$35 PER MONTH
Yonge Street store, near Carlton, neat show window.
H. H. WILLIAMS & CO.,
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The Toronto World

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Maitland, near Yonge, eight rooms, good condition; wide lane at rear. $1000 cash.
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PROBS: Strong west winds; cool and showery.

SIXTEEN PAGES—SATURDAY MORNING OCTOBER 16 1909—SIXTEEN PAGES

29TH YEAR

Senate Reading Room
Hamilton 2638
SENATE R O

BORDEN LIBEL BY ALL THREE CHARGES

Jury Decide After Four Hours—Judge Charged Strongly Against Defendant—Restricted in Third Count.

KENTSVILLE, N.S., Oct. 15.—(Special.)—"Guilty of libel on every count," was the verdict which foreman Moffat of the jury trying the criminal libel suit of the King v. Carruthers, delivered at 8 o'clock to-night.

It took four and a quarter hours to get an agreement. The point longest discussed was the charge of keeping Miss Chalefour for immoral purposes at the Palace-street address. The jury retired at 7.30 for instructions as to whether the charge could be applied to other localities. The foreman was instructed that it could not.

Late this afternoon, while the jury were out, Sir Frederick and J. J. Ritchie, counsel for Carruthers, met on the court house steps.

"How do you do Sir Frederick," said Ritchie. "How do you do," was the reply. Descending a few steps, Sir Frederick turned and said, "Don't you ever speak to me again," Ritchie replied, "I would rather speak to a black man, anyway."

This morning and afternoon the court room was crowded to excess. Justice Drysdale delivered a charge to the jury so uncompromising against the defence that even the most ardent advocates for Sir Frederick were surprised.

The Judge's Charge.

The libel in question was, on its face, one of the worst possible in reference to a public man.

Defendant had pleaded that the statements were true, and that he believed on reasonable grounds that they were true.

The judge said reasonable grounds did not exist, and he withdrew this from consideration by the jury.

The second ground of justification was that the matter was one of public interest. He had ruled that matters of long ago, having relation to the present position of a man in order to guide the electorate, should be discussed if they were true.

The evidence was then reviewed as the legal situation appealed to him. Even if Borden called on Hester Chalefour at Montreal, it was doubtful if this was ground for the assumption that he had enticed her there. There was no evidence that he kept the girl at 582 Palace-street, in Montreal, for immoral purposes.

In regard to Mrs. McParland having been separated from her husband by Borden, the judge said there was no reasonable evidence to this effect.

Miss Archambault's evidence was then reviewed. He told the jury to consider if Sir Frederick was ever seen at her house by Miss Archambault. Judge Drysdale thought they would do well to discredit the evidence of Hester Chalefour. She had admitted herself a blackmailer, a liar, and an abandoned person. No stock should be taken in her statements.

Address of Counsel.

In his address to the jury on behalf of defendant, Mr. Ritchie, saying that he had been told that the majority of the jurors were Liberals, asserted that he believed they would be true to their oath, even tho the case involved the reputation of a member of the federal cabinet. Sir Frederick's remark yesterday, "You are a political lawyer," had been a direct insult to the jury.

Mrs. McParland's evidence he discredited. She could not have been in the government buildings twenty-two years and yet never have seen him once. The perfidy if the man Pineo who begged of Carruthers the copy of The Eye Opener so as to lay foundation for the charge of libel was scathingly denounced.

The real question, the lawyers, declared, was, did Borden commit adultery? Miss Archambault, the one disinterested witness, had identified him from a photo, as having called on the Chalefour woman, and stayed all night. Why was he coming to see a woman of her confessed character? The conclusion was indisputable.

Hester Chalefour was an admitted perjurer. As a witness for the prosecution, she had lied to shield Borden, not to condemn him. The cage where the bird was kept was the house at Outremont bought with Borden's money.

Why Was $2000 Paid?

