

FOWLER WIRES THE COMMISSION

Continued from page one.

destroyed altogether my equity in it, and I gave an unwilling consent." Mr. Foster was then asked to produce the check for \$2,480 which he got as a rebate upon the purchase of 9,999 acres. He produced it.

"It is exactly as I supposed it was. It was deposited to my account on Jan. 6, 1904," said Mr. Foster, passing over the check.

"Can I have your passbook?" "I have no passbook," said Mr. Foster. "Then may I examine your account in the bank?" "Certainly," said Mr. Foster.

Mr. Foster said he merely held the \$2,480 for the syndicate.

Then Mr. Foster was asked to detail the \$5,000 rebate on the Bettles purchase.

"I checked over payments of \$1,250 to Dr. Montague, \$1,250 to Col. McGillivray, \$1,250 to Dr. Oronhyatekha, and \$1,250 to myself," said Mr. Foster.

"How did you justify the distribution of the \$5,000?" was asked.

"Well, we still had \$10,000 of money forfeited for non-fulfillment of contracts to purchase," said Mr. Foster.

"Let us face it as it is," said Mr. Foster.

"We paid it out at the same time. There was ten thousand less certain disbursements," returned Mr. Foster.

"The doctor had \$2,000, and \$7,000 had been taken for taxes, so don't put it that way, please."

Mr. Shepley directed his next questions to the present rights of the Montague syndicate to any part of the \$10,000. Mr. Foster explained that the idea was that the lands were to be taken over by the Union Trust at their cost, as bought by Dr. Montague for the syndicate, plus interest, taxes, expense charges, and other costs, exactly what they cost the syndicate up to the date of transfer. "It was no part of the agreement," declared Mr. Foster, "that we should turn them over at the original cost and expenses less a single cent."

"Was there anything said," asked Mr. Shepley, "to the syndicate emerging with a personal profit? Was it suggested?"

"Not that I know of—barring my protest," said Mr. Foster.

"You were to emerge without profit, the Trust Company stepping into your shoes?"

"My way of putting it is that the Trust Company were taking over the lands at what they cost, plus interest, taxes, and expense charges to the date of taking them over."

"You said that there was no suggestion of your emerging with a profit?"

"Then, let me take that back. I did not see the singular ingenuity of your My answer to it as the last statement of my question. I see where you're drifting, made; I will repeat—"

Mr. Foster's counsel, Mr. Nesbitt, interrupted with a suggestion that Mr. Foster should not be required to put a statement in a form to which he objected.

Mr. Shepley objected to the interruption, and Mr. Nesbitt softly murmured something about Mr. Shepley being "Caesar here."

"You have no rights here at all," said Mr. Shepley.

"Has my counsel no rights at all?" exclaimed Mr. Foster in shocked surprise.

"Just by courtesy," answered Mr. Shepley.

"Then," continued the witness, triumphantly, "that throws a very lurid light on the phase it has assumed."

"Was there any suggestion that the Trust Company should emerge with a personal profit?" inquired Mr. Shepley, going back to the old subject.

"I don't recollect any such suggestion," was the answer.

Mr. Shepley went on to question the witness as to whether the Union Trust was not understood to acquire the book asset represented by the land.

"No. It was just as I said. I will repeat it half a dozen times, if you wish it."

"Have you taken any steps in asserting this right?" asked Mr. Shepley, referring towards Mr. Foster's claim upon the ten thousand.

"Your protest was against taking the lands away?"

"Against the destruction of my equities."

"We were speaking only of the ten thousand."

"I don't confine myself solely to the ten thousand."

"Didn't you call attention to the ten thousand?"

"I can't be sure whether I did or not. The Union Trust never proposed — was not mean enough — to profit by the syndicate."

"The syndicate was not mean enough to profit by the Union Trust?"

"The land was taken over under the conditions named. If you want me to, I will name them again."

"No," confessed Mr. Shepley. "I don't want you to name them again."

"We made no profit out of the Foresters or out of the Trust."

"You were making a profit out of the existence of the syndicate?"

"We were a syndicate, and had a right, I suppose, to our profit."

"You don't, perhaps, recognize that you were in a position to offer for sale and forfeit the contract by use of the money of the Foresters?"

"Borrower, Not a Beggar."

"I don't suppose a borrower is a beggar."

