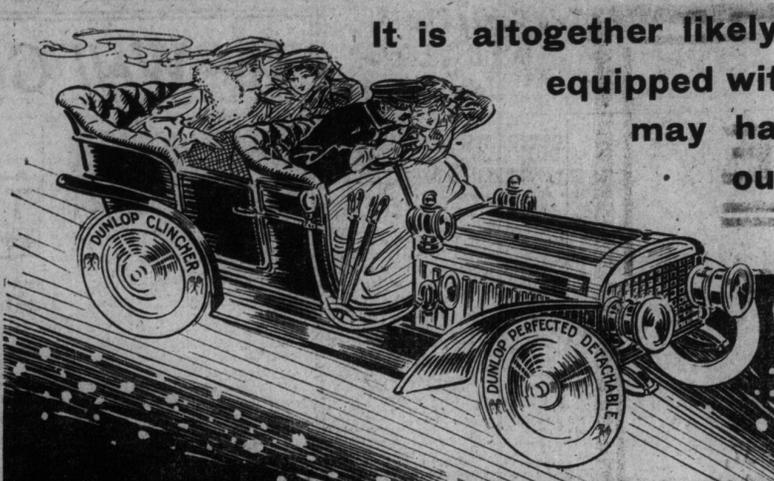


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BATTLE BETWEEN COUNSEL IN THE FAMOUS LIBEL SUIT

Forensic Eloquence Marked Summing Up of Points in Hon. Geo. E. Foster's Suit For Damages Against Dr. Macdonald.

Continued From Page 1.

involved. People forgot their political affiliations and crushed the man who mixed money matters with the administration.

That being so it became necessary to submit matters of public interest to every criticism.

Heat of an Election.

Referring to the tendency to overstep the limit of parliamentary language during the heat of an election, Mr. Johnston said that if all the statements of an action character were made the subject of law suits, the courts would not be able to clear the list between one election and another.

Coming to the present case, counsel affirmed that his client had no ends to serve except his duty, as at public duty, while Mr. Foster was, at the time, defending his alleged right to be returned to parliament.

Macdonald had made no mention of the charge of slander, which had been offered in the platform and made adverse to Mr. Foster.

Mr. Foster had challenged Mr. Macdonald to go on the platform and return had hit Mr. Foster so hard that he was now asking for \$50,000 damages. "An inglorious ending to a noble challenge," said counsel.

Mr. Johnston declared that there was nothing in Mr. Macdonald's speech on which a charge of slander could be based. There had been no breach of the criminal law, but there had been a breach of the moral law which would never be in control.

Mr. Johnston pointed out the fact that the man making up the syndicate conducted the speculations which were conducted by a man in their own interests made up a man from which the money was to come and from property to syndicate. After getting the money to syndicate it about from property to syndicate their own profit, if there was any, not for the people whose money it was. These people were helping themselves to money which was not their own. They put none of their own money into the proposition, nor did they put a penny to obligate themselves in any way.

A farmer going to the Union Trust for a loan on his farm with all its improvements would have been told by Mr. Foster, the managing director, that from 30 to 60 per cent, and no more would be advanced. But when Mr. Foster of the syndicate knocked at the door for a loan, Mr. Foster, the manager, replied: "Certain help yourself, take all you need." Not only had Foster, the Trust manager, said that, but he had pledged the Union Trust Co. to make good the syndicate's obligations.

When he was accusing Macdonald of lying and hiding behind his ink-pots, he forgot that he was hiding behind the fish-pots of Egypt and turning on the tap with moral results beside which an ordinary lie was a mere incident.

In conclusion Mr. Johnston informed the jury that if they decided that the defendant's speech had constituted a fair and honest comment on the findings of the royal commission, then the libel suit was at an end.

Mr. Hellmuth, K.C., commenced his address to the jury at 2.15. He said he lacked the eloquence of his learned friend and would therefore have to rely on plain, unvarnished language. Mr. Johnston's address had been more a political effort than a legal and a pro-

per presentation of the facts, and was intended to still further injure the character and probity of the plaintiff. Else why was the far-away Pacific scandal and the Mackenzie Bowell affair brought up?

"I believe it was wise of this defendant to have for his counsel one who could look upon every motive with suspicion," declared counsel.

"We have apparently listened for a week or more to particulars of transactions of the Union Trust Co. and the I. O. F., and still there is nothing before the jury."

A great deal, he said, had been heard about the Western Lands and other matters which bore no relation to the libel complained of. A charge had been made by the defendant which it was incumbent upon the defence to prove up to the hilt.

A Direct Charge.

Mr. Hellmuth read the portion of Mr.



FOR BABY'S TENDER SKIN

Macdonald's speech said to contain the charge, and argued that it contained a direct charge against Mr. Foster aside from the comment on the royal commission. Mr. Johnston's outburst pictured the I. O. F. as a sort of plot of innocence until the man Foster appeared on the scene.

