

The Toronto World

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TUESDAY MORNING, MARCH 1, 1910.

THE FORESTERS' CHIEFTAIN.

Out of the hundred columns of newspaper record of the great libel suit just concluded, whether any light has been shed to change the opinions of the ordinary politician respecting either plaintiff or defendant, one thing has certainly transpired, and that is the splendid and characteristic behavior of Mr. Elliott Stevenson, supreme chief ranger of the Independent Order of Foresters. Justice Magee in his summing up of the case referred to Mr. Stevenson as "a gentleman whose attitude throughout these transactions appears to have been strictly a proper one, both as regards fairness and business ideals." In the judicial restraint of such an utterance there is embodied a very fine and enviable compliment.

Those who follow the evidence in the case will find that it is very far from conveying the whole of the truth, with which of course the learned judge had no occasion to deal. Mr. Stevenson's intimate familiarity with the intricate and complex affairs of the great order of which he is the head, was displayed in a masterly way throughout the long examinations to which he was subjected. His grasp of the situation, his memory for facts, carried into the strictest detail, his comprehension of the vast business ramifications whose evolution he directs, and above all, the qualities to which Justice Magee called attention, his impartiality and his high standard of honor and probity, combine to distinguish him as one of the great commercial factors in our business community.

Mr. Stevenson was comparatively an unknown figure when a few years ago many were speculating what would happen when the beloved chief of the I.O.F., Dr. Oronhyetka, passed away. Modestly and unassuming Mr. Stevenson stepped into the vacant chair, and there has been no hitch and no halt in the steady progress of the institution since he has been its controller and guide. The opportunity discovered the man, and the man has developed the opportunity.

Foresters the world over will be glad to hear what kind of a man their supreme chief ranger is when he is put to the test of circumstance. The man diligent in business shall stand before kings.

A BIG CONSTITUTIONAL ISSUE.

Hon. Mr. Aylesworth said something in the house the other day as to where the jurisdiction (federal or provincial) was in regard to insurance; more recently the government of Ontario in consenting to join with a private insurer against the Canada Life to argue the question of the unconstitutionality of the federal insurance act has by inference asserted that it ought to be with the provincial authorities; we therefore take it that one of the greatest struggles for many a day is now about to be launched in the courts of the country, and no doubt carried to the privy council in England.

How long such an action will take to try and what the course, if any, the Dominion Parliament will take in regard to the bill now before it for a new insurance law, remains to be seen.

TRUST FUNDS ARE TRUST FUNDS.

The Foster-Macdonald trial has a significance to the public far and beyond the parties directly concerned. The public believe and will insist that trust funds of public corporations, such as insurance companies and trust companies, be treated as trust funds, invested always with a single eye to the advantage of the beneficiaries or depositors, and that when lent on a big margin of the security offered, and beyond all chance of risk, trust funds take no risk, and ask for a margin, except in the single case of an investment in bonds or debentures, and in this instance if a margin provided here in the bonds or debentures being a first call on a property worth a great deal more than the encumbrance put upon it. Nor should a trustee be a party in any way whatsoever to the use of funds of which he is trustee.

Hon. Mr. Foster may have his own views of his conduct. The Mail and Empire is convinced that he did nothing wrong and that a jury of his fellow countrymen vindicated his character. The Conservative party may think the verdict is of no concern to it—but the public will say that the right view of the administration of trust funds was upheld by the verdict of the jury. And that is the main concern of the public at large.

ASQUITH STILL DRIVES.

Premier Asquith has still the lines in his hand and is driving the government rig in his own way. The immediate downfall of his cabinet has been predicted daily for three weeks past, and it looks now as if he'd get his financial legislation (including the budget) thru and then at least present to the commons for its opinion his

ALTERATION SALE

Beginning to-day, March 1, we will give straight discounts of from 25 to 50 per cent. off regular prices in order to reduce our stock before dust and plaster depreciate its value.

White Dress and Business Shirts. Regular up to \$1.50. To 50c clear.

Colored Dress and Business Shirts. Regular up to \$1.50. To 50c clear.

