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TWELVE PAGES_MONDAY MORNING FEBRUARY 28 1910_TWELVE PAGES

HON. GEO. E. FOSTER LOSES BIG LIBEL SUIT

Jury Finds That He Acted in Good Faith, But His Actions Were Open to Criticism-Costs of \$10,000 Against Plaintiff.

The nine days' trial of the Foster-Macdonald libel suit came to an end at 8.45 o'clock on Saturday night with a victory for the editor of The Globe.

Neither one of the suitors was present when the jury returned; neither were Messrs. Johnston and Rowell, but they were represented by Junior Counsel George Wilkie. Mr. Foster's leading Counsel I. F. Hellmuth, K.C., however, was on the job, and made a last stand for his client by requesting that the result be entered on the books as the jury had written it, but Mr. Jus-tice Magee instructed that the entry be made "judgment for the defendant with costs." Mr. Hellmuth then applied for and was granted a 30 days' stay of proceedings.

The jury took the case at 3.50 on Saturday. afternoon, and they were

closeted until the time stated, except for a half hour off for luncheon and a few minutes when they came out about seven o'clock to hear further instruc-tion from the judge, Mr. Hellmuth hav-ing taken strong exception to his lordship's summing up. At different periods thruout the afternoon and evening those on watch heard voices rising and mingling in contentious debate from the jury room which indicated that anything but a unanimous spirit was prevailing.

First Vote 7 to 5. A juryman informed The World later that the vote stood seven to five in favor of a straight verdict for the defendant, until an agreement was finalreached by the seven consenting to the last sentence, letting Foster down

ewhat lightly. An estimate given to The World by one connected with the case places the costs of the trial at \$10,000. It was stated that The Globe's expense of preparing the defence was \$1000, and counsel fees for nine days' sitting \$5000, while the cost stated that The Globe's expense while the costs of the other side were placed at about \$4000.

In view of Mr. Hellmuth's charge that the court's instructions to the Toronto Congregationalists Are jury were decidedly unfair to his client. is possible that an effort may be made towards bringing about a new trial. He has the right to apply within 30 days to the divisional court for an order for a new trial.

Cause of Action. Hon. George E. Foster, and his handling of trust funds while manager of the Union Trust funds of their congregations, the form the returns issued on Sunday afternoon, after several days of comparing the ultimate result in favor of union. Rev. J. W. Pedley of the Western had played in several questionable deals. Mr. Foster had been subjected to much criticism especially by the Liberal press, following the royal commission disclosures, and The Globe, in an editorial published Oct. 1, 1998, accused Mr. Foster of practically taking money from the Union Trust till. The Dominion election campaign was in full swing at the time, and Mr. Foster challenged Editor Macdonald to meet him on the platfern and substantiate his charges. Mr. Macdonald did not take up the challenge. At a meeting of his constituents in North Toronto on the night of Oct. 1, 1998, Mr. Foster replied to the strictures of the editorial head of The Globe in the following terms:

"Where is the Rev, J. A., this Peter the Hermit, this crusader, this Coeur de Lepi2. Why does he not come here

the fundance of their congregations, the form the returns issued on Sunday afternoon, after several days of comparing which was renewed here this afternom, after several days of comparing which was renewed here this afternom, after several days of comparing the dozen. Several days of comparing the dozen. Rev. J. We pedley of the Western favor of union. Rev. J. W. Pedley of the Western favor of union as to require the standing being sixty to form favor of union, while six were against, and Rev. Mr. Margrest of the Northern Congregational to the Northern Congregational to the Northern Congregation and the Northern Congregations of union, while six were against, and Rev. Mr. Margret with the Northern Congregation and the Northern Congregation and the Northern Congregation and the Northern Congregation and the Northern

the Hermit, this crusader, this Coeur de Leon 2. Why does he not come here and defend his vile charges, for vile they are? He subscribes to the articles of faith and has put on his Master's robes, yet almost every day from be ness against his neighbor, that neighbor being George E. Foster. When I challenge him to meet me on the platform that I may prove him to be the liar that he is, he hides behind his ink pots and utters more lies.

Charge Stands. on October 20, using the following

a deal with trust funds, that he direct-ed the suspicious way in which that European diplomacy, with laudable pent's Tongue," and wife, were includ-

\$50,000 for slander and libel. The case was called in the assize officials in Macedonia. court before Mr. Justice Magee on Thursday morning, 17th inst. For the plaintiff appeared as counsel, I. F. that the Bulgarian army is in a splen-Hellmuth, K.C., A. Masten, K.C., and did condition of efficiency, being not A. J. Cattenach, while E. F. B. Johnston, K.C., N. W. Sowell, K.C., and George Wilkie appeared for Dr. Mac² the Turks.