"You don't recognize as a factor in determining the question of whether you are entitled to the \$10,000 or not, the consideration that you were speculating with or using the money of the Foresters in the enterprise?"

"No."

"Were there any other transactions in which you were concerned with the Union Trust in which you received money under similar circumstances—commission or reduction in price?"

"None."

Maltavita

"The Perfect Food."

"The grocer who offers you something 'just as good' has no regard for your judgment or your health. It's delicious."

"Even of the kind you have spoken of?"

"No."

"That is all I have to ask Mr. Foster," said Mr. Shepley at 12:15.

"Am I free?" exclaimed Mr. Foster, with some show of animation.

"I do not know that I can say that unqualifiedly," said Mr. Shepley.

"I have been here a little more than a solid month now," said Mr. Foster, "and during that time I have been unable to attend to business. I think I should give you fair warning that I am going about my business, and if you want me any more and you can get me, you may."

Wants to Tell His Side.

"There is one other matter I desire to refer to. I have been deprived throughout this investigation of the services of my legal adviser, Mr. Wallace Nesbitt. Mr. Shepley says that my counsel possesses no right in the case, and is only here by courtesy. I am thus deprived of cross-examination by my own counsel. Under the circumstances I would like to get before the public a connected statement of my views upon the matter. It will take an hour."

"Do not cumber it with anything which is perfectly clear," advised Commissioner McTavish.

"Well, I will have to make it connected," returned Mr. Foster. "This examination has been so everlastingly long that it takes an alert mind to distill and grasp the salient points."

Mr. Foster departed to prepare his statement.

Mr. Foster's Statement.

Toronto, Oct. 10.—The Hon. George E. Foster this afternoon took the stand, and made his personal statement to the insurance commission. He first went into the Great West Land Company transaction.

He said that the profit of 50 cents an acre could not be called inordinate, and compared the transaction to one in which he might buy 100 acres for \$450 an acre, and not be considered a wrongdoer.

With the 500 shares of stock, representing the 50-cent advance, a charter, option, rights, and the good will of what was afterwards the Great West Land Company were purchased. To quality directors 13 1/2% of their own shares were used, leaving \$12 1/2% to assist in financing the company.

A Right to be Directors.

"Foster, Wilson and McGillivray became directors of the Great West Land Company, as they had a perfect right to do," declared Mr. Foster. At first it was not intended to approach the Union Trust, but afterwards it was decided to offer them the business. He repeated his former evidence about the sufficiency of security for the advance. It was a proposition that could have been taken to any financial company, without laying itself open to criticism. Indeed, Chancellor Boyd had advised that the investment was legally permissible.

Mr. Foster produced the agreement of June 22, 1903, and very impressively declared that it set forth everything—names of all parties, the consideration, etc. "It cannot be said," he argued, "that Wilson, McGillivray, and myself tried to put anything through in a secret or underhand way. If the directors did know or didn't know—and I cannot see how they should not know—it was their business to look into the documents set before them. I am willing to take my responsibility fully and unreservedly, and I want other directors to do the same."

The agreement was ratified by the directors without pressure by the three nor the dissent of the Foresters.

"In this transaction," said Mr. Foster, "not one dollar passed into the hands of Foster, McGillivray, and Wilson. Their stock did not come through, nor was it provided by money furnished by the Foresters."

He pointed out that the Union Trust Company had undoubted security for its loan and received 6 per cent interest.

Nearly all the Great West lands have been sold at an advance.

As to the ethical view, Mr. Foster said: "Let it be pressed on all directors equally. I am not ready to subscribe to a general dictum on this matter. It is better for us to find out what actually did occur than to make suppositions as to what might occur."

"Now, I admit at once the duality of the position," said Mr. Foster.

Foster, McGillivray and Wilson were directors on the Union Trust Board and also on the Great West Land Company Board. But were the affairs of the Great West Land any less well-managed for that? In three years only \$180 has been paid out for directors' fees, \$900 to the president, and nothing to directors for expenses.

"The lands were administered honestly. Not one dollar of these passed into the pockets of the directors wrongfully. The Union Trust comes out perfectly intact, interest paid and secured, and with prospective profits on the bonus stock, if they have still a claim to it."

Neither of the three interested had been prospective robbers, declared Mr. Foster. Personally he had been in the white, free light for 50 years. It would be folly if he came at this late hour to the Foresters with dishonest intentions.

