

## The Alberta Star.

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DAVID H. ELTON,  
Editor and Proprietor.

Cardston, Alberta, Canada.  
Friday, July 5, 1907.

Just one little thing that we wish to call your attention to in connection with our Dominion and Cardston Day Celebration. Do you know why it was possible to have such a good and enjoyable time for a couple of days free from admission charges or entry fees for the sports? It was because the business men had donated so liberally! Will you kindly take a look at the list and see if the names of any of the mail order houses you patronize were on there. Not one of them! Just remember this: the next time you are tempted to send your good money to a Mail Order House. They do nothing towards the improvement, enjoyment or entertainment of your town. Don't forget it. When you send your money away you are robbing yourself and your children for it never comes back.

Here's to the health and long life of the Dominion Day Committees and every mother's son and father's daughter of them! May they live long and prosper. They have proven one thing and proven it most conclusively too, and that is that it is possible to have a good time among ourselves without the usual hold up charges so prevalent in other "3 for 25 cent shows." There is doubting the fact now, it has been done and done up right. The Decoration, the Reception, the Refreshment, the Finance and the Sports and the rest of the Committees were all hard at work and doing their level best for the entertainment of the people.

### Supreme Court

(Continued from Page 8)

the root house referred to, had never had any other property on the land in question. Mr. Harris asked the witness why he had come to the root house and held an interview with the defendant while he was in custody at the barracks. Witness replied that Charles Montalbeti, brother of the accused, had informed him that Felix wished to see him. Mr. Harris asked if it was not a fact that he had come to the defendant for the express purpose of getting him to say something which would implicate Malcolm McKenzie, and in fact, had offered, if defendant would give information that would send Malcolm McKenzie to the penitentiary, that Mr. Lyon would do all he could to clear him on the present charge. Witness replied that he had gone there for no such purpose. That when the defendant had sent for him, he had gone to the barracks taking his counsel with him. Montalbeti had told him at the interview that the prison bars would make him tell the truth, and had asked witness what he would do for him if he would now tell the truth. Witness had replied that he could do nothing for him, but advised him to make a clean breast of the whole affair. The accused replied that he was not to blame. Mr. Harris asked witness if he had not been offered money or other remuneration by any association or individual if he would furnish evidence which would convict Montalbeti in this case. The witness replied that no such proposition had ever been made to him, and that the only money he had received from any one on this townsite case was from his father in law who made him a loan when the case first came up in the exchequer court. He had already paid this back. He had paid the expenses of the preliminary proceedings out of his own pocket.

D. M. Brydges, official court stenographer of the court of exchequer, when defendant's land case was before Judge Whitmore, testified that the notes taken by him at that time, and produced by witness at Mr. Campbell's request, read the questions asked and the

answers given by Felix Montalbeti at that time. He said that the defendant spoke good English for an Italian. In one part of the notes taken by the witness, the date 1899, was changed to 1898, and the words "should be 1898," with some initials, were written under the change. Witness said he did not know when or by whose authority the change was made. It was brought out by Mr. Nolan that the initials were those of Judge Whitmore.

Joseph Montalbeti was called. He is a brother of Felix. He testified that he came to Blairmore in June 1898. Felix had come in April, 1898. He and Felix lived in a tent until about August of that year, and then had moved into the section house. Felix was section foreman on the west and witness on the east of section house. There was no house other than the section house there at this time. Witness and Felix built the root house in October 1898. The material came from McLaren's. Up to Christmas 1898 he and Felix lived in the section house. Mr. Lyon came to Blairmore in December 1898. Felix did not cultivate any land on section 35 in 1898, nor did he build a house or fence other than the root house in that year. In the spring of 1899 witness and Felix had made a garden together at a point one hundred feet from the section house. Felix built a stable and corral in 1900. This was also after this. Felix had no cow, calf or poultry in 1898, but did have in 1900.

On cross examination by Mr. Nolan, witness was asked why he had said in the preliminary hearing that it was May or June when he had arrived at Blairmore, and now stated so positively that it was in June. Witness said that on after thought, he found it was in June, and that no one had helped him to this conclusion. He testified that he was a partner in business with Mr. Lyon. He could not remember if he had lived anywhere else than in the tent, up to August 1898, and could not tell why he had made a sworn statement when Mr. Lyon and others had lived in the section house since June 1898, when he now gives his testimony that it was in August. The witness could not account for the discrepancy except it was that he may have slept in the section house for a few nights before August. He did not know to his personal knowledge that Felix had come to Blairmore in April. He and Felix had moved into the section house at the same time. When Mr. Nolan drew attention of witness to the statement he had sworn to previously, that Mr. Lyon had erected the first house, he admitted that he had been incorrect in his statement, and now said that Lyon's house was the third built. At this point witness became very confused and said his head bothered him at times. His head was bad at the preliminary hearing and also bothered him today. He could not remember when the stable was built or when the garden or other things were done. After the preliminary hearing Lyon had told him that it was in 1900 the stable had been built. When asked if the evidence he had given under oath at the preliminary hearing was true or false, he replied that it might have been either. He had asked assayed what he would give him if Felix succeeded in securing his patent, and Felix had replied that he would give him nothing. He denied saying that he could get something from elsewhere if Felix did not give him something.