Among the witnesses called were El-Hott Stevenson, present supreme chief ranger of the Foresters, Peter Ryan and Dr. Macdonald for the defence,

According to the evidence submit-d. Mr. Foster with other members torate formed a syndicate and dealt in northwest lands during the years 1902, '03 and '04. They were turned them to the Union Trust Company, making a commission by transaction. At the inception of the syndicate's operations, they actually borrowed \$130,000 from the LO.F. with-

Continued on Page 2.

IN A WORD

Hon. George E. Foster, plaintiff. J. A. Macdonald, editor of The Globe, defendant.

CAUSE OF ACTION: Speech of J. A. Macdonald at Orillia on Oct. 20, 1908, in which he charged concerning Mr. Foster: "That he asked for a private rake-off in a deal with trust funds, that he directed the suspicious way in which that personal rake-off should be paid, and that he had no right or title to that money."

WRIT: Issued Oct. 22, 1908, for \$50,000 against Mr. Macdonald for slander and libel.

Commenced Thursday morning, Feb. 17, and concluded on Saturday night, Feb. 26. VERDICT:

"We, the jury, do agree in view of the evidence presented to us, that Mr. Macdonald was justified in making the statements published by him in The Globe of Oct. 21, 1908. "We find that while Mr

Foster acted in good faith while acting in the capacity of manager of the Union Trust Co., his actions are open to criticism, and that he is not entitled to recover damages from Mr. Macdonald."

About \$10,000, to be paid by

NEARLY ALL FOR UNION

Almost Unanimous For Amalgamation.

spoken and published by Dr. Macdon- of the vote on the question of union- torn the front out of the store. ald, editor of The Globe, concerning ism with the Methodists and Presby-Hon. George E. Foster, and his hand- terians, six churches had not succeed- ductors beaten and many passengers ling of trust funds while manager of ed in obtaining the views of all the were struck by flying miss

BULGARIA ANGRY

Frontier Clashes-Alarming Features in the Balkan Situation.

PARIS, France, Feb. 27.-The situation in the Balkans is distinctly warlike, but in official circles here the conviction prevails that an honest desire to restrain patriotic explosions exists ble to The World declares that a most that this feeling, backed up by the determination at St. Petersburg, Berlin Wimborne Hottse just before the par Editor Macdonald returned to his charge in a speech delivered at Orillia and Vienna to maintain peace, will pre- liamentary session opened. It is related that in the vail in spite of the alarming state of affairs along the Turko-Bulgarlan 3000 invitations to a reception given by frontier, where the Bulgarians and Mr. and Mrs. Iver Churchill Guest, "to

ersonal rake-off should be paid, that pacific intentions, minimizes the really ed. Mr. Foster issued a writ against Rev. garia, who are now thoroly aroused by A. Macdonald on Oct. 22, 1908, for what they consider the drastic and

Impartial and competent military only fully equipped, supplied and pre-

charge was thrown out by the court on the ground that Mr. Macdonald's words did not involve the imputation Forty Tons of It a Week Are Con- Miners Wouldn't Put Up Candidate sumed in London.

LONDON, Feb. 27. No one believed Great Britain, and when Bonar Law said in the house of commons on Thursday that 100 tons of this meat was sold weekly in London, Chancellor of the Exchequer Lloyd-George cried idly: "As cats' meat."

People are now surprised to find that bought weekly for human consumption

Fire at Garage.

Fire caused by an overheated stove damaged the garage occupied by R. Y. out security and made land purchases | Eaton, and in the rear of 383 Bruns-This transac- wick-avenue, last night to the extent tion was carried thru by Dr. Montague, of \$200. The fire was discovered by Mr. Eaton, who was able to get his automobile out before it was damaged.

125,000 Union Members to Ouit Work Saturday if Car Men Are Still Out-Renewal of Rioting.

PHILADELPHIA, Pa., Feb. 27.-Action fraught with possible momentous consequences to Philadelphia was taken by the Central Labor Union tonight, when that body, representing 146 unions, which claim a membership of 125,000, voted to begin a sympathetic strike next Saturday in aid of the striking street railway employes.

the striking street railway employes.

Meanwhile there is hope that the street railway strike will be arbitrated, despite the repeated declarations of the transit company, controlling all the lines in the city, that "there is nothing to arbitrate."

There is a strong feeling, especially among business people, that the strike should be settled speedily, as all lines of business suffer because of the stagnation resulting from the interference with traffic.