"What was the $2000 paid for?" asked counsel. "Sir Frederick is not a chicken. He is no easy mark. There can be only one reason." If Mrs. Allison's allegations were untrue, why had he not proceeded against her?

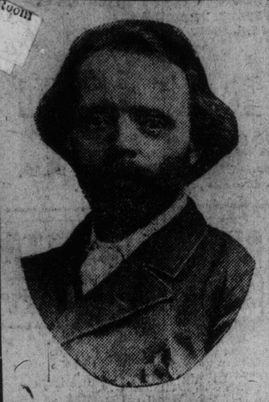
Borden and Miss Chalefour had been at the same hotel in Boston last Friday, and both declared they had not seen each other. Borden had admitted that she had been in his office many times. No innocent man received such visits from abandoned women.

Counsel for the prosecution had tried to bar Miss Archambault's evidence; an innocent man would have instructed his lawyer to admit any evidence.

W. E. Roscoe, crown prosecutor, argued that the cases in regard to Borden and Carruthers differed. It made no difference if Sir Frederick drank wine at banquets. He had not offended against the laws of the land. These things were irrelevant.

The Real Issue.

"These," said Mr. Roscoe, "are not the facts of the case. The real issue you are to determine on the real charges and evidence. If Sir Frederick's private life were under consideration, the fullest investigation would be courted." The manner in which The Eye Openers were left with and distributed by Mr. Carruthers was described as evidence that the defendant knew he was doing wrong.



HALL CAINE
Famous novelist, who is reported seriously ill in London from an attack of heart trouble.

COMMISSIONER MABEE WON'T STAND FOR DELAY

Thinks Railways Have Had Sufficient Time to Protect Level Crossings.

Chairman Mabee of the Board of Railway Commissioners for Canada at the hearing at the city hall yesterday, scored the railways for the delay in dealing with the question of better protection at level crossings.

The city had made an application for an order to compel the G.T.R. to provide better protection at Sunnyside. The board was asked to dispose of the question of contribution, if any, to the cost by the Townships of Etobicoke and York regarding the crossings in those municipalities, and also whether the city should be charged for the crossings at Dunn-avenue, Dowling-avenue, Jameson-avenue, Queen-street, Indian-road and the two crossings at High Park. The board was further asked to apportion the share of the cost to the C.P.R.

E. D. Armour, for the C.P.R., submitted that the broadly speaking, the work might be classified as public protection, it should be decided how much of the work could be classified as grade separation, grade reduction and increased track facilities.

Mr. Shepley, K.C., for the G.T.R., argued that as the public were involved the matter should be dealt with by a direct order of the board.

Time to Act.

City Solicitor Chisholm said that as the question of protection at Sunnyside was nearly 15 years old, it was about time that something should be done.

Chairman Mabee did not think the board should permit contests as to proportion of contribution to delay the work. He considered that the matter was in a most unsatisfactory state, and that the commission must be advised within two weeks as to the companies' decision.

The G.T.R. was ordered to protect its crossing on Church-street, Mimico, with gates.

The chairman referred the application of the Toronto, Niagara and Western Railway for the approval of the revised location from Davenport station to Jane-street, Toronto, to the board engineer.

The city's application to alter the board's order of last July 3 in respect to the Queen-street high level bridge was enlarged.

The chairman, acting on the advice of Mr. Mountain, the board engineer, ordered electric appliances to be installed in the tower near the crossing on the western road, where the accident occurred last August.

M. K. Cowan, K.C., for the G.T.R., referred to a clause in a former agreement which gave the Grand Trunk the right to construct a second track. He stated that in December, 1907, Mr. Simmons, the railway board engineer, recommended that a complete interlocking system should be installed at the expense of the C.P.R., the plans to be submitted by the G.T.R. At present the derails are 300 feet from the crossing, and the G.T.R. claims that this distance should be at least 500 feet.

Angus McMurchy, K.C., for the C. P. R., considered that the G. T. R. plans were too elaborate, and a great deal too costly.

