

VERDICT FOR \$250 IN ACTION AGAINST BULLETIN FOR \$10,000

Jury in Morris vs. Bulletin Libel Action in Supreme Court Awards \$250 Damages and Costs ONLY ONE WITNESS EXAMINED; PLAINTIFF NOT PUT ON STAND

Label is Admitted But Counsel For Defendant Declares It Was Published Without Malice

On the claim of John H. Morris, real estate broker of Edmonton, against the Bulletin Co., Limited, for \$10,000 damages for the publication of a statement of claim filed in the Supreme court last July charging him with forgery, the jury sitting on the case, Thursday, after being out twenty minutes, brought in a verdict for \$250 and costs.

The jury, on retiring, was strongly advised by Judge Scott that the only question they had to decide was the amount of damages to be awarded. By a recent decision of the Supreme Court of Canada, the publication of pleadings filed in court, but not brought out in open court, was not permissible where they contained matter of a libelous nature. There was no question then that there had been a libel. That was admitted by the counsel for the defendant company. The article "had" stated that the plaintiff had been guilty of fraud, but that action had been commenced against him.

Reflected on Plaintiff. The publication of the article reflected to a certain extent on the plaintiff's reputation and character and therefore he was entitled to damages. A verdict given by the jury for a small amount would not be a reasonable verdict. The plaintiff Morris had to get something at the hands of the jury to show that he was protected against the publication of such statements concerning himself, and vindication of his character. The publication had not been one of public importance, but of a purely personal nature and the damages should not be a merely nominal sum as suggested by the counsel for the defendant company.

Only One Witness. The hearing of the case lasted less than two hours. All the jurymen called were sworn in without being challenged and the jury consisted of Edwin Auld, John Wain, Edward M. Butchart, James York, Charles Gowan and James Martin. Only one witness was called by the solicitor for the plaintiff, C. C. McCaul, K. C., and that witness was Mr. Graham, former editor of the Strathcona Chronicle, and now a law clerk in Mr. McCaul's office. No witnesses were called for the defence, O. Bligh, who represented the Bulletin company, resting his case on a searching cross-examination of the witness for the plaintiff and a clear statement of the facts in a dispassionate plea to the jury.

Mr. McCaul opened the case with a statement of the claim of the plaintiff to the jury. The article in question, brought by John Morris, real estate broker, out of respect of a libelous article published by the Bulletin on July 7. This article had been written by the plaintiff for the court was as follows:— "ACTION CHARGING FRAUD. A writ has been issued in the Supreme court at the instance of Geo. W. Waggott against John Morris, real estate agent of Edmonton, and Gabrielle Dregan, of Fort Providence, Bishop of Athabasca, in connection with the alleged forgery of transfer of Edmonton properties, the details of which were published in the Bulletin some weeks ago.

"Between March 9th and June 9th, it is alleged Morris, without the knowledge or consent of the plaintiff, forged the document in several particulars. He is charged with erasing the name of the owner and substituting that of his co-defendant, with altering the residence and occupation of the owner of the property as described in the transfer. What constituted the changes which were made with the initials of a party purporting to be witness to the transfer." One of the statements of the defence was that the report was a fair and accurate report of proceedings in the Supreme court. Mr. McCaul did not propose to call any evidence as to the amount of damage sustained by Mr. Morris through the libel, but would leave that to the jury to determine for themselves.

Proof of Publication. Mr. Graham, taking the witness box and examined by Mr. McCaul, identified a copy of the Bulletin of July 7, containing the libel complained of as one he had purchased in the office of the Bulletin and had delivered to the plaintiff. Mr. Graham also identified a letter of date, July 26, as a copy of the which he had delivered to both the Bulletin and Justice Harvey. Mr. Graham was asked to identify the publication of an action in chambers before Mr. Justice Harvey through which an injunction was granted to restrain the publication by the Journal Publishing company of any further statements reflecting on the character of Mr. Morris. This request Mr. Graham positively asserted had not been complied with by the Bulletin. He had searched the paper carefully for six days and no reference had been made to the injunction.

