NOTICE TO HAMILTON SUB-SCRIBERS.

Subscribers are requested to report any irregularity or de-lay in the delivery of their copy to Mr. J. S. Scott, agent, at this office, rooms 17 and 19, Areade Building. Phone 1946.

COCKING MAIN RAIDED EXCITEMENT AT DUNDAS

Thirty-Three Men, Mostly Farmers, Bagged by Chief Twiss and Five Officers.

HAMILTON, Feb. 27.—(Special.)—Chief Twiss, Dundas, with five officers, raided a cocking main at Waterdown shortly after midnight Saturday, capturing thirty-three men, fifteen live game chickens and two dead birds. The contest was being held in a barn in the heart of the village. John Boilinghoff, officer of the Society for the Prevention of Cruelty to Animals, secured the information. The chief took Boilinghoff and four policemen from cured the information. The chief took Boilinghoff and four policemen from Hamilton. They reached the village shortly after midnight. There was but one door to the barn, and it was not guarded. The crowd was so taken up with the contests that they paid no attention to the officers until someone caught a glimps- of their uniforms and shouted: "Police!" The cry had hardly died away before the place was in darkness. The police were blocking the only door and the gang scurried to the windows.

"It's no use, boys, you're caught." shouted Chief Twiss. "There are twenty officers surrounding the place, and if you get out you will only fall into their hands."

Constable Brown, one of the two officers when were guarding the outside of

the chief's stratagem worked like a charm.

The officers took the names of fifteen men in sight and let them out of the building one by one. Then every nook in the place was searched. Some were found buried in the hay, others were in mangers, and some were found stretched out in the stalls-with the cattle and horses. One man was just rescued in time from a big pile of chaff to save him from suffocation. The officers had to work over him for some time before bringing him around. The birds that were not in the pit were found strung up in bags from beams in all parts of the barn.

Not one city man was found in the place. They were all from Dundas, Burlington and Freelton and the surrounding country, a majority being farmers. The main was between Freelton birds, and those owned in Burlington and Waterdown combined.

The police decline to give out the name sof those captured, but all will be summoned, and the trial will be held lere. The pit was righted by gaso-

moned, and the trial will be held. The pit was righted by gaso-

ican plan. Rates \$1.50 to \$2 per day. said:

office of The Toronto World will be located at 18 East Main-street. John S. Scott, agent. Phone 1946. Death of Mrs. Tuck.

Mrs. Tuck, wife of Wm. A. Tuck, caretaker of St. Paul's Church, died early this morning after an illness of four years.

The aldermen who are opposed to the recommendations of the controllers held a caucus to unite their forces. They are talking of asking the council o submit a bylaw to abolish the board

of control.

No explanation of the shock that visited the city Friday night has been obtained yet.

The International Harvester Com-The Late Mrs. Hodless.

Mrs. John Hoodless, who died sud-Mrs. John Hoodless, who died suddenly in Toronto Saturday, was widely known for her work in connection with the education of young women. She was president of the Y.W.C.A. for fourteen years, and for eight years was treasurer of the National Council for women. In addition to her Y.W.C.A. work, she took a leading part in the movement for technical education, being the founder of the Ontario Normal School of Domestic Science and Arts, and thru Sir William MacDonald got the MacDonald Institute, Guelph, established. For years she had acted in an advisory capacity to the department of education. She was 53 years of age, and is survived by her husband in an auvisory capacity to the department of education. She was 53 years of age, and is survived by her husband and the following children: Mrs. H. M. Bostwick and Miss Muriel and J. Barnd Hoodless, all of this city. Dr. John

Wentworth Conservatives.

Wentworth Conservatives.

The Conservatives of Wentworth met Saturday afternoon and appointed a committee to select a candidate to oppose W. O. Seeley, M.P. The following officers were elected: Murray Petit, Winona, president; Dr. McClenahan. Waterdown, vice-president: Erland Lee. Stony Greek, secretary-treasurer. Col. Grafton, Dundas, will probably be selected as the candidate. The selection of delegates for the Ottawa convention was left to the various townships.

townships.
William Mulholland, 64 Jackson-street, was taken to the City Hospital Saturday night with a dislocated elbow



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HON. GEO. FOSTER LOSES

Continued From Page 1.