There was surprise at the reported unanimity of the vote in favor of a general sympathetic strike. Leaders of various trades unions had said they were opposed to a general strike because it involves the matter of broken trade agreements. Others doubted their ability to order all work-men to lay down their tools and have the order obeyed. There is no doubt, however, of the strength of the feeling that unionism is at stake and the consequent feeling that a fight to preerve the union is necessary.

Members of every labor organiza-tion in Philadelphia in any way connected with the American Federation of Labor, participated in the confer-

Strike Prank Has Fatal Ending. A man and a boy are dead and four other boys were seriously hurt as a result of a trolley car jumping a switch at Sixth and Jackson-streets downtown to-night and crashing into the front of a cigar store. There had been a disturbance down the street and some one had turned the unused and some one had turned the unused The Sunday was the day set by the Congregationalists for the final returns of the vote on the question of union-

Cars were stoned, motormen and con-

Continued on Page 7.

POET WATSON MET ASQUITHS 'Twas at a Reception and He Was Frigidly Turned Down.

NEW YORK, Feb. 27 .- A London caboth at Sofia and Constantinople, and awkward contretemps occurred at the big Liberal political reception, given at

It is related that in the issuing of that he asked for a private rake-off in a deal with trust funds, that he direct-

When the couple were announced, Mr. ad no right or title to tha money." fury of the people of Southern Bul- and Mrs. Watson, advancing, shook hands with Mr. and Mrs. Guest; then Watson, taking another step forward, cruel measures adopted by the Turkish officials in Macedonia.

Mr. Asquith's face flushed angrily men here are unanimous in the opinion and he turned from him abruptly. Mrs. Asquith's countenance crimsoned, then turned deadly pale, while she flashed looks of withering fury at her traducer. The Watsons passed along into the crush and were lost.

UNOPPOSED BY LABORITES

LONDON, Feb. 27 .- The Labor party decided last night not to oppose Jos. that German horse lesh was eaten in Albert Pease, whose promotion to the ministry necessitated his re-election in Rotherham. The decision of the Laborites was due to the refusal of the miners to provide a candidate.

A \$2,000,000 MUSIC HALL PLANNED FOR OLD LONDON.

LONDON, Feb. 27.-Where the old in London. The price is from three to Hegler Circus stood, in Argyle-street, a little way off Oxford-street, is to be erected the Palladium, which, it is announced, will be the most elaborate music hall in the world. It will be built to seat 5000 persons and cost near-

It will have a reading room, a hairdressers' boudoir, a silence- room, a luncheon-room and a tearoom, a free library and tape machines.

City Construction of Subways Solves Transportation Problem

Flowers for the statue, but nothing for the real living mother.

Tubes and rumors of tubes are the important elements in the present street railway situation. Since Ex-Controller Hocken raised the question, the Street Railway Co. and its allies have realized the weak spot in their defences, and they are now moving every agency with the hope of occupying the city's ground, and entrenching them-

selves before the city is able to take the position it has proposed.

Tubes must be puilt to take care, not only of the growing internal traffic of the city, but of the immense radial railway traffic which is being banked up at present, and which will flow in as soon as the allied street railway interests defeat the city, or are brought to terms by the city in the struggle to preserve the people's right to their own streets

and franchises. The street railway interests believe they can defeat the city. They rely on the weakness of the city's fighting power, and upon the feeling among many people that the city cannot succeed in beating a corporation at its own game. A great many people have the same feeling of hopelessness before the demands of a corporation like the street railwhich they have before a burglar or a footpad. They throw up

their hands without more ado. This is not the way to preserve the rights of the people, or to get the best service that is possible for the growing City of Toronto. Toronto has becreased from 208,000 at the last census in 1901, to almost double that in the present year. This means that in five years at the same rate of growth we will have 500,000 people. But the larger a city becomes, the faster it grows. As Toronto has doubled in nine years, the tendency will be to double again in another ten. Certainly in fifteen or twenty years, there is sure to be a city of a million people on Toronto Bay. The best judges think that the million will be reach-

ed in fifteen years or little more. That is what the railway combination has in view That is why they are determined not to let Toronto work out its freedom from franchise-holding corporations. That is why they are determined at any cost to tie up the entrances to the city, the streets of the city, the underground running rights of the city, every possible and available right-of-way on ground, above ground, or under ground that they can persuade a legislature or parliament to alienate from the natural owners, or wheedle from the owners themselves. Toronto people are sitting around discussing the New York and

