davis, of Vancouver, and L. F. have commenced construction work payment of interest for three years Clarry, deputy attorney general. R. within a year from the passing of the the government might enter upon the B. Bennett, M.P., of Calgary; A. J. act of incorporation. If default was mortgaged premises and the defend Brown, of Kingston, Ont., and H. H. made by the railway company in the ants say the application to the legisla yndman, of Edmonton, represented payment of interest on the bonds, it ture to summarily foreclose the said the Royal Bank. J. H. Moss, of To- is claimed that this default was doe mortgage or to deal with it otherwise ronto, appeared for the Alberta and to the action of the province in stop- than as therein provided was and reat Waterways Railway and Frank ping construction work The act of a breach of the covenants and agree for the Canada West Constitution banks was declared to form part of tained, of which the plaintiffs, as such the general revenue of the province. covenanting parties, ought not to Mr. Bennett made the first motion: it is claimed, does not repeal any That the name of the King, coupled other acts previously passed or anwith that of the provincial treasurer, nul the contract between the defend-

Basis of Plaintiff's Claim. The claim of the plaintiffs is stated Mr. Walsh opened the case for the to be based entirely upon and under laintiff by reading from the examina- the provisions of an act of the legis- between the defendant railway comion for discovery of J. H. McMillan, lature of the province of Alberta, pas- pany and the King and does not free nanager of the Edmonton branch of sed Dec. 16th, 1910, chapter 9, of the the moneys in question from the trusts he Royal Bank, made in June last. acts of 1910, (second session), which adhering thereto. Mr. Walsh put in as evidence a copy is an act respecting the bonds guarf the document delivered to Mr. Mc- anteed for the Alberta and Great Canada and the Canada West Cor Millan by the treasury department of Waterways Railway company, being struction company, are corporati the government, notifying him that in an act to specify certain defaults of which are not subject to the legislation ordance with the statute passed by the railway and the consequent rights authority of the legislature of the pr ne order of the government, the sum posited in the three banks, is declared to form part of the general revenue

G. R. F. Kirkpatrick, manager of fund of the province, is recited in full It is claimed by the defendants that the recitals contained in the preamb

Provisions of Incorporation The defendants deny that the de fendant, the Alberta and Great Water upon the bands therein mentioned, and The Imperial Bank, Mr. Kirkpatrick that the defendant, the Alberta and had, as stated in the preamble, made default in the construction of its ling. By the company's act of incorpora-

tion it is provided, amongst other things as follows:-"The work of constructing the said

"The said Alberta and Great Watmence the work of constructing tie and continued the said work of construction and complied with all the ped and its continuance prevented tion of the government as aforesa Mr. Bennett produced and filed as the company proceeded to make ar-

> Government Responsible "If default was made by the dement of the said province in stopping railway and refusing to permit of

continuance. "If default was made in payment of ments by the plaintiffs, therein co allowed to take advantage.'

Groundlessness of Action. The defendants further say that .h plaintiff's statement of claim discloses no ground of action in law for the following reasons

The act of 1910 does not repeal any of the other acts or annul the contract

The defendants, the Royal Bank

(Continued on Page 3)

Thursday, Oct

DISTRICT

ATHABASCA I

Bulletin News Service Mr. J. Harris is al again, after an ill weeks. R. E. Edwards, visitor in town th is the first trip o town, and he was with the great activ

J. K. Cornwall was this week.
Mrs. A. L. Sawle On Tuesday last left for Edmonton w the Alberta College Chicken and part ened on the first of this was a Sunday did not commence following. However the Sunday law and with the result thating ones were befo the police barracks where they paid ten accompanied by their

ernment. The local branch ing in the club room ing last. After the was concluded a deba frage was held. The dered by the vote of sent, by ballot. The the chairman, James deciding vote again veloping Company. th new Filteau block has taken over the s sard of this town. dice of Montreal will the local store. J. W. McLaggan of the interior, arrived day last with the he

the government exp Fort Smith. The he forty-one upon its a having died enroute. shipped by flat boats to their destination. the government to re north by these rein travel. Frank J. P. Crean, lands department of the the interior, arrived from Fort Smith. For teen months Mr. Creating on work for throughout the Slave

making reports upon the country, and repor cultural possibilities H. Halcroft, D. L. rived on Wednesday of the west country, wh been engaged in subdiv Farlane expects to con next steamer. The sur-ing in for the winter, Tomorrow. Friday, th Bay Company transpor son, will leave for dov plies for Pelican and W. Rennison leaves for Edmonton, on a bus Athabasca Landing, POWDE

Bulletin News Servi Mrs. G. F. Mitche with friends in Calgar A. McLean, who ha his sister for the past Mile tone, Sask., has re C. Cherbert and Mis has been the guests of F. Gilliland for the left for their home in Thursday last.

Mr. and Mrs. H. Luck to Red Deer on Saturda attending the funeral o ton, which took place Despite the snow an lieved there will be a of grain in this distric a few weeks before th A good innovation in It is expected that all soon fall in line, and ing of the stores has be last week. The three now close at 6.30 p.m. ception of Wednesdays of the places of busine

An enthusiastic meet ior branch of the W. thew's church was held on Friday afternoon, dency of Mrs. F. G. A a paper on mission wor meeting decided that should take place al time in aid of foreign On Friday night und of the Methodist Chur ture entertainment Payne's Hall by the R Penhold. The show ingly good one and ga

Found Husban

Portland, Ore., Oc wife of Charles M home last evening she band lying dead on t front room of their his arm was clasped serve jar, which Mrs. ased as a bank ar night the money was police were certain th heart failure, he heart disease.

EVIDENCE HA BEEN

Continued from

The act is further it rnoses alleged in claim, as it can have i upon the Standard Tru trustee for the bond firm of J. S. Morgan & of ondon, England. o fund of \$6 000,000. fund is not and was r of the passing of the s or in law, situate in th

of Alberta. The said act, being o statutes of 1910, secon which the plaintiff's as aforesaid is ultra vi

lature in the province