an official of the I.O.F., but the other members of the syndicate were shown to have assumed a share later. A let-ter was produced showing that in negotiating for the purchase of a block of land at Swan River, Manitoba, Mr. Foster had directed that a cheque for a commission be sent to himself. This cheque for \$2480 was received by Mr. Foster and deposited to his personal

When Mr. Foster entered the witness box, he submitted to a severe cross examination by Mr. Johnston. The summing up of both counsel, which occupied all day Friday last, was forceful and eloquent. His lordship occupied all day Saturday from the opening pied all day Saturday from the opening Does a man get a commission for at 10 a.m. till 3.50, when the jury filed out to consider their verdict. Summarizing the evidence, Justice

Magee said, in part:

No man has a right to injure the reputation of his brother. Society would be unbearable and life not worth living if every man could slander his neighbor. The law gives damages for words written or spoken, which would render a man open to contempt,

lessen his reputation as a good citizen in the eyes of his neighbor.

The law, however, makes allowances for the failings or the numan tongue, and where words are spoken they are not generally actionable except in cases, where on attack is made in retheir hands."

Constable Brown, one of the two officers who were guarding the outside of the place, fired a couple of shots, and the chief's stratagem worked like a charm.

The officers took the names of fif-

His lordship read the portion of the speech containing the alleged libel. Now there we have, he continued, the gist of the charge, that Mr. When the police brought the birds into the police station, they decided that the dungeon was the place for them, and they turned them loose. The chickens had no sooner obtained their freedom than they fiew at each other and had to be bagged again. Officer Boilinghoff turned them loose this morning to feed them, and they started to scrap again.

Hotel Hanrahan, corner Barton and Catharine-streets. Hamilton, conveni-Catharine-streets, Hamilton, conveni-ently situated and easily reached from. His lordship then reviewed the powently situated and easily reached from all parts of the city. Erected 1906. ers of the L.O. F. and their relation-Modern and strictly first-class. Amer- ship to one another. Continuing, he

Thomas Hanrahan, proprietor. Phone 1,3,5,1f formed, and soon after an agreement was entered into with the I.O.F. by which it was to act as agent of the I.O.F: in making investments.

Was It a "Child"? It has been said here that the Union Trust Co. was the child of the Foresters. Its whole capital stock, amounting to \$2,000,000, was subscribed by the I.O.F., except about 50 shares. It is evident therefore that in passing into the Union Trust Co. the funds should not have lost the characteristic of safety.

The amount paid to this trust by the I.O.F. as capital prior to the year 1904 would, according to documents, appear to have been about a million dollars.

The I.O.F., altho agreeing to let the Trust Co. act as their agent, appear to have made investments themselves. head of the order was Dr. Oronhyatekha, while Dr. McGillivray was the supreme secretary, and they both appear to have been members of the investment board. Dr. Montague was also a prominent

The Syndicate.

official.

These three gentlemen seem to have organized a syndicate to invest in lands in the northwest, money to be obtained from the I.O.F. In due course we find a resolution passed by the investment board, at which Dr. Oronhyatekha was present, authorizing loan to Dr. Montague on the basis of \$4 per acre.

Montague's Privilege. Dr. Montague was given the priviing the money from time to time in the summer of 1902, after \$107,000 had been invested, Dr. Oronhyatekha offered Foster an interest in the transaction, not only in the 60,000 acres still the purchased under the resolution, but in the 40,000 acres already purchased. It was for the jury to whether they had an object in getting Mr. Foster of the Union Trust Co.

in the deal with them, or only took im in as a favor. The syndicate then had four members, and they went into other deals, purchasing Carrot River, Battle River and Swan River blocks, bringing the total acreage up to about 110,000. It was necessary to remember that while the resolution stipulated that the loan was made on the basis of \$4 per acre, 34.90 was actually paid for the Battle River lands, \$5 for the Carrot River lands, and \$5.25 for the Swan River

lands Well, Mr. Foster is authorized by the syndicate to buy lands. He had met a man named Pritchard, who offered the Swan River block at \$7 per acre, but Mr. Foster had finally purchased it at \$5.25 with the understanding that 25 cents per acre would be turned back to the syndicate. The offer was relief and to-day my hacking cough has entirely disappeared and I am never nted and in addressing Whitla of Winnipeg, who held the title, Mr. Fos- without Dr. Wood's Norway Pine Syrup ter had directed him to remitt a in the house. cheque for \$2400, covering the 25 cent

Syndicate's Borrowing Powers. The I.O.F. was here asked to advance \$5.25 per acre, and for what purpose? Only \$5 was to go to a venoriginal 'Norway Pine Syrup." dor and 25 cents per acre to Mr. Foster, who held a share in the syndicate. Co., Limited, Toronto, Ont.