No Change in Plans.

Chairman Mabee, in rendering decision, said: "All this quibbling is enough to destroy anyone's power of thinking. As a matter of fact, I consider that any alterations might make matters worse; the plans will stay as they are."

The C.P.R.'s application to construct a branch line from lot 6, concession 4, Etobicoke Township, to a point on the G.T.R., at lot 9, was allowed to stand over.

The G.T.R.'s application for decision on the question of interlocking plants and responsibility from accidents owing to employes' negligence was enlarged to Ottawa.

A deputation from the Township of Astemesia, Grey County, applied to the board for an order compelling the C.P.R. to make certain alterations in a cutting on the Walkerton and Lucknow Railway, which is leased by the former road. They complained that thru the negligence of the sectionmen in not clearing away the snow, it was unsafe for rigs using the crossing. The board ordered the railroad to make the required excavations, and to see that its employes kept the cutting clear of snow. The chairman told the deputation to report to the board if the railroad did not live up to the board's decision.

ISSUE A CHARTER TO DEALERS IN "GRAFT"

R. L. Borden Suggests How Certain Friends of the Government Could Get All That's Going.

HALIFAX, Oct. 15.—(Special.)—R. L. Borden, the Conservative leader, addressed a large party gathering in his own constituency this evening. He leaves for the west to-morrow.

Mr. Borden's address was a vigorous criticism of the government for its "reckless squandering of public money for partisan purposes; the systematic encouragement and protection of camp followers engaged in plundering the public treasury, the degradation of public life by lowering those high standards of public honor which prevail in the mother country; and the colossal blundering in the administration of great national undertakings."

He first referred to the "wilful and culpable mismanagement in regard to the so-called Newmarket canal, the total cost of which would fall not far short of $1,250,000.

"This canal," said he, "is a jest and a byeword where the actual facts and conditions are known. I challenged the prime minister and the minister of railways to give an estimate of any expected traffic, and they were dumb.

"It would have been better for the country if the government had thrown the money into the sea or bestowed it openly upon one of their many camp followers, and thus have saved at least the cost of future maintenance," said Mr. Borden.

Stifling Investigation.

The practice of denying or burking investigation in cases where it was abundantly evident that the public treasury had been unjustifiably invaded had been common and notorious. Mr. Borden recalled the Mayes-McAvity scandal. The opposition's demands for an enquiry had been refused, the minister of finance declaring there never had been a fairer or straighter transaction. Mr. Borden continued:

An "Influence Corporation."

"With the stamp of Mr. Fielding's emphatic approval upon this transaction, there is a great opportunity for persons having or pretending to have influence with ministers presiding over great spending departments of the government. Why should not a 'Liberal Political Influence Corporation' be formed in every province, capitalized according to the probable 'pull' of its promoters, and why should not every contractor or intending contractor be required to enter into an agreement with such corporation for payment thereto of such portion of the amount of his contract as might be considered just and reasonable, the corporation undertaking on its part to procure for the contractor every possible advantage and favor that could be secured by party influence? To guard against any injustice it might be provided that the rates and amount of plunder thus extorted by enterprising camp followers should be subject to the approval of the governor-in-council, or some similar tribunal."

Another forcible illustration of the anxiety of the government to burk investigation was afforded by the vote upon the opposition motion to press the enquiry of the civil service commission and that of Justice Cassels to their legitimate conclusion.

The lowering of the standards of public honor had also received its fitting illustration during the last session in the refusal by the government to take any action in regard to the report of the New Brunswick royal commission, which affected the honor of the present minister of public works. Also a Liberal of the British school, the prime minister seemed remarkably adverse to British example in matters thus affecting the honor of his ministry, and touching this directly the standards of public life and public honor in this country.

G.T.P. Blundering.

The project of building a national transcontinental railway had been launched with great eclat in a highly imaginative speech by Sir Wilfrid Laurier in 1903, more than six years ago.

