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PROBS: Strong north to west winds; decidedly cold; snowfalls.

The Toronto World

\$4000 We are offering for sale a distinctly modern, detached brick house of fine appearance, brick bay, pretty verandah; containing eight well-planned rooms; hot-water heating; cross hall; in good locality, handy to King, Queen or Roncesvalles cars. H. H. WILLIAMS & Co., 24 Victoria St., Toronto.

FOURTEEN PAGES—FRIDAY MORNING FEBRUARY 18 1910—FOURTEEN PAGES

30TH YEAR.

SLANDER CHARGE THROWN OUT BY JUDGE

Receiving Rake-off Not Criminal Offence, He Holds, in Foster-Macdonald Action—Defendant Allowed to Amend.

After hanging her for over a year, Hon. George E. Foster's suit against Dr. J. A. Macdonald, editor of The Globe, for \$50,000 for slander and libel, was called before Mr. Justice Magee and a jury in the assize court yesterday.

The outstanding feature of the first day's proceedings was arraignment of the defendant for his alleged abandonment of his original claim of responsibility for the words spoken in his famous oration, in which it is alleged he charged Mr. Foster with mismanagement of trust funds, and the introduction of an additional plea that he merely made fair comment on sworn evidence given before the royal commission on insurance. I. F. Hellmuth, K.C., for the plaintiff, made a vigorous objection to any amendment of the pleadings, but the objection was overruled.

The stability of both the slander and libel allegations was brought into question by E. F. B. Johnston, K.C., for the defendant, the former on the ground that the taking of a rake-off did not constitute an indictable offence and that therefore the element of slander was lacking, and the plea of libel on the ground that no notice had been served on the editor of The Globe at the time setting forth particulars of the matter complained of. The day was pretty far spent by this time and his lordship decided to adjourn the proceedings and reserved his ruling on both points.

Remarkable interest in the case is shown by the array of legal advisors and of the public in the courtroom which filled the court-room. Surrounding Mr. Foster, M.P., as counsel, were I. F. Hellmuth, K.C., C. A. Masten, K.C., and A. J. Cattenach, while counsel for Dr. Macdonald were E. F. B. Johnston, K.C., N. W. Rowell, K.C., and George Wilkie.

The speech containing the alleged slander and libel was delivered by Dr. Macdonald at Ottawa on Oct. 20, 1905, and the writ was issued on Oct. 22. The statement of claim sets out the following extracts from the speech as constituting the basis of action:

"Hon. George E. Foster evades the issue. He dodges the point. He quibbles over words. He boasts about a retraction of some statement against him made by Le Canada, a French newspaper in Montreal. He says that statement was 'almost the very false statement' made by me about his unjustified rake-off in the notorious Swan River land deal. But, sir, if that statement was the same as mine, or almost the same, and if it was false, why did not Mr. Foster serve me with a writ for slander? Why did he not have a writ for libel served on The Globe?"

"I made the statement on the platform in his own constituency. That statement was published by The Globe, published in English and circulated in his own city. No privilege was claimed for it. No privilege would have been pleaded for it."

"Why did he take his writ for libel to Montreal? And if he had to Continued on Page 5

BOIL THE WATER

Thirty Typhoid Patients in General Hospital Didn't.

There are thirty typhoid patients in the General Hospital, and not one, previous to becoming ill, had been using boiled city water. The moral is plain. The hospital has 391 patients. The capacity of the hospital is 400.

ST. MICHAEL'S HOSPITAL FIRE

Flames From Gas Stove Ignite Kitchen Wall. Fire broke out in the first floor of the Hugh Ryan wing of St. Michael's Hospital shortly after 8 o'clock last night. Owing to the presence of mind of George Doust of 29 Portland-street, who was visiting his wife, a patient, and who got the hospital hose into action, the fire was extinguished before serious damage could be done.

The fire started in the dining kitchen of the men's surgical ward. Flames from the gas stove heated the zinc on the wall, so that the wall took fire. Considerable damage was done to the walls and ceiling. The floor of the section was flooded by water, but the firemen, who arrived soon after the fire started, cleaned the floor.

A RETROSPECT.

Feb. 18, 1886, Archbishop Tache baptized Poundmaker and 28 of his braves in Stony Mountain Penitentiary.