NOTICE East & Co., Limited

To the Public

As we are retiring from the retail jewelry business, all WATCHES and

JEWELRY left with us for repairs must be called for before Friday, March 5th, 1910, otherwise they will be sold by public auction at 8.30 Saturday, March 6th, 1910.

AMBROSE KENT & SONS, LIMITED 156 Youge St., Toronto

Does a man get a commission for selling to himself? Then for whom was the commission earned? Practically Mr. Foster had said, we will put 25 cents in our pockets, and you can look to the land for security for your money. Up to only 1903 the I.O.F. had money. Up to only 1903 the I.O.F. had not a scrap of paper for security from Montague, who had berrowed the money. The fact was the I.O.F. could have sued Dr. Montague for the total advancements; nevertheless, it was a advancements; nevertheless, it was a so. very unbusinesslike transaction. After undergoing a wide discussion. It was Foster entered the syndicate the advances were still charged to Montague. Which the public had a right to dis-Subsequent lands purchased, however, were taken in the name of the Union ment thereon. Trust Co. Singular to say the Union Trust Co. undertakes to buy the lands, to pay for them and assumes all the responsibility without any beneficial interest. It does took as if the transactions a liar, he with a second to the second the second to the second the tion had been conducted in an unbusi-nesslike way.

The other braining the case has to do with the dem of the case has to do with the dem Mr. Stevenson's Objections. the words, "I can think of no way to get the Montague advances out of your England, and from Liverpool he wrote

was the most unbusinesslike transaction that could be imagined. The land was purchased by the syndicate in the "Turn on the tap." His lordship saw first place, and now we have the trust company taking it over from the Foresters by its own resolution.

nothing significant in that apparently mere form of speech.

First, Mr. Macdonald charged Mr.

The Rake-Off Charge. Coming now to the charge. The words 'unjustifiable rake-off' and 'notorious Swan River deal' were used, Mr. Macdonald admits responsibility for those statements. He comes here them now, but even if they are not true I merely made fair and reasonable comment, and the law protests. true I merely made fair and reason- ed the I.O.F. from so investing. Could able comment, and the law protects it be said that Mr. Macdonald was me; further I made them of me; further, I made them on a politi- wrong in interpreting the letter as he cal occasion. The jury will have to decide.

fied in the eyes of the law would criticism of men occupying the posi-it be wrong to say it was justified? It tion of Mr. Foster, as a candidate for cents per acre rebate, the transaction could be characterized as a rake-off.

Mr. Helimi So long as words used were substantially justified it would not be necessary for the jury to weigh the actual words in nice scales. One man would call a rake-off what another man would call a commission

Meaning of a Phrase. Continuing, his lordship said: I there anything in the words "Notoriou Swan River Deal" that can be called At that time there had been a great deal of talk about the matter in parliament and thruout the country. The words notorious did not neces sarily imply that the deal was of evil character.

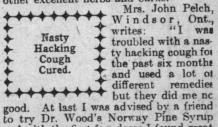
His lordship then dealt with that part of charge in which the words ap-"That he asked for a private rake-off in a deal with trust funds." In that connection it was necessary for the jury to keep in mind the fact regarding the payment of \$2480 to Mr. Foster. Mr. Foster received that

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good. At last I was advised by a friend to try Dr. Wood's Norway Pine Syrup and with the first few doses I found great

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cheque and deposited it to his person In dealing with Mr. Macdonald's expression the jury would have to put themselves in his position with the results of the royal commission investigation before them, and decide whether Mr. Macdonald implied that Mr. Foster had got a rake-off and

His lordship instructed the jury that ment thereon. There was the added fact that Mr. Macdonald had been challenged by Mr. Toster in strong language to discuss that very subject. hat very subject. Macdonald of bed not expect to b it gloves. A man so handled with e kept malice in the background.

accounts, except by out-and-out pur-chase by the Union Trust Co." to his memo given to Mr. McGillivray Twelve days later we have the resolution of the Union Trust company taking over the land. That that he had urged Mr. McGillivray to "Turn on the tap." His lordship saw

mere form of speech.

