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FOSTER CLEARS HIMSELF OF INSURANCE CHARGES

He Attacks The Insurance
Commission In House
Of Commons

Charges That Their Report
Is Unfair And Biased By
Party Feeling

Ottawa, April 11.—The long-looked-for debate on the report of the Insurance Commission was begun yesterday afternoon, and up to midnight had been marked by three of the most engrossing speeches heard for many a day.

Mr. Foster led off with an address of two and one-quarter hours' duration. The Minister of Justice spoke for nearly three hours from a brief so carefully prepared that he rarely referred to notes, and traversed the entire scope of the report, dealing, of course, with the places which Mr. Foster had not touched upon at all. Indeed, the similarity between the tone of his speech and the texture of the report was a subject of significant comment by the leader of the Opposition, who replied, and who succeeded for one thing in completely demolishing the halo of impartiality with which the Minister of Justice skillfully decorated the commission.

Cost of Commission.

The House was moved into committee of supply by the Minister of Finance, who asked attention to an item of \$75,000 for expenses of the Royal Commission on Insurance. The total cost of the commission would be \$105,000. The three commissioners each received \$30 a day and expenses and the secretary \$15. As for the legal expenses Mr. Shepley was to receive \$100 per day and expenses, with such general fee as might be commensurate. Mr. Tilley, the junior counsel, was to receive \$50 a day and expenses. So far Mr. Shepley had received \$8,000 and Mr. Tilley \$4,000. The chief actuary got \$50 a day and his two assistants \$20 a day each and expenses. For stenographic work \$3,950 had been paid.

Mr. Foster's Protest.

Mr. Foster arose amidst Opposition cheers and began by regretting the necessity of bringing before the House matters which were entirely personal. Mr. Foster did not think that the commission was appointed to do aught but to investigate insurance in Canada, but it was not long before some people had thought it afforded machinery by which a political opponent might be broken and a party advantage gained. Not only had the commission overstepped the bounds of its jurisdiction, but he, as well as others who appeared before it, were denied the common right of being heard in defence of the accusations and denied the protection of counsel to cross-examine and bring out rebuttal evidence.

One charge was that Mr. Foster had diverted and squandered the trust money of the I. O. F. by investment. The total surplus of the Foresters, about five and a quarter millions, were handed and invested before he came on the scene and less than five millions had to be invested after. The report of the commission would show what had become of part of the surplus, but not all of it, because it seemed that this commission was very careful not to look after the investment of large portions of that surplus, invested before Mr. Foster came into the Union Trust.

Mr. Foster challenged any other trust company to show better results than the Union during his term of management, and every investment had been made in securities allowed by law.

Will Fight to the Last.

In conclusion, Mr. Foster said: "Have I not the right to say to this House that it is an outrage that such a report should be put in the permanent records of this country. Have I not the right to ask this House, in common honesty to me, that it order this report back to the commission for amendment—for erasures are necessary for statements in full where partial and concealed statements are given, for a plain statement one way or the other, instead of an insinuation. What right has this House to ask that the public money of this country shall be voted to brand me as a common grafter for eternity? I will fight it until I die. I shall protest against it as long as there is breath in my body, and I shall consider it a most damnable wrong against myself and the rights of common humanity that such a course of

procedure should be carried out."

Mr. Aylesworth's Reply.

Hon. Mr. Aylesworth replied that he resented Mr. Foster's imputation that the commission was more or less animated by a desire in its investigation of the I. O. F. to secure political advantage over that honorable gentleman. The commissioners were men of standing in the country.

Dealing with the I. O. F., Mr. Aylesworth said it was necessary to go more fully into it than other mutual societies, because it was the most important of all. As to the Union Trust, the money invested by it consisted of \$499 of Foresters' money for every dollar put in by the syndicate, and it was money contributed by people who could ill afford to lose it, and it was therefore incumbent on the commission to enquire into the affairs of the trust company.

Mr. Aylesworth was severe in his condemnation of the three directors—Foster, MacGillivray and Wilson—for having borrowed money as directors from the Union Trust to buy lands. They were in a majority at the meeting, at which the 371-2 shares, originally intended for the Union Trust, was diverted to the benefit of themselves.

Mr. Aylesworth said he had endeavored to deal fairly with the facts, setting down naught in malice.

A Prepared Attack.

Mr. Borden declared that, after listening to Mr. Aylesworth's speech, if the House did not know otherwise, it might think he had drafted the report himself. Here was the Minister of Justice, with a carefully prepared brief, wherewith not so much to defend the commission as to attack Mr. Foster. That brief contained a reference to a matter, the last mentioned by him, to which Mr. Foster had not alluded, showing the carefully prepared nature of his attack, and yet he had the audacity to claim sincerity and moderation for his speech.