"Every one of his prophesies has been falsified by the result," said Mr. Borden. "The railway has been constructed in Western Canada for hundreds of mile sin close proximity to the Canadian Northern, and Canadian Pacific Railways. It has not given breadth to Canada nor has it opened up the fertile prairies of the Peace River district. The estimate of its cost presented by Sir Wilfrid Laurier and his colleagues to parliament was so absurdly inadequate that it has become a jest and byword even among their own political supporters.

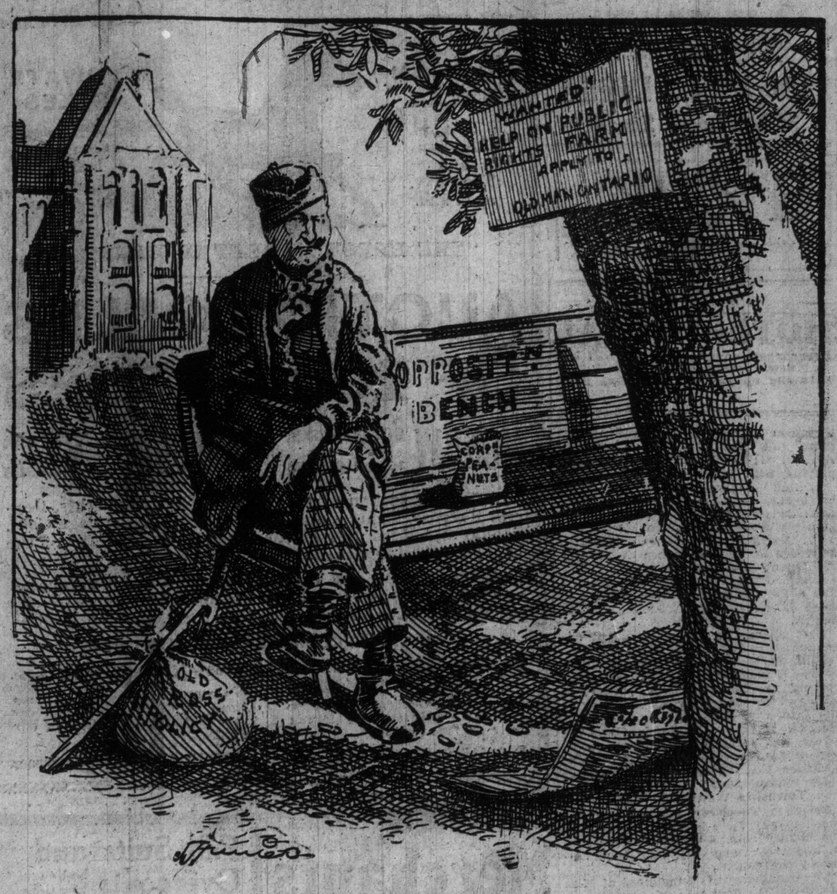
"The eastern division from Winnipeg to Moncton, including terminals and Quebec bridge will cost three times what the government estimated. The eastern division alone will involve the country to the extent of $180,000,000, and the contribution in money to the western division will amount to no less than $13,000,000.

"And 'time would not wait.' Listen to the comments of the president of the Grand Trunk Railway Company: 'On the essential stretch between Winnipeg and Superior Junction the contractors under the government after some four and a half years have merely completed a more or less unfinished 120 miles out of 245 miles of their contract.'

What of the Future?

"With so enormous an obligation resting upon the country in connection with a road which did not open up or develop the northern part of our western territory, what would be the future prospects of many great public works, the importance now pressing upon public attention?"

THE UNEMPLOYED



Mr. MacKay: O, blow this 'ere farm work.

COOK ORGANIZING PARTY TO ASCEND MT. M'KINLEY

Will Bring Back Proofs of Former Success—American Scientists Getting Impatient.

NEW YORK, Oct. 15.—Dr. Frederick A. Cook announced to-night that he had organized an expedition to ascend Mount McKinley and procure the records which he says were left there on his former ascent.