"Not a penny of their money came into my pocket wrongfully, and not a dollar came to me by any use of their name." If the Foresters were taught otherwise, they were taught falsely, he declared.

Referring to the duality of position, he said that in nearly all companies a few of the resident faithful directors do the business. He would not subscribe to any ethical theory. Business men would know that a vast proportion of the best business is transacted by companies in which this "distributed representation" is found. Sometimes it is absolutely better than this should be so. It is liable to abuse, to be sure, but each case must be considered on its own merits and judged accordingly.

Not Dabbling in Land.

"It has been said that we were dabbling in lands, but I say we were not. We discussed the policy of the Union Trust Company from all points. Not only where people had a little money, but where it would remain out. The land in our Northwest, well selected, in good belts and where there were railways, could not possibly be a better investment for a company to hold for a rise in price. I do not think

you will say it wrong for an investment company to go into real estate to make money. I don't think that it should be said that we were dabbling. "The lands sold already have resulted in a profit. The lands bought have paid us \$200,000, and before they are all disposed of will reap a much greater profit. I place that before business men to say whether that is a good investment for a company."

Mr. Foster disclaimed all the credit, just as he disclaimed all the responsibility in connection with the Union Trust. He and his coadjutors, he wished to say, had worked honestly and squarely for the good of the company. The Union Trust had been started on Aug. 7, 1901. The profits for the remaining months of the year were \$18,787.64, assets, \$157,007, and reserve \$200,000. The year 1902 yielded a profit of \$33,057, or 9 per cent. In 1903 it was \$68,727.85, or 8 per cent. In 1904 the profits aggregated \$94,057, or 7 per cent; and in 1905, \$122,338, or 6.02 per cent. Had the Alexandra Palace and the West End Hotel investments been yielding increment during those two years the percentage of profit would have been fully 10 per cent.

"This statement," concluded Mr. Foster, "will tend to calm public agitation, if there be any. Our work has been honest, energetic, and profitable. The company has not suffered. I desire to thank you, gentlemen, Mr. Shepley, and all the officers of the commission for your courtesy."

Mr. Foster left the stand.

A TOUCHING SCENE

Son of Adelaide Ristori Grief-Stricken at Mother's Bier.

Rome, Oct. 11.—There was a most touching scene in the death chamber of Adelaide Ristori, when her son, the Marquis Giorgio Capranica Del Grillo, arrived from Paris, where he had been on duty as a gentleman-in-waiting on Dowager Queen Margherita. He burst into tears as he entered the apartment, embraced the body of his mother and had to be removed by force. The room, which has been transformed into a mortuary chapel, is filled with floral offerings and is being visited by thousands.

GET ENGLISH PASTOR

The Rev. C. F. Ake to Take Charge of Rockefeller's Church.

New York, Oct. 11.—The Tribune today says: Rev. C. F. Ake, one of the leading non-conformist ministers in Great Britain, has agreed to accept the pastorate of the Rockefeller Church, to succeed Rev. Rufus P. Johnson, who resigned some months ago. The trustees will at once begin the construction of a new and bigger church, and set aside an annual sum to carry on evangelical work in the down town section. The trustees and the congregation desire to have Mr. Ake, as it is the salaries he received for the church, which is already well known by reason of the Rockefeller Bible class and the elder Rockefeller's supposed generous contributions to it.

DICK CROCKER SUES

Suavely He Did Not Profit as the Leader of Tammany.

Dublin, Oct. 10.—In the four courts here today J. P. Campbell, Richard Crocker's attorney in his libel action against the London Magazine, applied for and obtained permission to serve a writ on the Amalgamated Press, publishers of the magazine.

The Amalgamated Press is one of the largest newspaper companies, with headquarters in London.

OUTWEIGH THE WHOLE EMPIRE?

London Paper Asks If Approval of New York Paper Is to Count More.

London, Oct. 11.—The Manchester Guardian says an explanation of the excitement in Newfoundland ought perhaps to be sought in the amiable desire of colonial politicians not well learned in constitutional law to gain a little transitory popularity at the expense of the imperial authorities.

The London Globe, on the Newfoundland fisheries, says: "If the contemptuous approval of a few New York newspapers is to outweigh in sentiment the whole empire, then we may as well abdicate our functions gracefully before our impatient children overseas snatch them from us."