Admitted His Error. Later in cross-examination, Mr. Graham was pressed by Mr. Bligh with a copy of the issue of the Bulletin of July 27, containing on page

C. P. R. TAXATION CASE SET FOR HEARING. London, Oct. 27.—Appeals in the actions of the minister of public works of the province of Alberta vs. the C. P. R., and the attorney general of Saskatchewan and King vs. the C. P. R. and attorney general of Saskatchewan, have been set down for hearing before the judicial committee of the privy council. Judgment will be given in the following cases, the Bank of Montreal vs. Standard Ideal Co. vs. Standard Sanitary Manufacturing Co.; Barrard Power Co. vs. King.

Mr. Justice Scott then addressed the jury charging them to assess what they considered a fair amount of damages. The verdict was brought in after the jury had been out twenty minutes.

Grand Rapids May Be Disappointment. Engineer Fielding Returns From Making Power Survey For C.P.R. Will Not Submit His Formal Report for Some Weeks' Time—Volume of Water is Great.

That in some ways he was pleased and in some ways disappointed by what he had seen at Grand Rapids, was the opinion of the engineer in charge of the survey party which had just returned from Grand Rapids, where during the past few weeks he has been engaged making investigations on behalf of the city of Edmonton with a view to the establishment of a hydroelectric plant at that point on the Athabasca river.

Questioned concerning the meaning of this statement and the results of his investigations which had given cause either for pleasure or disappointment, Mr. Fielding refused to make any more definite statement. His words would seem to indicate that the sanguine expectations as to the results of his expedition which have been generally entertained in the city might possibly be qualified by the report which he will submit before the end of the present week.

Pressed for further information as to the impressions he had received from what he had seen at Grand Rapids, Mr. Fielding merely remarked: "There is undoubtedly a great flow of water. Do you think it will be found possible to utilize it for the development of power for use in the city of Edmonton?" he was asked.

"Do you think it will be found possible to utilize it for the development of power for use in the city of Edmonton?" he was asked. "I am not prepared to say at the present time," he replied smilingly. "It is quite impossible for me to make any statement until I have given a considerable length of time to the study of the data which I have been able to collect during the past six weeks. I leave tomorrow evening or on Friday morning for Toronto, where I shall be engaged for some weeks in the preparation of the report on the expedition, which by my agreement with the city will be submitted before the end of the present week. There is a great deal of work to be done and it is unlikely that the report will be submitted before the time specified."

Grand Rapids is situated at a point on the Athabasca 165 miles from the Landing. The commencement of the trip was at the Macdonald Landing, 12 miles from the Landing. Mr. Fielding made the return journey to the Landing in nine and a half days.

Admitted the Libel. Mr. Biggar opened his address to the jury by admitting that a libel had been committed. There was no question about that. But the publication of the item in the Bulletin was held, that an action had been brought against Mr. Morris by certain parties for fraud, not that he had done the things charged against him. Mr. McCaul had spoken of an apology being given by the Bulletin. What constituted the nature of an apology had been, if it were not just an expression of regret at having printed the article? The Bulletin did not know anything about facts of the case, whether the charge against Mr. Morris was founded on fact or not. Mr. McCaul had spoken of an apology being given by the Bulletin. What constituted the nature of an apology had been, if it were not just an expression of regret at having printed the article? The Bulletin did not know anything about facts of the case, whether the charge against Mr. Morris was founded on fact or not. Mr. McCaul had spoken of an apology being given by the Bulletin. What constituted the nature of an apology had been, if it were not just an expression of regret at having printed the article? The Bulletin did not know anything about facts of the case, whether the charge against Mr. Morris was founded on fact or not.

SASKATCHEWAN RIVER ROUTE PRACTICABLE. Ottawa, Oct. 27.—Work has been suspended for the season by the survey party which had been examining into the feasibility of a waterway from Lake Winnipeg to Edmonton by the Saskatchewan river, and the surveyors are now on their way home.

LIBEL DAMAGES FIXED AT \$300. Jury in McLeod-Barker Case Bring in Verdict After An Hour's Deliberation.

"We find that the defendant, Travis Barker, was instrumental either directly or indirectly, in the publication of the pamphlet and assess damages to the plaintiff, K. A. McLeod, in the sum of \$300. This was the finding of the jury in the McLeod vs. Travis Barker libel action brought in shortly before six o'clock last night after an hour's deliberation.