Pyjama Suits, flannel and Oxford. Regular up to \$2.50 suit. To \$1.00 clear.

Flannel Shirts. Regular up to \$1.00. To 50c clear.

WATCH FOR OUR SALE OF HOUSE COATS.

WREYFORD & CO., 85 King St. West

Mail Orders receive prompt attention.

proposal for curbing the veto power of the lords.

It may be a real source of strength to him to have the Irish and the advanced Liberals hustling him as they have been; there may be some kind of an understanding to this effect.

The lords are certainly as much worried as Mr. Asquith.

The real thing in English politics is the growing strength of tariff reform.

Sir Edgar Speyer assures Canada that the old country is sound. That accounts for the notes it sends round the world.

Altho Sir James Whitney is the premier public servant it does not, to his mind, follow that he should find servants for everybody else. Organize, he told the ladies, before giving the spoil.

Cut it down, says Controller Foster, in effect, of the department of industries and publicity—why cumbereth it the ground? Other cities other opinions.

One hundred tons of horse flesh are sought for human consumption in the imperial metropolis every week. During the recent general election free traders insisted that this delicatessen was entirely a monopoly of the protected German.

Premier Asquith could not see the hand that wrote "The Woman With the Serpent's Tongue." So the cut follows the sting.

Higher criticism is hydro-headed. No sooner is one front of offence removed than another appears.

Mr. Asquith still says budget first. It may prove bad politics, but it is good statesmanship.

Honors essay best describes the end of the great libel suit.

THE PEACE RIVER PILOT.

A snappy little paper that is sure to do good in its chosen field is the Peace River Pilot, a colonization weekly published in the interest of Canada's last and greatest west. At present it is printed at Edmonton, Alta., which will be its home until a short route is opened into the Peace River district.

It is just a new publication, No. 2 having just come to hand, but it has all the earmarks of a sticker, and after reading its pages it is easy to understand why a westerner has so much enthusiasm about the future of his country.

Thos. D. Piche is the managing editor, and let it be said for Mr. Piche that his is a great undertaking and well worthy of the support of every Canadian, if only for the determination shown, because his slogan is: "Open the Peace in Nineteen-ten."

Haggett Goes for Trial.

Alfred J. Haggett was committed for trial in police court yesterday morning upon being arraigned upon two charges arising out of the shooting in which he was the prime mover in Louisa-st. Feb. 4. He was charged with shooting with intent to kill Charles Turf; shooting with intent to kill William Treanor; and with shooting with intent to kill Colin Wright, with him at the time, was charged with obstructing the police, to wit, Policeman Turner.

Haggett was committed for trial upon the first charge, the second was adjourned and Wright was also committed.

Mason Had Salt Rheum

ON HANDS FOR YEARS—COMPLETELY CURED FIVE YEARS AGO BY

Dr. Chase's Ointment

There is nothing worse for eczema and salt rheum than cold water. For this reason many people are afflicted in cold weather only.

No class of men suffer more from such ailments than bricklayers and stonemasons, and this fact makes the accompanying letter particularly interesting:

Mr. John W. Naas, stonemason, of Lunenburg, N. S., writes: "I was a great sufferer from eczema and salt rheum for years and could get nothing which seemed to be of any real benefit. Five years ago I got a box of Dr. Chase's Ointment and three boxes of Dr. Chase's Kidney and Liver Pills and this treatment cured me so that the old trouble never returned. My skin became as soft and smooth as a child's after using Dr. Chase's Ointment and I shall always say a good word for it."

Very many people suffer from skin affections in the cold weather and try one thing after another without obtaining the marked and lasting benefit which comes with the use of Dr. Chase's Ointment.

Chilblains and frost bites are quickly relieved and cured by the wonderfully soothing, healing influence of this Ointment. Chapped and irritated skin becomes soft and smooth. Each and every form of itching skin disease is thoroughly cured.

Dr. Chase's Ointment, 60 cts a box; all dealers; or Edmondson, Bates & Co., Toronto. Write for a free copy of Dr. Chase's Recipes.

Comment on Foster Verdict.

"Vindicated By His Peers."