MEN'S SPRING HATS. The new designs for men's spring hats for this season are all on sale at Dineen's, including the celebrated Dunlap lock, which Dineen is sole Canadian agent. If you require a stiff felt or an Alpine or silk it will be a splendid opportunity for you to locate one to-day. Do not buy a hat unless it is this season's block. Do not go past the big hat store Dineen, when you do get one.



Signor Borden: Dama da Monk!

Whitney Charges League Between Mackay and the Corporations

LEADER MACKAY IN ALLIANCE WITH ELECTRIC INTERESTS. Something like a seismic disturbance, with accompanying scintillations of jagged blue flame, shook the legislature yesterday afternoon when Sir James Whitney and Hon. A. G. MacKay enlivened the proceedings with a rapid exchange of amenities on the hydro-electric question.

The opposition and the companies, Sir James charged, were doing all they could unitedly to kill the power scheme. Mr. MacKay objected: "There was no alliance."

Sir James: "I repeat the statement. The hon. gentleman feels very tender on the subject. I can prove it. Twenty times in the course of last session the leader of the opposition left his seat to consult with Henry O'Brien, the paid solicitor of the Electric Light Company."

Mr. MacKay: "It is untrue." Sir James: "Within the last few days he has been in consultation with the solicitor for Mrs. Felker."

Mr. MacKay: "I don't even know the solicitor for Felker. I got my information mainly from the representatives of the constituencies. I am prepared to table every document I have got, notes and all."

Sir James: "These honorable gentlemen think they can disguise from this house, and from the people, the fact that they are in league with the corporations to destroy the power scheme and ruin the government."

Mr. MacKay appealed to the Speaker and requested withdrawal of the expression. Sir James: "I used the word in a political sense. I have been twenty-one years in this house, and I have never withdrawn a statement yet."

SHOULD PROHIBIT SALE OF DANGEROUS WEAPONS

Lessons of Monday's Gruesome Tragedy Rehearsed at Inquest—Should Make it Hard to Get Weapons. Decisive advocacy of the curtailing of the sale of revolvers and pistols, the keeping of a record of such sales, and the empowering and instruction of the police to carry the most perfect of such weapons day and night was the result of the inquest held by Chief Coroner Arthur Jukes, J.P., and County Crown Attorney James Baird, at the morgue last night, into the death of the black murderer William Withers.

The verdict was that Withers was shot by a weapon in his own hand, but a rider added by the jury took up the attention and efforts of the coroner officers that did the mere finding of an already well established fact. Prohibit Sale. This rider as delivered by the foreman was: "We desire that the attention of the minister of justice at Ottawa be called to the necessity for the prohibition of the sale of dangerous weapons without the certificate of a magistrate and that all police officers should be instructed to carry the most effective of such weapons both day and night."

"We feel that as this country lies so close to the republic to the south of us from which rough characters are continually coming to us and with whom the police are daily having more and more Continued on Page 4.

More Opinions of The London Press

Canada's Removal of German Surtax is Favorably Regarded—British Preference Still Recognized.

LONDON, Feb. 17.—The German-Canadian treaty is creating much interest here. The views of the tariff reform press, cabled yesterday, are hotly combated by the government organ, The Chronicle to-day devoting a column to the "usual alarmist misrepresentations."

The Daily Graphic thinks the reconciliation all the more satisfactory because it leaves the case for inter-imperial preference untouched. German recognition of the preference are family concerns being a precedent with which other countries will have to reckon later.

CANADA TRICKED BY GERMAN TARIFF

Concessions Granted in Exchange for Removal of the Surtax Are Declared to Amount to Nothing.

(Canadian Associated Press Cable.) LONDON, Feb. 17.—The Mail's Berlin correspondent says Canadians in Berlin do not share the joy of the Germans at the tariff arrangement.

They feel that Germany secured the best of the bargain. Over half of the \$400,000 of goods which the Dominion exported to Germany in 1909 was agricultural implements, chiefly moving-machines, on which no concessions in duty have been obtained. "Canada has simply been outmanoeuvred by the Germans," said one Canadian economist to The Mail. "They have exploited our ignorance of their market conditions. The concessions on sheep, horses and cattle amount to nothing, because Germany imports none of the articles mentioned. The concession on agricultural machinery, because it is building a factory for the purpose of driving American and Canadian farm implements out of the German market."