Counsel outlined the scope allowed to trust companies for investments, the Union Trust included. In organizing the Union Trust the promoters had known the limits and were entitled to be credited with good intentions. It was a bit of baldness to say that Foster had perverted those good intentions.

Hellmuth's Choice.

"I would rather be a stammer with Oronhyatekha, Judge McDougall and Stevenson than a saint with Macdonald," declared Mr. Hellmuth.

"There would not have been a thing said about these deals if this man Mr. Foster had not been marked for death politically and socially by fair means or foul," affirmed Mr. Hellmuth, "and I am sorry to say there are virtues who will use foul means if necessary. Otherwise this attack would never have been made. Mr. Macdonald was entitled to offer fair and honest criticism, but not to use the assassin's knife."

His learned friend had said that the liberties of the press were at stake. "I don't ask you to muzzle the mad dogs of the press," said counsel.

The jury had been told that attacks, whether true or false, made against public men, had driven them from public life. Was it fair that men should suffer the consequences of untrue attacks against them?

Dealing with the provocation for the charge, counsel said Mr. Foster had never made a charge against Mr. Macdonald until he had been accused of dishonesty. Counsel submitted that Foster was within his rights in calling Macdonald a liar. Following this Mr. Foster had to meet him on the platform, but instead of meeting him the defendant had gone to Orillia and made his charge. It was up to Mr. Foster to issue a writ or play the coward. The jury now heard the plea that Mr. Macdonald was merely offering fair comment, but was it fair comment?

The clear charge that Mr. Foster, as the high-salaried official of the Union Trust, deliberately took from the company moneys to which he had no right or title had been made.

Defended the Syndicate.

Mr. Hellmuth reiterated the argument expressed when the case opened and the formation of the syndicate and its borrowing from the Trust or I.O.F. was quite regular. The purchase of options by the syndicate and sale of them to the Union Trust Co. was entirely private business, for which the members were not accountable to any persons but themselves. Mr. Hellmuth accused Mr. Johnston of suggesting that Mr. Foster had forged the minutes of Nov. 7, 1905, at which the Union Trust Co. was represented to have handed back to the syndicate the bonus shares in the Great West Land Co. He closed with an appeal for heavy damages.

Ask Extended Jurisdiction.

Hon. J. P. Noyon, K.C., the brokers who hold the Rainy River waterworks bonds, for an amendment to the Municipal Act to extend the jurisdiction of the Ontario Railway and Municipal Board to make clear its right to legalise such issues of debentures. The attorney-general will consult with Hon. W. J. Hanna before giving a decision.

PRIVATE ENTERPRISE DEVELOPS GOWGANDA

And Carloads of Ore Ready for Shipment Elevate the Sincerity and Activity of the Operators.

SUBBURY, Feb. 23.—(Special Correspondence.)—Critics of the Gowganda mining camp could get their eyes opened if they would visit and learn the activity of the place now. Preparations are being made that will mean from fifteen to eighteen rich mines working during the coming spring and summer. Every mine in which machinery was installed last season has shown up well. There has not been a single failure, and in each case the working capacity will be increased. There is a tone of absolute confidence in the camp, which can be discerned in conversation with anyone on the spot who is qualified to know, and the great area which is mineralized makes it possible for Gowganda to develop next season into the most wonderful silver mining camp the world has yet known.

It must be admitted that all the work done so far has met with uniform success. The shipments of high grade ore, before the winter roads break up in April will be from 25 to 30 cars, as a result of last year's meagre operations.

Here is a schedule of carload shipments either made or in the prospective for this winter:

Dobie-Reeves (2 shipped)	13 cars
Blackburn (or Milleret) (4 shipped)	10 "
Canadian Gowganda	10 "
Boyd-Gordon	2 "
Mann	1 "
Transcontinental	1 "
Bishop	1 "
Total (7 shipped)	33 "

These are the only mines that have known any appreciable development as yet, and these have only made what you might call a start. In most cases the work that was performed last year was simply assessment work required by the mining act, and had to be done hurriedly without much regard to thorough prospecting. What will be done in the coming season will be more in the line of systematic prospecting and every body in Gowganda is confident that the camp will prove itself in good shape next year.

The Success of Gowganda.

Say there are 30 cars of 30 tons each to go out, (and there is this much in sight) that would make a record of 900 tons for a camp that is only a year old. Cobalt, the first year shipped 150 tons—about 3 cars—and that with the advantage of a railway.