Brooklyn railway jobs, the Chicago railway situation, the railway conditions in a dozen cities in the United States, when all the time right here at home there is one of the most glaring cases of corporation street railway aggression that can be found on the continent. If Toronto fails to retain control of all the street railway rights

and subway rights that properly belong to the city at present, in a few years the city will be so tied up, and the interests involved will be so enormous, that millions will then be unavailing to secure release where thousands are at stake at present. There is a bill at present before the legislature, providing for the

building of subways, for the expropriation of the street railway, and for raising the money for these purposes after the usual submission to the ratepayers. So far the city council has been fairly decisive with respect to this policy. But there are so many elements hostile, or differing in opinion, and so much pressure is being brought to bear in high places that the utmost caution is necessary to ensure the passage The astonishment which was given general expression last week

when Hon. James Duff undertook to champion the street railway interests against the city will have reason to increase if Toronto, thru her mayor and council, does not make it clear beyond dispute that the people are determined to maintain their natural rights. The fact that the street railway lends the opportunity, for those who can secure its franchises thruout the city, to amass wealth beyond the dreams of avarice, is no reason why the people should aid and abet by their apathy the designs of any man or set of men upon this potential

What is potential wealth for a corporation is actual wealth for the citizens, and they should retain their own property. If the city does not rise to the occasion, the argument very plausibly advanced by Mr. Duff will be forced forward on every occasion until either the legislative authorities give way, or the city itself undertakes the development that is necessary to accommodate all the traffic

that is gathering round this metropolitan centre. There is no reason in the world why the city should not organize an underground railway system, giving entrance to all the radials on the principle of common user, and doing all that anyone of them wants to do-with this vital difference, that the control remains with the city, and by that means every possible future cause of friction can be elim-

There is no reason why a plan should not be prepared with this object, giving the city its future tube system when that is required, and, for immediate use, giving the radial and any other railways those connections across town which are now the ostensible object of negoti-

If the city had retained all the running rights over the Esplanade, and leased common rights to the different railways requiring waterfront connection, there would be a different situation in Toronto today on this issue. What the city has not done with the Esplanade, the city can still do with the underground system, and it can save years of delay and a fortune in expenses.

Moreover, the possession of the underground system will ensure to the city the safety of the surface rights and franchise. This is so obvious that it is only necessary to indicate the tremendous efforts being made by the companies to head off the city from the accompaishment of this very policy. Toronto must own and develop its own sub-

"ENGLAND"

Sir Alexander Lacoste and Hon, Thos. Chase Casgrain, at the head of the strongest delegation that can be seto-morrow evening for Ottawa, in Henry Dalziel's amendment to the with the Conservative leaders at the capital re certain matters of mutual Radicals are threatening at the parting of the ways, and this matter must be threshed out now, for to-morrow it will be too late."

Of course, these Conservative gentlemen who go to Ottawa with a protest in their pockets will not say a great deal as to their real intentions, but it is a fact that they will put some serious questions to the leader of the party, R. L. Borden, one of which is, 'Do you want to run the Conservative party without Quebec? If so we

want to know it here and now."

As a matter of fact, the Quebec Conservatives claim that no great debate can be indulged in without some leading Ontario Conservative using insulting language towards this province, all of which is so much argument in the hands of the Liberal stump Will Issue a Statement Within Next orators and newspaper writers in

Quebec and Montreal. It: is stated that all the Conservative" members, both English French, from this province, will be pressed into the delegation, and that the Quebec men will not return before securing an assurance from Mr. Borden that a new era will soon mark

Otherwise it is known that every have been expected. semblance of organization will be dis-banded by the opposition, both in Quebec and Montreal.

HATPIN THRU HIS EAR

Sudden Turn of Woman's Head on Car Transfixes Conductor's Left Lobe.

SPRINGFIELD, Mass., Feb. 27.-Al- marks to make. bert Putnam, a conductor on the Springfield Street Railway, is suffering from a peculiar injury inflicted

with a woman's hatpin. While he was collecting fares in a rowded car to-day something attracted the attention of a woman passenger standing in the aisle clinging to a

She turned her head quickly and drove the point of an 18-inch pin which she wore in her hat into the lobe of the conductor's left ear. The conductor, with his ear transfixed on the hatpin, howled with pain, but with the ald of the embarrassed woman the pin was removed. The wound was cauterized later by a physician.

A RETROSPECT.

Feb. 28, 1900.-Relief of Ladysmith by Feb. 28, 1825:-Great Britain and the United States made a treaty, agreeing that fishing, navigation, and trade be free, "in any part of the ocean com-monly called the Pacific Ocean." Feb. 28, 1868.-The Canada Southern Railway (now merged into the Michigan Central Railway) was chartered.