At the evening session of the Supreme Court the defence took up its case. The first witness called was James Scott. Witness was in Blairmore in 1898. Saw a cabin built of logs there at that time. This was before the section house was built. Cabin was so constructed that it was possible to move it, without tearing it down. If the present building was not on a sloping piece of ground it could not be the same cabin he saw in 1898. A stove was in the cabin. The structure was about forty feet

from the present station. Saw a tent there. The tent and cabin appeared to be the same width and joined each other. The accused was living in a tent when witness first went there in June 1898, but built the cabin in August. These were the only buildings in evidence when he first went there. Didn't see any signs of a garden but saw some fencing. Could not say if defendant kept a cow.

The testimony of Pascal, Eucario, William and George Montalbeti was particularly to the effect that the root house was erected in October 1898, and that no garden or other improvements were made in that year.

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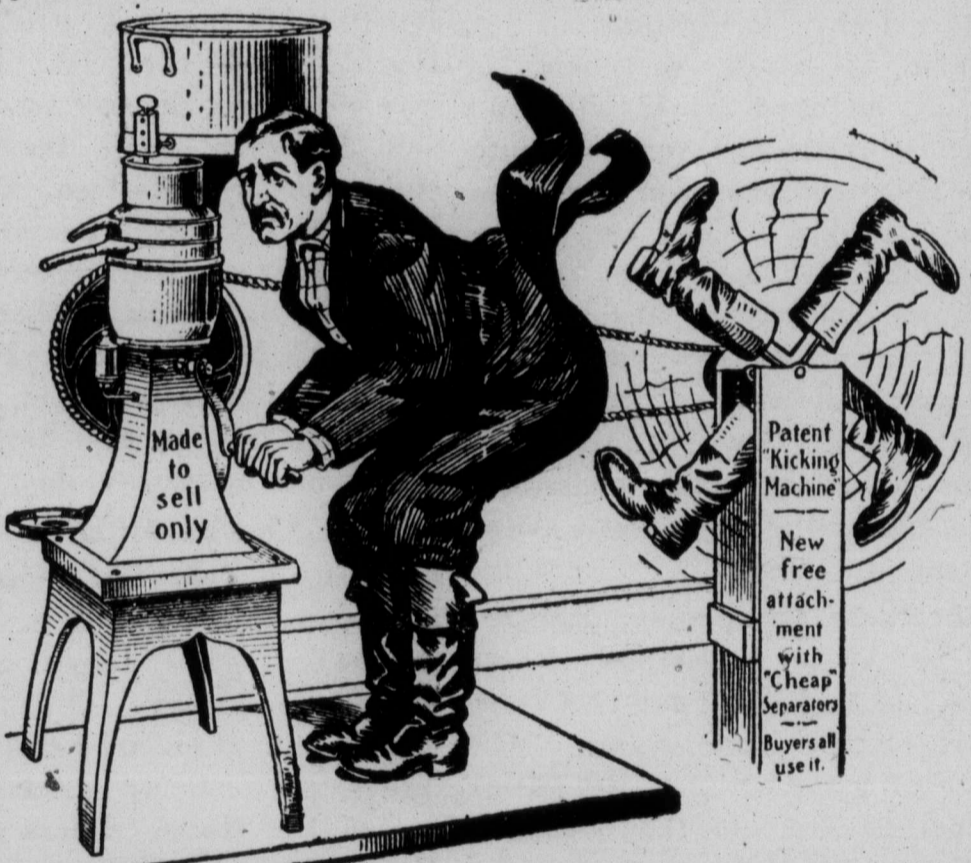
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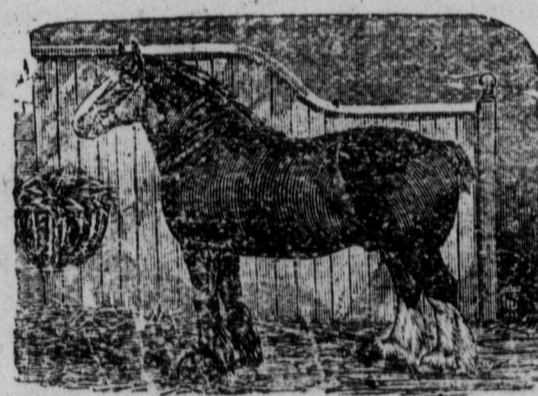
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