Mail and Empire: "Briefly put, the verdict is a vindication of the plaintiff, coupled with an acceptance of the argument presented in extenuation of the offence of the defendant in attacking Mr. Foster as he did. Mr. Foster is to be congratulated upon the fact that a jury of his countrymen has branded as untrue the stories his traducer has so dilligently circulated against him. This, it is interesting to remember, is the second time the defendant has received a rebuff on this particular matter."

Meaning of the Verdict.

Toronto Star: Without discussing the personal or party aspects of the Foster-Macdonald verdict, it is a matter of public importance that a strict view should be taken of the obligations of trusteeship, and of the handling of trust funds. Justice Magee's declaration against the acceptance of commissions from more than one party to a transaction is also of practical interest and of far-reaching importance. "These observations are as applicable to public as to private transactions, and the principle laid down by the judge is the same in both cases."

Mr. Foster's Position.

Toronto News: It is something to have the opinion that Mr. Foster acted in good faith. This surely would have been the sounder defence for Mr. Foster from the beginning. He was not alone in the financial enterprises for which he has been condemned. But it happens that he is the only one of those interested who holds a seat in parliament. It is clear that what he did as a private citizen and as manager of a trust company he could not properly have done as finance minister of Canada. This is the aspect which obtrudes itself upon public attention, and it is right that it should be so. No man in a position for Mr. Foster greatly improved by the reflection that those who attacked him so fiercely would have defended him with equal vigor if he had belonged to the Liberal party.

Foster Verdict Was Just.

Evening Telegram: "The plain path of duty. The jury, in coming to the verdict, were not called upon to judge the Globe's notorious tendency to 'swallow' the word of a party friend and to ignore the conduct of Hon. Geo. E. Foster. The jurors were called upon to vindicate the liberty of the press and to keep the columns of a hostile press free from criticism they must keep their own conduct free from material for criticism. The words 'I charged against George E. Foster' have been duplicated over and over again in the annals of Canadian finance. But the fault charged against Mr. Foster is not and never was a violation of the law. It was a public misfortune if a jury had called evil good, or outraged the liberty of the press by the press by Mr. Foster's action. The criticism which he has invited by his own mistakes."

Foster Again Vindicated.

LONDON FREE PRESS: "The verdict in the Foster-Macdonald libel action is a distinct vindication of the honor and integrity of Hon. Geo. E. Foster, the plaintiff. The defendant escapes a financial punishment, but the verdict makes it clear that he has been engaged in the unholy work of bludgeoning an opponent whose whole course has been that of a man acting in good faith."

Montreal Gazette—In this (the verdict) Mr. Foster's good faith is justified. The twelve good men and true, after listening to all the evidence brought forward by the defence in what was really an attempt to destroy the honor and reputation of a leading public man, condemned only Mr. Foster's conduct. The result is unfortunate for him, and will give joy to his enemies, some of whom are the most evil influences in Canadian political life. It will not give joy to many others.

WM. A. ROGERS LIMITED.

If the prosperity of a country is to be judged from the success attending its business enterprises, then Canada must be in a highly prosperous condition. The latest of these to offer its financial statement to the public is the well-known firm of Wm. A. Rogers & Co., whose annual report will be found elsewhere in this issue of The World. For 1909 its net profits were \$301,466.72, no less than \$118,747.07 greater than those of the previous year, and are equal to 21 per cent. upon the common stock of the company. That, too, after providing for the seven per cent dividend on the preference stock.

In addition to the dividends of 10 per cent. paid during the year on the common stock, the directors, in view of the unexampled increase in business, have declared a bonus dividend of 25 per cent. This will be paid to the common stockholders out of the surplus at credit of profit and loss, and is equal to \$235,890.84. The balance sheet shows that reserve accounts to the extent of \$450,000 have also been created out of surplus profits, and the statement which above all the company's liabilities to the public is \$773,893.53, an amount equal to \$109 for each share of preference stock. The shareholders have, with Messrs. Robert Kilgour, Hon. W. Carr, E. H. Jones, S. H. Duell, Wm. A. Rogers and James Brown as directors.