The Times Berlin correspondent says Germany has only conceded 25 positions in her tariff list, but these are precisely positions which matter to Canada, whereas Canada has merely suspended the punitive surtax. It probably gives Germany no relief at British expense, except in the case of sugar.

A City's Forward March.

This year 1910 will mark a great big step forward in the history of Toronto's advancement, development, expansion. Everyone's business is growing, property is steadily rising in value, orders are coming in to the factories larger than ever, work people are scarce, the railways are at last taking up extensive improvements in the way of approaching freight accommodation, a new terminal station—some big thing is brewing along the cross-town line of the C.P.R. to the north. The banks and the financial institutions are arranging for further increases in capital. Building operations will be on extensive lines and of a higher class than ever.

Toronto is becoming still more attractive as a place of residence for the rich, the well-to-do, the ordinary family. It is a tourist centre for the people of many other cities.

It is metropolitan of that great and ever-surprising country in Northern Ontario. Our farmers are prosperous and may be still more prosperous by improvements in their methods of farming. Live stock is a profitable undertaking. Fruit culture is expanding. The retail trade grows apace. Enterprise tempered with prudence is the guiding principle; honesty in business is recognized as an essential of success; public spirit is shown by many wealthy citizens; a great new hospital is to be put under way; charity is not forgotten; the finest city in Canada is taking on magnificent proportions on and about the site of the one-time Muddy York.

21 MEN SMOOTHER IN HAMILTON BLAZE

Lacquer Vat at Gurney-Tilden Foundry Ignited and Scores of Employees Were Imperilled—Firemen Show Heroism.

HAMILTON, Feb. 17.—(Special.)—Hamilton was visited by three fires to-night that resulted in the loss of two lives and the serious injury of four firemen.

The first alarm came at 5.30 from the Gurney-Tilden Company's foundry at John and Rebecca-streets. Two employees, Henry Bowden, a laborer, 55 West Main-street, and Robert McCullough, Port Credit, 25 years of age, a stove moulder, were suffocated.

The fire started in the lacquer room on the second floor. A young woman and a boy were employed in the room, and they say that they saw a spark drop from an electric wire into a vat of lacquer. In an instant the vat was a mass of flames, and in a few minutes the building was filled with smoke so dense and stifling that it was impossible for those in the adjoining rooms to see.

The flames and smoke swept up a stairway to the third floor where some thirty men were working. All but Bowden and McCullough managed to grope their way to safety. Bowden was missed, and Fireman Murdoch rushed up to the third floor, and stumbled across his dead body lying near the door. A few more steps would have taken him to safety.

Chief's Heroism. It was not until Bowden's body was recovered that McCullough was missed. Chief Ten Eyck, as Murdoch had done, did not hesitate to risk his life, and rushed thru the choking smoke to rescue McCullough. He found the senseless body on the floor near a window. He tried to protect himself from the smoke by holding his coat in front of his face. There was a spark of life, "treasurer," said Hon. A. G. MacKay, "is the fact that the current annual expenditure exceeds the current annual receipts."

Slid Down Cables. There were some 25 hands on the fourth floor, and they all escaped, many by sliding down the elevator cables, the Percy Woodruff was in bad shape for a time. He climbed out of a window and clung to the sill until almost exhausted. The firemen were engaged at the Gurney-Tilden fire, an alarm came in from Victoria-avenue sub-station of the Cataract Power Company. It is thought the crossing of two high-voltage wires caused the trouble here. A transformer was burned out, and the street car system was tied up for about half an hour. Loss \$400.

Car Hit Fireman. The third alarm came about 5 o'clock from a house near the corner of James street and Charlton-avenue. The fire here did not amount to much, but when the Central Station company was returning to the engine house, a Bradford car at Hurlston and Main-streets. The men claim that they were driving slowly, and that they did not see the car until they were almost on the track. Captain Glover and Fireman Wm. McDougall, who were on the seat, tried to turn the horse around, but the car struck the sleigh right behind. Because of the men jumped, and those in the front part of the sleigh were thrown out. McDougall received a big gash over the ear. He was taken to the City Hospital, and his condition is regarded as serious. Captain Glover's thigh was severely cut, and Lieutenant Smith, 56 Colborne-st., was also seriously injured. Fireman James Craven, 48 North Wellington-st., and Daniel McCarthy were also cut and bruised. Assistant Chief Robert Acheson and Daniel Cushing, a reporter, who were also in the sleigh, escaped uninjured.