Dr. Smith's Condition. Dr. Goldwin Smith passed a good day yesterday. There is little change hard," and would be in his glory when in his condition.

Just Now it is Divided Into Two Groups, on Différences of Opinion, and Not Because of Any Feuds.

LONDON, Feb. 27 .- (New York Tribune Cable.)—Government by deputa-tion is even more disintegrating than government by groups. The prime min-ister is receiving much instruction from the recalcitrant Radicals from opposite corners of the smoking room at Westminster respecting policy, tactics and strategy in the campaign against the lords. The points cannot be new, since every section of Liberal-ism is represented in the cabinet, which has discussed the subject exhaustive-

ly at frequent meetings. ly at frequent meetings.

According to the best information obtainable, there are no bitter feuds, but merely honest differences of opinion respecting the most effective procedure against the lords. The report that Sir Edward Grey has threatened to resign office is a capard, and equalto resign office is a canard, and equally untrustworthy has been the rumor that a combination has been formed to drive the chancellor of the exchequer

drive the chancellor of the exchequer out of office.

The hurried visit of the prime minister to Buckingham Palace gave rise to rumors that his resignation was impending, but these have been promptly contradicted with the story that Winston Churchill is holding out with David Lloyd-George against the majority of the ministry. It is more probable that Mr. Churchill is acting as peacemaker in the cabinet, siding with the majority, and seeking to bring the disappointed chancellor to reason and to call off the indiscreet Radical editors.

Deputation to See R. L. Borden

to Protest Against Recent Speeches of Ontained Members.

MONTREAL, Feb. 27.—(Special.)—

The cabinet Divided.

The cabinet has been divided into two well defined groups of temporary tacticians and farsighted statesmen. One has favored a simple, straightforward policy for the limitation of the powers of the house of lords without a change in the constitution of the hereditary chamber. The other has looked beyond the immediate necessity of linking together the groups making up the coalition, and has recognized the necessity of framing a statesmanlike reform bill. comprehensive in scope, on which the government can appeal to the country at the next election. The King's speech contained evidence of the conflict of opinion within the cabinet. Resolutions of the text of a bill itself may supply proof of a compromise, which may or Cabinet Divided. proof of a compromise, which may or couraged, but not quite demoralized,

Meanwhile, before either resolutions order to have a heart to heart talk prime minister's motion for giving preedence to government business until Easter. He and the other 'stalwart against the main motion if the speaker rules the amendment out of order, and the Nationalists and Labor members are expected to join in the revolt. The Unionists assert that the government can be saved from defeat only by the patriotic action of the opposition in supporting it for the purpose litating the financial legislation which

is urgently needed. Temporary Agreement Likely. When the crisis comes it will proba-bly turn out that a cabinet agreement has already been reached, and a basis

Continued on Page 7.

MR, FOSTER IN OTTAWA Few Days.

OTTAWA, Feb. 27 .- (Special.)-The result of the Foster-Macdonald libel suit was generally unexpected in po-litical circles here. Both parties, for the most part, expected a disagreement, the some of the lawyers who have been den that a new era will soon mark direction of the Conservative that the moment Mr. Macdonald pleaded privilege, no other verdict could-

Hon. George E. Foster returned to Ottawa this morning. Asked by The World correspondent if he had any statement to make, he replied that at present he did not care to make any comment, but might have something in a few days. R. L. Borden, the Conservative leader, was also asked if he had anything

to say, but replied that he had no re-LABY LAURIER GOES SOUTH Report That Premier Was Going Is

Incorrect. OTTAWA, Feb. 27 .- (Special)-Lady Laurier left this evening, for Hot Springs, Ark., where she will remain for some weeks. She has not been in the best of health since her illness

early last year. Reports emanating from Montreal to the effect that Sir Wilfrid was also going south, are untrue. The premier

will remain here. Hon. L. P. Brodeur left on Saturday night for Pinehurst, South Carolina, where he will remain for some time in the hope of regaining his strength. He was accompanied by Madame Brodeur and Hon. Geo. P. Graham, who

went as far as New York, ANOTHER COOK IN FICTION.

ORANGEVILLE, Feb. 27.-Governor Bowles, of the county jail, wonders whether Bob and Dr. Fred Cook are in any way related.

He says that Bob's story in Toronto of how close he came to getting out of his cramped quarters here is all moonshine. Bob has a reputation as a blow quizzed by reporters.