To-day the freedom of the city was conferred on him by the board of aldermen. George Borup and Professor Donald B. McMillan of the Peary expedition were among the spectators.

President McGowan of the board announced that, "I deem it fair to Dr. Cook to say here that he wanted this action by the board of aldermen postponed until after his proofs had been produced, but we declined. I believe the City of New York believes in him.'

In replying Dr. Cook said: "I will substantiate every claim I have made with every proof within the power of man. The charges brought against me relative to my polar trip have been based upon evasive answers by loyal Eskimo friends, while the alleged affidavit of my Mount McKinley guide is nothing more nor less than a deliberate falsehood."

Asked to Renounce Claim.

WASHINGTON, Oct. 15.—The University of Copenhagen was to-day requested by the National Geographic Society to renounce its first claim to an examination of Dr. Cook's observations made during his search for the pole, the cablegram saying: "American scientists impatient at delay and feel that this is a matter that should be settled in America."

A message was also sent to Commander Peary, saying: "Board of National Geographic Society wishes to act on your expedition at regular meeting next Wednesday. Can you not immediately forward us sufficient records to justify action then?"

LORDS INCLINE TO BUDGET?

Pass Second Reading of Roads Improvement Bill.

LONDON, Oct. 15.—The house of lords last night gave a favorable reception to and unanimously passed the second reading of the Development and Roads' Improvement Bill, which provides for the utilization of the funds obtained by taxing motors, etc., for the development of the agricultural districts and the building and improvement of roads. This, tho a separate bill, is really an integral part of the budget scheme.

E. H. BRITTON DEAD.

WINNIPEG, Oct. 15.—(Special.)—E. H. Britton, aged 39, son of Justice Britton of Toronto, was found dead in his room at the Oxford Hotel this afternoon. He was a duly accredited lawyer, but preferred journalism, and had an editorial position of The Free Press the last two years.

Prison So Crowded That Some Are Forced Out.

GLENS FALLS, N. Y., Oct. 15.—In order to relieve the congestion in Sing Sing prison, it has been found necessary recently to parole a large number of good behavior men to make room for new arrivals.

SPIRIT OF MILITARISM A DANGER TO CANADA

So Says Hon. N. A. Belcourt in Deprecating the Construction of a Canadian Navy.

OTTAWA, Oct. 15.—(Special.)—In his speech last evening, at the banquet of the C.M.B.A., in celebration of the association's silver jubilee, Hon. N. A. Belcourt, responding to the toast "Canada," touched upon the spirit of militarism.

To-day there reigned among the different races which inhabited the country an "entente cordiale," which was a good augury for the future of Canada. His beautiful vision, was, however, sometimes broken by rude awakenings, and it was not without a feeling of regret that he saw Canada show a tendency to follow the European system which seeks to have nations establish enormous armaments and construct Dreadnoughts and Krupp guns. He regretted that Canada had believed it a duty to adopt this system. He saw in it a danger, not because of the money these armaments would cost, but because it would introduce the military spirit.

He hoped that the sentiment would be short lived in Canada.

C.N.R. AFTER CHARTERS

Has Applications for Eleven Branch Lines to Go to Parliament.

OTTAWA, Oct. 15.—(Special.)—The Canadian Northern is applying for charters for eleven new branch lines in the west, and for extensions of time in the case of fourteen charters already held.

Montreal promoters are asking for a charter for a line from the St. Lawrence to Ungava Bay, commencing at a point in Berthier County.

The Montreal, Ottawa & Georgian Bay Canal Co. and the St. Clair and Erie Ship Canal Co. are asking for extensions of time.

J. H. Foster, Winnipeg, and A. A. Barthelmes, Toronto, are asking for divorce bills.

POISONED SON'S COW

Allegation in Which 74-Year-Old Farmer is Arrested.