NO CHANGE IN LAW

Premier Whitney Gives Frank Reply to Alliance.

A committee waited on Sir James Whitney and Hon. W. J. Hanna yesterday seeking reform legislation on behalf of the Ontario Alliance. Sir James urged on the deputations the necessity of complete co-operation among themselves. He told them that whenever temperance matters were discussed by the cabinet the question of the three-fifths clause was given full consideration. He did not regard it as a handicap, but one of the most important factors contributing to the ultimate success of the local option cause. The government was not lagging behind public sentiment in the matter of temperance legislation.

Mr. Aylesworth at Ontario Club. At the Ontario Club last night Hon. A. B. Aylesworth, minister of justice, delivered the first of a series of "educational" addresses to be given by members of the Dominion Cabinet on political questions of the day.

Col. McLean Says Government Program is Inadequate, and Joins in Opposition Demand for Fleet Units.

OTTAWA, Feb. 17.—(Special.)—The oral debate took a new turn this morning, when Col. H. McLean, the liberal member for Sunbury-Queen's, N. B., one of the substantial men of the house, openly criticized the government's policy as inadequate, and agreed with R. L. Borden regarding the necessity for a fleet unit, tho he considers that the opposition leader ought to have gone even further and moved for the building of two admiral-classes, cruisers of the Dreadnought type.

"I do not agree," he also said, "with many of my friends' action on the government side, that the German peril is a scare. The action of Germany is very serious. Germany has a large naval program. It is no use blinding ourselves to these facts. I hope that there will be no war. I hope that England, now that she is aroused, will be able to build faster than Germany. But we know that Germany is able to carry out her naval program. It is not safe to rely on the good-nature of Germany. The Germans are business people, they are a warlike people. Like England, they will not hesitate to take an advantage in war. I have no reliance in the good faith of Germany. If she thought she could get an advantage."

Col. McLean proposes that rather than the five small cruisers proposed by the government, they should have three cruisers and an indomitable, in other words, a fleet unit headed by an indomitable on the Atlantic and an indomitable on the Pacific. He was confident that before long we should have Dreadnoughts also. He criticized the opposition policy of sending money to the admiralty. He believed in building the ships in Canada, manned by Canadian sailors, but offered first by Britishers.

Congdon and German Tariff. Continuing his speech, which was not concluded yesterday, F. T. Congdon (Yukon) noted that the certain English newspapers objected to the removal of the German surtax. What they wanted was the greater share of Germany's trade, and cared nothing about the friction between the two countries.

Col. Sam Hughes described Mr. Congdon's speech as a magnificent case. It was philosophy, but had history; it was condemnation of everything that had gone on in British great. Dreamers such as Boleesperie were dangerous. As to the German surtax, it was in the interest of Germany, it was not in the interest of the empire.

A Dangerous Policy. He did not object to criticism of our relations with Great Britain—but when it came to legislation for independence it was time the people of this country recognized what was going on. The most sinister attempt was being made that had been seen in this country. The attitude of the government was simply that Britain would help Canada in her time of trouble and Canada would help Britain at her own sweet will. If Canada found herself at war they would have nothing to strike with. "Autonomy" and talking of "nation" he described as the forerunner of independence.

Col. Hughes met some opposition on the part of the French-Canadian members when he described Papineau and William Lyon Mackenzie as men who had been erroneously styled heroes because they had deluded the people of Ontario and Quebec and had "skipped" when danger came.

INSULTED JUDGE, GETS 4 YEARS

MONTREAL, Feb. 17.—(Special.)—Convicted of theft and remanded until Tuesday for sentence, Arthur Paquette, in leaving the dock, remarked to Judge Choquette, that there were some crooks at liberty. The judge said they get their deserts if arrested and Paquette retorted: "What's the use? You are just as bad as the rest of them."

Out of respect for the bench, the judge promptly imposed a sentence of four years in penitentiary.

COST OF THE NAVY

Estimates Do Not Include Interest on Sinking Fund. OTTAWA, Feb. 17.—(Special.)—In the house to-day, R. L. Borden was told that the training ship Rainbow will cost Canada approximately fifty thousand pounds sterling, and that the cost of the new navy given to the house did not include interest on the cost of construction or provide for a sinking fund.

Feb. 17. A deputations yesterday to ask and reclamation of ... County, and he could not find