First, Mr. Macdonald charged Mr.

Foster with trying to induce Dr. Oronhyatekha to pay over surplus funds. By the agreement between the I.O.F. and the Union Trust the Union Trust was to receive both capital funds and investment funds from the I.O.F. did.

"If Mr. Macdonald has proven First, had Macdonald justified the libel? Was there an unjustifiable actuated by malice, and privileged by the general privilege which permits

Mr. Helimuth's Objections. After the jury had filed out Mr. Hellmuth urged various objections to his ordship's address. concluding with the

words: "Finally, I make the general charge that your lordship's summing up was unfair to the plaintiff. You pointed out everything against him, and where you pointed out anything in his favor, you followed up with temething which tended to destroy its omething which tended to destroy its effect. Mr. Johnston also raised several ob-

Remarkable Interest. The case awakened remarkable interest, not only in Toronto, where hundreds of columns of the evidence vas printed, but thruout Canada. The principals and counsel, as well as most of the witnesses, are all prominent in affairs of the country, but undoubt-edly the personality of the plaintiff was the spice that lent flavor to the battle. Possessing a power of quence and recrimination that during period of 30° years has made his opponents in parliament sit up; his effort to bowl another enemy over could not fail to attract wide attenion. For the first time in many years Foster deserted his chosen field and gave battle in an arena where his natural weapons stand him in little stead. If he had been able to entice

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MUTUAL STREET RINK HOCKEY MATCH TO-NICHT ARGONAUTS vs. PARKDALE PRICES—25c, 50c and 75c. Reserved Seat Plan at Love's.

York Pioneer and Historical Society

The regular monthly meeting for the despatch of business will be held in the Society's Room, Canadian Institute, 198 College Street on Tuesday, March 1st, 1910, at 3 p.m. Election of Officers, Daniel Lamb, President, 156 Winchester street; J. Harvie, Treasurer, Room 533, Confederation Life Building; H. S. Matthews, Secretary, 5 Chicora avenue.

the enemy onto a common platform as he endeavored to do, he might have obtained satisfaction with results more to his general advantage. It would be interesting to know what might have happened if Mr. Foster had been allowed to sum up his own case to the jury.

REMEMBER LADYSMITH Ten Years Ago To-day Plucky Garrison Was Relieved. Ten years ago to-day the Town of

Ladysmith was relieved by Lord Dundonald. The siege was commenced on Nov. 2, 1899, with Gen. White and 12,-000 men hemmed in Ladysmith, a town of 3000 population, in Natal, At the time of the relief what was left of the decimated garrison were subsisting on half a pound of meat per man a day. and were supplementing the meat ration by horses and mules. Gen. Lord Dundonald, since commander-in-chief of the Canadian militia, and called by Sid Wilfrid Laurier a "foreigner," was in command of the advance guard of Gen. Buller's army. He first entered the beleaguered town. The exultation leading families. thruout the empire was tremendous. Among those living in Toronto who were in the sige is Fred. W. Cox of Riverdale-avenue. He also took part the battle of Omdurman, where Kitchener smashed tthe power of the Mahdi and avenged the death of Gor-

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CZAR DRIVES MUCH IN PUBLIC Seen Almost Daily Now in Streets-His Family Follows Suit.

ST. PETERSBURG, Feb. 27.-With no preliminary announcement in the court circular the czar has definitely left his five years seclusion and is seen almost daily driving in the streets. Thrice this week he has trahour of the afternoon with no interruption to the traffic beyond keeping the crossings clear as his victoria, when the police chance to see him. His majesty uses a roomy English victoria with a low back, entirely open. The coachman and footman are seated

The czar's reception everywhere has seemed to be friendly and respectful without any demonstration. His example is now followed by all the mem-Petersburg. In addition to visiting relatives, military schools and hospitals the czar has called on some of the

Roumania's Foreign Loan, WASHINGTON, Feb. 27.-Roumania has placed a foreign loan of about 29,000,000 to be used in railway construction and improvements, according to a despatch received at the state department.

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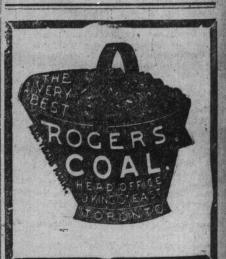
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BRONCHITIS Acts like a charm in Diarrhoea, Dysentery and Cholera, Checks and Arrests

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