BETTER THAN SPANKING

Spanking will not cure children of wetting the bed, because it is not a habit but a dangerous disease. The C. H. Rowan Drug Co., Dept. 359, London, Ont., Canada, have discovered a medicine. Cure the afflicted members of your family; then tell your neighbors and friends about this wonderful discovery.

and barrels of money. The main reason for such results in Gowganda is that practically all of her mines have been operated by private concerns, and in only one or two cases have stocks been put on the market for the public. This is true of the Dobie-Reeves, which is owned by an English syndicate; the Welch properties; the Blackburn, or Milleret property owned by Coppercliff people; the Canadian Gowganda, or McKay syndicate of New York; the Bonnal, by O'Brien & Sifton; the Gates, an M. J. O'Brien proposition; the La Brick, owned by an organization of New Yorkers headed by Mr. Ward; the Mann, and the Le Roy Lake Mines.

An idea of what may be expected of Gowganda can be gathered from the following scraps of information picked up by your correspondent who has just returned from a visit to the district.

The Welch Mining Company, Limited, who have two claims between the Bartlett and Doble-Reeves mines, and adjoining both, have just completed their camp buildings, sleep house, cookery and office. They will start at once to take on men to project a tunnel 300 feet into the side of the mountain. Their veins are a continuation of the Doble-Reeves and show up very strong.

Willing to Spend Money.

Moses-Joy, the managing director, was reticent about giving information; but it was learned that there is every prospect of their having as much good stuff for shipment as the Doble-Reeves after a year's work. "This is the best I will say," declared Mr. Joy to The World. "It is no object for us to advertise because we are a close corporation, but we are well satisfied to spend money in Gowganda."

The Fairbairn, two claims, northwest of the Welch property, have been sold to Ogilvie, and machinery is to be installed for development this winter. The two Crawford claims, northwest again of the Fairbairn, where good showings of native silver exist, have been sold to a company of which R. A. Sibbit is managing director. A big plant is to be operated there. The Transcontinental Silver Mining Company on the northwest arm of Blackroad, 4 1/2 miles west of Gowganda town, have just put in a 50-h.p. locomotive boiler, and 5 steam drills. The Bishop mines, west of the Transcontinental, have bought machinery which will be installed the first week in March. The La Brick people, whose property lies between the Mann mine and Gowganda Lake, are installing two 60-h.p. Nagle boilers, and a 6-drum compressor plant.

The Mann Mines, Limited, have a car-load of ore ready to ship which promises phenomenal values. They have some startlingly rich samples of silver, where they have gone down. Their work has been pretty well confined to stripping, and they have uncovered some excellent leads. Their plant is to be doubled and next season will see some big shipments from this property.

The above are all situated on the west side of the lake, in which group should also be included the O'Kelly property, just east of the Bartlett Gowganda Lake Mining Co., the Gowganda United and the Dufferin properties, which will be vigorously developed and give the same promise which the same good intentions as the above mentioned.

On East Side of the Lake.

Then take the east side of the lake. The Ottawa-Gowganda Silver Mining Co., of which J. P. Wilson is manager, have installed a 60 h. p. boiler and drills five miles east of Gowganda Town. The Le Roy Lake syndicate, who operated only by hand last year, have located a big machine plant. The Canadian Gowganda Co. (McKay), which adjoins the

Morrison mine and is close to the Blackburn (Milleret) on Miller Lake, three miles east of Gowganda, are already down about 80 feet since December. They will ship out a car of high-grade before the winter roads break up and it is altogether likely they will materially increase their plant before spring.

The Calcyte (Mining Co., S. A. Macdonald, manager, have a plant on the way for installation. The Maxwell Co., a Montreal concern, on Miller Lake, will at once put in supplies and are likely to ship up and set up machinery. This adjoins the Morrison claims, which have the best surface showings (with the possible exception of the famous Lawson vein of Cobalt) and which is reported now to have been sold to an English syndicate for a fabulous sum. The Gates property, otherwise known as the "Big 5," have already shipped a car of ore and will possibly ship three or four more before the season closes. Also, east of Gowganda, are the Sanderson claim, on Calcyte Lake; the Rawhide Mining Co.'s properties, and the Hart interests on Miller Lake, which will all be thoroughly proved next summer.

These are the new ones. The old Blackburn has, to date, shipped four carloads, not three, as the Cobalt Nugget says. Their first shipment was 34 tons, in two cars. The Bonnal, adjoining the Blackburn, north of Miller Lake, has bagged a good carload, but operations have been confined exclusively to sinking a shaft, and the management are not looking towards shipping this winter.

Camp Has Made Good.

So, it can be gathered from these scrambled facts that Gowganda camp has made good, even beyond the most sanguine expectations of the optimists on the spot—so good, in fact, that the seven or so companies that took a chance last year by putting in plants at enormous expense will increase their capacity now. It would not be surprising if 20 or 30 mines will be shipping next winter. And the beauty of it all is that the work is being done by private enterprise.

100-LB. RAILS ON MAIN LINE.

MONTREAL, Feb. 25.—(Special.)—The distance in the Grand Trunk Railway from Montreal to Napanee, 253 miles, has all be laid with 100-lb. rails, and the remaining 100 miles to Toronto will be replaced next summer, and the old 80-lb. rails laid on branch lines.

Mr. Business Man

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