AT OSGOODE HALL

ANNOUNCEMENTS.

Judges' chambers will be held on Tuesday, 1st March, at 11 a.m.: Peremptory list for divisional court for Tuesday, 1st March, at 11 a.m.: 1. Field v. Prendergast. 2. Richards v. Joynt (and cross appeal). 3. Kellerton v. Walkerton. 4. Silverman v. Marsh. 5. Gilboe v. Gilboe. 6. Reynolds v. Gordon.

Non-Jury Assize Courts.

Peremptory list for non-jury assize courts before Justices of the Peace, Tuesday, March 1, at city hall, at 10.30 a.m.: 121. McCurdy v. Warren. 122. Doda v. Levack. 123. Doda v. Levack. Peremptory list for non-jury assize court, before Justice Clute, Tuesday, March 1, at city hall, at 10.30 a.m.: 124. Adling v. Dobson. 125. Averbach v. Hamilton. 126. Rand-Jencks v. Evans.

Master's Chambers.

Before Cartwright, K.C., Master. Dunmore v. National Portland Cement Co. and C.P. Railway—H. S. White, for Cement Company. A. D. Armour for C.P. Railway. W. E. Raney, K.C., for plaintiff. Motion by defendants to change venue from Orangeville to Owen Sound. Judgment: Under C.R. 523 (b), the venue should be laid at Owen Sound. The motion must, therefore, be considered now as one made by plaintiff to have the trial at Orangeville.

If defendants are willing to run the risk of storms disorganizing the railway service to Owen Sound, there seems no ground for interfering with the operation of C.R. 523 (b). If any unavoidable delay prevents trial at Owen Sound, plaintiff may renew this motion. Without prejudice to any such motion, this motion is dismissed, with costs to defendants in any event.

Jacob v. Hughes—J. T. White, for defendants, the Hughes Co., Williams (Montgomery & Co.), for Percy Hughes, H. S. White, for other defendants. F. Arnold, K.C., for plaintiff. Motion by defendants, the Hughes Co., to set aside ex parte orders. Motion by two days the time for the return of the commission sent to take evidence at Dundee, Scotland, and to suppress same.

Judgment: Motion dismissed, with costs to the plaintiffs in the cause, leaving the defendants to avail themselves of their right to make all valid objections at the trial.

Traders' Bank v. Gillespie—Macdonald, for judgment creditors. Motion by judgment creditors for an attaching order. Order made, returnable on 4th March, prox.

Notion Pressed Brick Co. v. Rosenbergs—W. J. Tremear for plaintiffs. Ex parte motion by plaintiffs for an order nisi upon the defendants to show cause why they should not be brought on by either party on a week's notice.

McIntyre v. Link—L. Jones for defendant Lundy. A. MacGregor for defendant Link. R. Greenwood, for plaintiff, contra. Motion by defendants to strike out Paragraph 8 of statement of claim. Reserved.

Manning v. Watson—Hart (McD), M.C.M. (S.), for judgment creditors. Motion by creditors to make attaching order absolute until affidavits are filed by garnishees. To be brought up again when necessary.

Judge's Chambers.

Before Britton, J. Leslie v. Rogers—W. Davidson, K.C., for beneficiaries. An application for an order amending order of 16th February, 1909, and directing cancellation of cheque for \$23 in favor of T. J. Rogers, and for distribution of the same among the other heirs. Order made.

Single Court.

Before Britton, J. American Street Lamp Co. v. Ontario Pipe Line—H. E. Rose, K.C., for defendant. Motion by defendant for an appeal by defendant from the report of the local master at Hamilton. At request of defendant, plaintiff consenting, motion enlarged until 2nd March.

Duryea v. Kaufman—E. W. Wright for plaintiff. P. McCarthy for defendant. Motion for injunction by plaintiff, enlarged for two weeks to cross-examine defendant.

Weir v. Kenney—F. Aylesworth, for defendant. No one contra. Plaintiff on 11th November, 1908, obtained an ex parte injunction on the usual undertaking as to damages. This injunction was afterwards dissolved by the court, and on 10th January, 1909, the plaintiff failing to prosecute action, defendant obtained an order referring to local master at Stratford to ascertain and report as to the amount of damages caused by defendant by reason of the injunction. The local master reported that defendant had sustained \$61 damages, and defendant now moved for judgment for the amount of judgment for defendant for \$61 damages and costs.