Mr. Borden scored the Minister for having contrasted the investment of the Union Trust with the embezzlements of the general manager of the Ontario Bank, pointing out to him that Mr. Foster had challenged any man to point to one investment not made according to law.

Bennett devoted considerable energy and eloquence to Judge MacTavish, dealing especially with his honor's record on the West Elgin commission. He concluded by declaring that Mr. Foster, by his manly and straightforward speech, had ennobled himself in the hearts of the Opposition and contrasted Mr. Foster's humble financial position with that of Liberal Ministers who had gone out of the Cabinet with a million.

The House rose at midnight and Mr. E. Guss Porter will probably resume the debate to-day.

GRANTED LEVEL CROSSING

The Chatham, Wallaceburg & Lake Erie Electric Railway Company have been granted a level crossing over the Grand Trunk Railway's tracks on Queen street. The good news was received by the C. W. & L. E. officials here this morning, the Government having sustained the decision of the Railway Commissioners, that it should not be necessary for the electric road to construct a sub-way at the Queen St. crossing, as demanded by the Grand Trunk.

The citizens of this city will be pleased to learn that the extension of the electric road will now no longer be blocked through this matter.

General Manager Robert Kizer, of the C. W. & L. E., was interviewed by a Planet reporter this morning. "The extension of the electric line," he said, "has been given in favor of a level crossing."

"We are not giving out anything for publication just now," he replied, "but later on we will probably have something to say on this matter."

Now that the level crossing had been granted after a long and strenuous fight, in which the corporation gave the electric road all the assistance in their power, the people will watch with interest for the speedy extension of the long-looked-for line to the lake.

It is quite possible to have your own way without the aid of scales.

The minute some men get the reputation of being good talkers they want to quit work.

JUDGE AGAINST THAW: ONLY HOPE IS THE JURY

Justice Fitzgerald Says Law
Presumes Thaw Sane—
No Excuse

Jerome Wipes Away Sentiment—Makes Scathing
Attack On Defence

New York, April 11.—After having been retired for nearly seven hours yesterday, it was announced at midnight that the jury, with whom the fate of Harry K. Thaw now rests, would be locked up for the night.

The life of Harry Thaw yesterday will go down as the most trying he has ever experienced. From the opening of court until the jury retired the fate dealt unmercifully with him. He left the courtroom dejected and with apparently little hope left for an acquittal.

Thaw Discouraged.

In District Attorney Jerome's final argument and throughout the judge's charge Thaw had to listen to a scathing attack upon his wild life, and to a narrative of hard facts which stripped his deeds of the halo of chivalric glory which his own attorneys placed over them.

The judge's charge, lasting about an hour, was a careful and concise outline of the law, and informed the jury of its right of rendering any one of the following four verdicts: Murder in the first degree; murder in the second degree; manslaughter in the first degree, or not guilty on the ground of insanity. The statute governing the plea of insanity was defined clearly, much stress being laid on the fact that an irresistible impulse to kill has no place in the law.

The judge also informed the jury that an illusion, unless the illusion, if true, might result in the injury of the man suffering it, could not be accepted as an excuse.

"Proof of partial or incipient insanity is not sufficient as an excuse. The settled law of the state is that so long as the power to appreciate the nature and quality of the act is present, no man must commit crime if he would escape the consequences."

If he cocks, aims and discharges a revolver, as it is alleged here, did he know when he cocked and fired the weapon that the act was wrong and would probably destroy a life, and did he know the act was forbidden by law? That is the question which the law must have answered.

Presumes Thaw Sane.

The legal presumption is that the defendant was sane when he committed the act. It was not incumbent upon the prosecution to introduce preliminary testimony to show that he was sane. Whoever denies sanity must prove that insanity is present. The law assumes that all men are sane, as it assumes all men are innocent.

The hypothetical questions, which were answered by the experts, assumed certain facts, and the answer was only the opinion of the experts on these assumed facts. You are not obliged, nor are you permitted, to accept opinions as you would facts. In considering the testimony of medical experts, you are to consider their experience and knowledge, and you should consider the quality of the medical testimony, and not its quantity.

Guided By Evidence.