BELLEVILLE, Oct. 15.—Inspector Reburn of Toronto has been in Brighton working on a cattle poisoning case, as a result of which Lewis Leland, a farmer, 74 years old, has been committed for trial on a charge of poisoning a cow and horse belonging to his son, John W. Leland.

Apples plugged with paris green were strewn on the ground in the pasture where John Leland's stock fed. Leland told Inspector Reburn he suspected his father.

TO SHUT FARNHAM PLANT.

MONTREAL, Oct. 15.—(Special.)—A special from Farnham, Que., says: "It is generally reported here that it has been decided to withdraw the C.P.R. shops from Farnham. The works employ about 400 men. The employes will all be taken on in the Angus shops, Montreal.

Yukon Commissioner Pro Tem.

OTTAWA, Oct. 15.—(Special.)—Arthur Wilson of Dawson will act as commissioner of the Yukon during the absence of Alex. Henderson.

VACANT SCHOOL DESKS LENT FOR LABOR CONFAB

Federated Building Trades Council Protests Against Unfair Wage Scale.

Chairman Rawlinson's scheme to take 350 desks out of ten of the more central city schools, was discussed by the property committee of the board of education yesterday when it was agreed to lend the local committee of the A. F. of L. 350 desks for their convention here next month.

"If you will adopt my suggestion," said Mr. Rawlinson, "I will agree to send my rigs around after the desks and deliver them to Massey Hall free of charge."

"Then I'll support you, Mr. Rawlinson," said Jas. Simpson, and the motion carried.

Superintendent Bishop was instructed to gather up, renovate and store all the desks in the vacant rooms.

Albert Hill, business agent of the Federated Building Trades Council, protested that the contractors on Riverdale High School and the high school on Avenue-road were not paying their laborers and carpenters "fair wages." He cited specific cases and was instructed to report in writing to Mr. Bishop, who would assuredly see that the contracts were lived up to in this regard.

Property Commissioner Harris wrote offering the use of the new Harrison bath plunge, daily, from 9 a.m. till 2 p.m., for a consideration of $1200 a year. The board will deal with this.

Ex-Trustee Henry Simpson was recommended as valuator in connection with the new buildings acquired by recent annexations.

The Field Victor Mission will be charged $20 a month for the use of Leslie-street school for meeting purposes.

Tenders will be called for removing earth from the Aylmer-avenue property and filling it and grading the Kew Beach playground. Tenders will also be asked for moving the portable school from Morse-street to Kent school. Dovercourt playgrounds will not be enlarged. A special meeting of the committee will be held next Wednesday for opening various tenders.

MONTREAL BRICKLAYERS TO STRIKE.

MONTREAL, Oct. 15.—(Special.)—A strike of the bricklayers and stonemasons may be called to-morrow. They refuse to work where non-union labor is employed in those trades. The Builders' Exchange say they will maintain open shops.

Wanted to Kill Taft.

ALBUQUERQUE, N.M., Oct. 15.—Flourishing a knife and announcing that he wanted to kill President Taft, an unknown man was arrested after a vicious struggle by the local police this afternoon.

BIG TIME IN MEN'S HATS TO-DAY.

The Dineen Co. Have Made Special Selections in Exclusive Designs and in Bargains.

Saturday is the great big time for men's hats at Dineen's. To-day the company will open some splendid new shipments of English and American Derby, silk and fedora hats. All prices. If you are particular about an exclusive design you'll find one here to suit you. If you want a rare bargain in any sort of a hat, you'll get it in our store. Dineen remains open until ten o'clock Saturday night.

SPANISH CRISIS MAY AFFECT BUDGET

W. T. Stead Argues That King Edward Will Be Spurred to Greater Efforts at Conciliation.

NEW YORK, Oct. 15.—W. T. Stead cables The American from London: The execution of Professor Francisco Ferrer in the Monjuich fortress at Barcelona, when he was shot down by a file of soldiers, was worse than a crime. It was a blunder for which the Spanish monarchy probably will have to pay dearly.