Kuntz v. Silver Spring—M. Macdonald for plaintiff. No one contra. At request of parties, enlarged for one week.

Conington v. Longway—M. Macdonald for plaintiff. S. J. Arnott for defendant. Motion by plaintiff for leave to set down motion to continue injunction, and to have judgment on the mortgage. Defendant asked enlargement. Leave to set down and motion enlarged for one week. Injunction continued meantime.

Re Rayercraft—E. Bayly, K.C., for the crown. R. L. Macpherson for petitioner. This was an appeal from the decision of the local master at Stratford in a quieting title matter, and from the certificate of the inspector of mines, given in pursuance thereof, and arose out of an application by the vendee of the mortgage, who has not paid off his mortgage, the mortgage having disappeared over thirty years ago, to obtain a certificate under the Q. T. Act. The crown claims the land by escheat, and the question is whether the deed of the mortgagee without heirs. The master in his decision, on the crown, and the crown appeals from that decision, on the ground that it is not to be called upon to make such proof until the expiry of the fifty-nine years' time given to the crown so to do by statute.

Matters were further complicated by the subsequent issue of a patent of the land to the petitioner by the crown. Resolved. Tierney v. Scott—R. L. McKinnon (Guelpi) for plaintiff. F. Aylesworth for defendant.

An action by plaintiff to have a partnership declared between him and defendant in a book and stationery business in Guelpi, and a motion by defendant that he be appointed receiver of said business. Judgment by consent, declaring that no partnership existed, but that relations between defendant and plaintiff are those of a partnership.

Divisional Court.

Before Meredith, C.J., Teetzel, J., Sutherland, J.

Re Sing and City of Chatham—H. L. Rayton, K.C., for the city. S. Denison for Ernest Fremlin. An appeal by the City of Chatham from the order of Latchford, J., of 17th December, 1908, that Ernest Fremlin, manager of the Dominion Express Company at Chatham, for the City of Chatham, should produce books of his company, showing any accounts or transactions with the Chinese laundrymen, carrying on business in or employed in Chinese laundries in said city. This evidence was sought to be obtained as an answer to the application of Pang Sing and others to quash a certain bylaw of the city imposing a license fee on Chinese laundrymen, on the ground that the fee imposed was excessive, more than they could pay, and therefore prohibitive and beyond the power of the corporation. The city claimed that such was not the case by showing that large sums were being sent to China by these laundrymen, and that they can well afford to pay the license. The application to commit was refused and the city appealed. Appeal argued and judgment reserved.

Wright v. Coleman—W. M. Douglas, K.C., for defendants. J. Shilton for plaintiffs.

EATON'S DAILY STORE NEWS

New Spring Overcoats Are Ready For Men

IT WILL, we know, be a matter of gratification to all men to learn that present indications point to an assortment of lightweight coats for spring, such as never was before realized here. The new fabric effects are most diversified.

AT \$8.39—42-inch-length Chesterfield, of black vicuna cloth, good quality Italian body lining, coat fronts silk lined, lapels silk faced.

AT \$10.00—A dressy Chesterfield coat, in a dark Oxford grey diagonal woven chevot (very smart), and another in a light fawn chevot with colored pin stripes of green, broad lapels, twilled body lining.

AT \$12.39—A plain black vicuna cloth, lined with fine quality silk, a well-tailored Chesterfield coat, with fairly broad lapels and snug-fitting collar.

AT \$13.50—A plainly-tailored Chesterfield, reaching just below the knees, two handsome and serviceable English cloths, a stone drab diagonal worsted (which is certainly a very handsome fabric), and a smart herringbone diagonal fancy chevot in mid-grey shade with dark narrow stripes an inch-and-a-half or so apart, well lined.

AT \$15.00—Extra quality soft black vicuna cloth, richly silk lined, plain Chesterfield model, 42 inches long and finely tailored.