"The so-called irresistible impulse has no place in the law, and is not an excuse, nor is every person of disordered mind excused. As the burden of proof of insanity is on the defendant, he is also entitled to every reasonable doubt on the subject. If the defendant knew the nature or the quality of his act, or knew that the act was wrong, then he committed a crime. All men differ mentally and physically, and this makes it impossible, as I said before, for the court to lay down a fixed rule as showing deliberation and premeditation."

You must be guided, gentlemen, entirely on the evidence. Clamor, prejudices or sympathy must not prevail. You must be guided by your reason and your judgment."

The district attorney's summing up evoked many comments of praise from those who read it. It was a comprehensive, logical and forceful review of all the evidence adduced, devoid of flowery phraseology. His arguments were consistent with the testimony.

Jerome's Attack.

"It was the desire of this girl to be a great actress that caused her to play between these two men until she brought one of them to his grave," he said.

"Men of this jury, there is in this case every element of the simply vulgar, everyday tenderloin homicide. If the defendant were any person but the rich Harry Thaw of Pittsburgh; if he were the son of a padrone in Edinboro street; if Stanford White were not a leading architect, but a Chinaman in Mott street; if this girl were a chorus girl in the London Theatre on the Bowery, how long would the 'brainstorm' or the paranoic theory be listened to?"

The real question here is, said Jerome, whether New York City is to become a mining camp.

"If this sort of thing can go on—if the only thing between a citizen and his enemy is a brainstorm, then every man had better carry a gun."

Mr. Delmas appealed to the Scriptures. Let me, too, direct your attention to them, to what the Lord said: "Vengeance is mine, and I will repay."

Let me also remind you of the great fundamental laws founded down the ages—the commandment of God—"Thou shalt not kill."

The jury is said to be almost hopelessly divided and none of those connected with the case would venture the hope last night of anything better than a disagreement as the climax of the long drawn out and expensive trial.

JURY ASKS FOR LETTERS.

Special to The Planet.

New York, April 11.—3 p. m.—After deliberating for more than 18 hours without being able to reach an agreement, the jury into whose hands the fate of Harry K. Thaw was given at 5.17 yesterday afternoon, reported before Justice Fitzgerald at 11 a. m. to-day, and asked permission to examine many of the exhibits introduced during the trial, and also asked to have read to them the testimony of several of the eye witnesses to the tragedy.

Among the letters called for, were the letters which Harry Thaw wrote to Attorney Longfellow shortly after it is alleged that Evelyn Nesbit told him in Paris the story of her relations with Stanford White, and the will and codicil which Thaw executed the night of his marriage in Pittsburgh, April 4, 1905.

The letters and will were introduced by the defense to show the mental story which it is claimed was brought up on the defendant by the narrative the girl related. The jury also asked for the diagram of Madison Square roof garden.

The action of the jury in asking for the particular exhibits and the testimony indicated, led to much speculation as to what the trend of their long discussion had been. One of the widely discussed theories was that the jurors either wanted to refresh their memories as to testimony tending to show either deliberation or premeditation on the part of Thaw, or else they wanted to have the story of Thaw's action the night of the tragedy rehearsed once more in order that they might judge as to his rationality or irrationality. The suggestion of the latter purpose seemed to be given weight by the fact that the jury desire to examine the letters, the will and the codicil brought forward by the defense in support of its claim of insanity.

Thaw faced his judges to-day with every indication of confidence. The best that his counsel expect is disagreement of the jury.

CARD OF THANKS

I wish to extend to the members of the Catholic Mutual Benefit Association my sincere thanks for the prompt payment of \$2,000.00, being the insurance carried in said society by my late husband, P. T. Barry. Trusting your society will have the continued success which it so much deserves, I remain,

Sincerely yours,

MRS. P. T. BARRY.

To stamp out an evil it is sometimes necessary to be well healed.

What law can bind lovers? Love is their supreme law.

When modesty has once perished it will never revive.

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this Spring. When you combine these two desirable attributes to perfection in tone, style and color, you reach the climax in the decorative art and that is what our papers represent this Spring. Every country is here represented that makes good Paper—England, Germany, France and America.

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Borders Same Price as the wall.

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Time

We are ready with new BED-ROOM CROCKERY NOW. Just passed through the Customs ('96), ninety six Toilet Sets to be sold at special prices for this Spring's trade.

30 Printed Sets, in two colors, red and green, set, \$1.50.

12 Special White and Gold Sets, new shapes, rolled edge basins and new treatment of gold, \$3.50.

15 Sets, tinted in colors, blue, green and buff, with gold trimmings, set \$4.00.

29 Sets in printed colors, all complete, new shaped and good serviceable goods, best English make, \$2.00.

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