Nothing is more mischievous for states than to execute any of their subjects who have achieved an international reputation. The Russian government is heavy-handed, but it instinctively recoils from touching Count Leo Tolstoi, who deserves execution more than most political prisoners who have been hanged in Russia. Ferrer did not have the world-wide reputation of Tolstoi, but in the Latin world he was universally known, and honored as one of the leaders of the most modern movement for the benefit of mankind.

It is universally believed that he has been murdered by the verdict of a secret courtmartial because his liberal teachings made him an object of special detestation to the Spanish monarchists.

Pope Fears Results.

How infatuated was the policy which doomed Professor Ferrer may be imagined from the fact that no one has deplored it more than Pope Pius, who, from his lookout tower in the Vatican, sees only too plainly how fierce and savage will be the outburst of passion provoked by this act of vengeance.

Ferrer will soon become a kind of revolutionary saint and martyr. He will rank with Giordano Bruno in the freethinkers' calendar.

Paris already has had an orgy of riotous protest over the execution of Ferrer, costing many lives. Rome will follow suit if the Italians organize to boycott Spanish goods. No one can say how far the movement of protest may spread. It is, however, in Spain and—strange to say, in England—where the result of the judicial murder of Ferrer may be most severely felt.

King Could Have Saved Him.

During the late crisis British warships hovered near the Spanish coast to be ready to receive the royal family if the revolution broke out in the capital. It was because the Queen of Spain is an English princess.

King Edward, if he had been pleased to do so, could have induced King Alfonso to veto the execution of Professor Ferrer. They say it was his intervention that stopped the torture of the revolutionary prisoners in the Monjuich fortress, and that they took special pains to appeal for his intervention on behalf of Ferrer.

King Edward was not himself averse to make the attempt, but he appears to have been dissuaded by those advisers who bitterly resent any outside counsel.

The young Queen of Spain may not suffer as the result of King Edward's inaction. She would have been made immeasurably more popular if English intervention had saved Ferrer's life.

May Relieve Budget Peril.

If a revolutionary wave should surge thru the peninsula, it will be severely felt by Spain, Italy and Southern France.

All this commotion over Ferrer is likely to react favorably upon the English political situation. The King will bestir himself more energetically than ever to avert a revolutionary struggle over the budget. The peers, who are daily confronted by a revolutionary spectre and civil war in Europe, will be less disposed even than they are at present to precipitate a conflict at home. Hence it would not be surprising if in the end the execution of Ferrer should secure the capitulation of the peers on the budget. 'Tis an ill wind that blows none any good.

Spanish Government Statement.

MADRID, Oct. 15.—The government has issued a semi-official note reprobating the demonstrations abroad and expressing the conviction that governments and the public everywhere will ultimately justify the government of Spain because, the note says, the time is approaching when all forces for order must stand together against international anarchy.

20,000 at Protest Meeting.

ROME, Oct. 15.—Nearly 20,000 workmen held an imposing meeting to-day at which inflammatory speeches denouncing the execution of Ferrer were made. More than 300 arrests were made yesterday. In Milan and Florence, the mobs attempted to erect barricades, which were destroyed by the cavalry.

Thousands Fight Police.

PARIS, Oct. 15.—Thousands of workmen, socialists and anarchists paraded at Lyons and broke the windows of the reactionary newspapers and fought the police. Revolvers and other weapons were used without restraint.

Several city councils have adopted resolutions of protest against the execution. The mayor of Cherbourg has returned to the Spanish embassy the insignia of the order of Isabella the Catholic, which was presented to him by King Alfonso.

Sheffield May Boycott.

LONDON, May 15.—A meeting of citizens of Sheffield, where Ferrer had many friends, will be held on Monday, and the Sheffield trade councils are trying to institute a boycott against Spanish goods until the Spanish Government removes the embargo on the administation of Ferrer's estate.

Several trades unions and socialist societies in London, Birmingham and elsewhere have adopted resolutions denouncing the execution.