The jury before retiring was charged by Mr. Justice Scott that they must be satisfied beyond reasonable doubt that Mr. Travis Barker was instrumental in publishing the document, Mr. Travis Barker, he said, admitted the publication of the Stimmel declaration, but not his responsibility for the publication of the whole document. It was difficult for the plaintiff to give an actual proof that Travis Barker was instrumental in the publication but the jury might not be necessary. One peculiar point in the case was that Mr. Kenway should act as he did in directing the publication of the pamphlet without knowing whose the pamphlet was and that other peculiar circumstance was that Mr. Travis Barker when phoned by Mr. McLeod at three o'clock and requested to stop the publication of the pamphlet, said that the matter had been in the printer's hands for two hours, and between three o'clock and four o'clock he had been unable to stop the publication. It was not until seven o'clock that the pamphlet was in the hands of the distributor. It was not until after midnight that the pamphlet was distributed. It was not until after midnight that the pamphlet was distributed.

One Witness for Defence. But one witness was called for the defence, K. Kenway, proprietor of the Great West Car on First street.

Mr. Kenway, examined by Mr. Boyle, stated that the manuscript for the pamphlet had been printed at the Keystone Press and been left at his office with a note requesting that he go to its publication. He had done so and had not seen the pamphlet until he had received a message from him that night after the bills had been distributed. Mr. Barker over the phone had strongly requested that the publication of the pamphlet be stopped. Mr. Kenway stated that he himself had been just as strongly of the opinion that it should be stopped as Mr. Barker. He had had for the publication of the pamphlet. There had been no suggestion of either directly or indirectly between Mr. Travis Barker and himself that he should publish the pamphlet.

Examined by Mr. McCaul, the witness admitted that his wife had been on good terms with the plaintiff having previously been engaged in a law suit with him. He had acted on the advice of his lawyer without thinking what effect the publication of the article might have on Mr. McLeod.

No Idea of Reason of Visit. When he had accompanied Mr. Travis Barker to the office of Mr. Stimmel he had not any idea what the purpose of the visit was. Only when they got there did he learn that Mr. Travis Barker had the declaration in his pocket already drawn up.

Mr. Kenway stated that he thought it was quite fair to distribute circulars about town containing the statements in the pamphlet which he undertook to distribute. He thought that if anyone had made a charge against Mr. Travis Barker that he had a perfect right to defend himself in what way he saw fit.

secured the assistance of the Dominion department of agriculture in the shipping of the birds west. In keeping with the policy of aiding shipments, the birds were shipped to the west, the department consented to pay the freight on these thousands of birds from their points of shipment to the west.

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Two Very Special Numbers in White Vesting Waists. We would like to impress upon you the fact that it is not necessary to send outside your own province, in order to get the "most for your money." This is not mere advertising twaddle, it is a positive fact and we can prove it—not only by the two instances quoted below, which we think will convince you, but in many other cases. Add to this the fact that we prepare express charges to your nearest express or post office and we are positive that you will bear out with us in our contention. No. 1204 (as Illustration). This is a tailored waist of fine quality vesting boy pleat in front and 3-1/2 inch cuffs on either side has detachable unlaundered collar, and with cuffs. Sizes 22 to 42. OUR PRICE, 95 CENTS. No. 1208 as Illustration. Another tailored waist of very fine vesting clusters of pin-tucking on either side of centre box pleat, also on back; embroidered laundered collars and cuffs, front fastening. Sizes, 22 to 42. OUR PRICE, \$1.25. IMPORTANT:—We prepare express charges to your nearest express or post office. W. JOHNSTONE WALKER & CO. 263-267 Jasper Avenue East Phones 1351, 2932.

OPENS NEW ANGLICAN CHURCH IN EDMONTON

Bishop Pinkham Conducts Formal Opening of New Anglican Church in Edmonton—Building Was Presented By Sir Henry Pellatt.

The new Anglican Church of St. Faith, situated on Kennedy street immediately south of Alberta avenue, was formally opened yesterday, in the morning at 8 a.m. there was a celebration of holy communion at which the beautiful little chapel, presented to the mission by Sir Henry Pellatt, was dedicated.

WANT TO LOAD AND UNLOAD FREIGHT

Application of Mutual Trust Co. and C.P.R. to Load and Unload at Windsor, Owen Sound and Fort William Before Commission.