AND THAT'S JUST THE BRIEFEST HINT OF WHAT'S THUS EARLY TO BE SEEN.

—Main Floor—Queen St.

Word of Boys' Spring Clothing

SPRING REEFERS—In a dressy fawn covert cloth, nicely tailored in the double-breasted style, serviceable body linings, emblem on sleeve, a smart and dressy coat for early spring wear, sizes 21 to 25. Price \$4.50.

The Favored Bloomer Suits

AT \$3.50—A nicely-tailored suit, in new patterns of worsted materials, pretty shade of grey, narrow pin stripe effects, coat double-breasted, strap and buckle bloomers with side and hip pocket and belt loops, sizes 25 to 33. Price \$3.50.

—Main Floor—Queen St.

Men's Fur-lined Coats of High Quality Priced Moderately

Emphatically this is the season when fur-lined-coat buying is most remunerative to the purchaser. Here are coats of a very high character closely priced to the actual cost of making. We are not holding them till next season just because there's a probability of greatly increased prices on muskrat fur. The goods "go" with the season. Black beaver cloth shell, fashionably designed, Canadian muskrat lining of pelts evenly furled, Persian lamb storm collar, cut deep and with notch, allowing coat to button close up to throat without turning up the collar, the skins are of a medium glossy curl; throughout the tailoring is of the very best. Price \$52.00.

—Main Floor—Queen St.

THE NEW RAINCOATS ARE READY

THE T. EATON CO LIMITED CANADA

Sporting Goods Removed to Fifth Floor

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Cor. Bathurst & Farley Av. 429 Queen W. 1143 Yonge St.

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The Beer that is always O.K.

Extra Mild, Remember

Many people would drink ale, in preference to all other malt beverages, if ale did not make them bilious.

This O.K. brew is brewed especially for those people. It is extra mild and extra light, and lets you enjoy the creamy deliciousness of real old English ale without the heaviness and excessive bitterness. In easily-opened sack stoppered bottles. No broken cork or tinfoil in the glass.

O'Keefe's ALE

Special Mild

The Beer that is always O.K.

COAL AND WOOD

AT LOWEST MARKET PRICE

W. McGUIRE & CO.

Head Office and Yard Cor. Bathurst & Farley Av. 429 Queen W. 1143 Yonge St.

Phone Park 493. 26

Branch Yard 1143 Yonge St. Phone North 1349.

An appeal by the Coleman Development Company from the judgment of the mining commissioner of 14th July, 1909. This was a reference to the commissioner by the court of appeal to determine all questions and disputes regarding the claims of the parties to the mining property known as west half of northeast quarter of south half of Lot 2, in Third Con. of Coleman, containing about 20 acres, and their rights, title and interest therein.

The mining commissioner found that the Coleman Development Company has no valid claim upon or right of interest in the mining claim in question, and that application No. 1579 of Tiberius J. Wright is the only valid and subsisting application for the said claim, and that the present holders of that application are entitled to the said claim. He made no order as to costs. Defendants' appeal from that order argued, and judgment reserved.

Abbe of Angles Fined.

BAYONNE, France, Feb. 28.—The court to-day condemned the Abbe of Angles to a fine of \$40 and costs of the action brought against him because he had forbidden Catholic children to use the interdicted text books under pain of a refusal of the sacrament to their parents, and of the first communion to the children.

MICHIE'S Extra Old Rye Whiskey is always of the same even quality and mellow flavor—none better.

Michie & Co., Ltd.

ed7 7 King St. West

Argues to pay a fine of \$40 and costs of the action brought against him because he had forbidden Catholic children to use the interdicted text books under pain of a refusal of the sacrament to their parents, and of the first communion to the children.

AYER'S HAIR VIGOR

Stops Falling Hair Destroys Dandruff

An Elegant Dressing Makes Hair Grow

Does not Color the Hair

Composed of Sulphur, Glycerin, Quinine, Sodium Chloride, Capsicum, Sage, Alcohol, Water, Perfume. Ask your doctor his opinion of such a hair preparation.

J. C. AYER COMPANY, Lowell, Mass.