Ottawa, Oct. 25.—Applications on behalf of the Mutual Trust Co. and the Canadian Pacific Railway for leave to load and unload freight on Sundays at Windsor, Owen Sound and Fort William were argued before the Railway Commission today, and met with opposition from the Lord's Day Alliance.

CALGARY CITIZENS OPPOSE CHINAMEN

But City Council Turn Down Petition Which Has For Its Object The Prevention of Celestials Erecting "Business Blocks."

WATCH AEROPLANES BY GLOW STARS

Flying Machines Soar in Sky at Aviation Field After Night Shuts Down Highest Altitude Reached During Day Was 5,760 Feet—Hoxey Leads the List.

C.N.R. President Denies Report.

Winnipeg, Oct. 26.—William Mackenzie gave out no news in the interview here today, but intimated that the Canadian Northern Railway was not likely to take over the Alberta and Great Waterways Railway project.

Fourteen New Cases of Cholera.

Rome, Italy, Oct. 26.—Fourteen new cases of cholera were officially reported in the last twenty-four hours. Eight deaths occurred during the same period.

THE EDMONTON DRUG CO. LIMITED

Veterinary Ointment. Small Tin 50c. 2 1/2 lb. Tin \$2.50. A great healing ointment for Galls, Scratches, Cuts, Sore, etc., in Horses and Cattle. Jasper Veterinary Remedies are the Best. 154 JASPER AVE.

The Best COUGH CURE

For Children Tar and Wild Cherry Gives Instant Relief 25 Cents a Bottle

WATCH AEROPLANES BY GLOW STARS

Flying Machines Soar in Sky at Aviation Field After Night Shuts Down Highest Altitude Reached During Day Was 5,760 Feet—Hoxey Leads the List.

GRAYDON'S Drug Store

"The Farmer's Headquarters" FLOUR at Wholesale Prices. RICE, 20 lbs. \$1.00. BEANS, 20 lbs. \$1.00. RAISINS, Juicy Muscates, 12 lbs. \$1.00. "A SQUARE DEAL" AT WILSON'S 44 Queen's Ave.

SEMI... MOVIE... PROMINENT... Will Make This... (Thursday) Greater Edmo... the north and s... Saskatchewan, by... cona, may have h... history of the tw... fore a year in t... the initiative is b... the southern city... the proposal of an... backed by the m... of the citizens... a man the leaders... presented to the... fully signed, requ... all take steps to... passed at the for... the Alberta legisla... an order-in-council... nation of the two... when required doe... another session o... The petition doe... clear the decks... the time is ripe... Leading Man... John Walter ar... have charge of the... petition which is... by leading busine... Those behind it ha... selves to the full... confident of the fu... of citizens as fact... Edmonton. At pr... of the Strathcona... early divided an... tion with Edmonto... of the citizens... form some... and an energetic... started in a few d... election to the cou... favorably disposed... with Edmonton on... Three Alderm... sent council are k... union question with... citizens pr... doring the movem... two cities in one ar... Rutherford, J. M. D... Walter are the... Once before a p... was made, but it ca... did not prove acc... on the south. For... Strathcona is tak... looking to amalgam... In Edmonton und... basis is strongly ap... Winton and W... plank in the platf... cipal Improvement... union of the... Edmonton and Str... up at once and de... gently and in such... ing about the sam... all concerned as so... At the meeting of... night this plank was... proved of vast ext... out how in the ur... cities in one great... the both would be s... then be no extrava... plans for applying... electric... cona, the university... mon, would... greatly enhanced... With a strong sent... union in both citie... that Strathcona a... and joined in one... huge high level r... the Saskatchewan... CONVICTED OF M... Manitoba Jury R... Charge Because... Drunk. Winnipeg, Nov. 2... Hope, a half-bred, w... in the assizes today... in connection with the... erick Smith at Black... Winnipeg. He shot... charged with murder... the dead man was th... against him, an... excuses did not car... The fact that he was... at the time of the tra... to have influenced th... the charge to m... the prisoner probab... death penalty throu... stance. He will be s... Bomb Wrecked Ch... Chong, Nov. 2... to have been thro... Hand, wrecked a... South Clark street... ing the owner, An... his wife and two ch...