The Mail Gazette says colonial interests have been subservient to the supposed higher interest of keeping things all right with Washington. It is obvious enough to say Newfoundland has partially failed to blame for the weakness that has helped to persuade her "protector" to the Dominion about the reform, and assumed, even if Newfoundland had stood with the Dominion at her back, she would have found the Imperial Government staunch. Canada herself has been subordinated to "higher" interests before now.

WEAVER'S SAD FALL, BLIGHT ON UPLIFT

Crumbling of Pedestal Under Reform Champion Philadelphia's Latest Shame.

Philadelphia, Pa., Oct. 10.—Quite the most extraordinary thing about the campaign in Pennsylvania this year is the tumbling from his pedestal of Mayor Weaver of Philadelphia.

Less than a year ago he was being listed as one of the great reformers of the country. His picture could be found in magazines, laudatory biographies were scattered broadcast, and magazine uplifters, in particular the men who go about preaching the doctrine of graft and reform, worshipped him.

For a time he was put in a class with Folk, Jerome, La Follette, and even Roosevelt himself. Great things were predicted for Mayor Weaver. He had redeemed a city sunk in its own vice and had broken away from the machine which had put him in office, and apparently was about to lead the people up to the high mountain of reform, and might see the promised land, flowing with the milk and honey of decent government.

Furthermore, Mayor Weaver actually was doing these things. He drove the boss out of the city government, he cleaned up the police force, he purged the rotten registry lists, and he gave Philadelphia a fair start toward a government which should be a model for other cities of the country. His friends made the most extravagant predictions regarding his future. They declared he would remain mayor only long enough to clean up the city thoroughly, then it was expected he would be nominated for governor, wipe grafters out of the state government, and thus be a reformer for new honors.

It was freely predicted that this Philadelphia man who had broken away from his political associates and had led the people out into the light was destined to become the successor to President Roosevelt.

After all these predictions were not so extravagant. He had done great things, and he did have great opportunities. That he did not improve his opportunities no man could foresee. It remained for developments of the present political campaign to show that Mayor Weaver after all was made of common clay, and that he had not in him the making of anything more than a local character, and that when he was tried in a large emergency he had been found wanting.

Six months ago no one would have believed that when there was a great reform campaign on and his services were particularly needed, the mayor would sulk in his tent merely because of fancied political slights and that he would be today actually wavering between the reform crowd, whose prophet he had been, and the old ring, whose servant he was once, yet this is the fact today, and substantial business men and leaders of the reform movement have been obliged to labor with Mayor Weaver day after day to prevent him going back to the old ring which put him in office.

It is not indispensable to the cause of reform in Pennsylvania, but it has been openly gone back to the ring the effect upon the police force and election officials would have been extremely bad, and at one stage of the campaign it might have been enough to decide the fight against the reform element.

As if to make more prominent the failure of Mayor Weaver to measure up to the necessity of anything more than a local figure, his present extraordinary attitude has been dictated not by any difference of opinion as to matters of public policy, but by necessary because of his bitter chagrin and humiliation over the failure of his personal political ambitions. This makes more conspicuous the overturning of the statue from its pedestal. Even his best friends are surprised and mortified that it should be necessary for one delegation after another to visit him for the purpose of making him stand by his guns and preventing unnecessary and unwholesome surrender to the bosses and grafters he fought so bravely only a few months ago. There may be more pictures in magazines of the mayor of Philadelphia, but they scarcely will be accompanied by the same kind of biography.

By this it must not be understood Mayor Weaver condones dishonesty or that any improper motives have been

WOMEN GARROTTERS

Make Mighty Raid Upon Rich Men on the Paris Boulevards.

Paris, Oct. 10.—Two women have been arrested who masqueraded as men, and made a trade of garroting and robbing people in the streets of Paris.

A policeman came on them in the early hours yesterday morning while they were in the act of garroting a man in the Avenue de la Grande Armée. The two viragos left their victim, and turned fiercely on the policeman, one of them burying her teeth in his neck. Fortunately reinforcements arrived, and the women desperadoes were taken to the station. They were found to be plentifully tattooed with hearts pierced by cupid's arrows, and were both armed with revolvers and knives.

They confessed that they sent some of the proceeds of their robberies to men friends serving in the penal settlements of Guiana.

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THE FALL EXHIBITIONS.

Munsey Oct. 9-11
Rodney Oct. 11-12
Thamesford Oct. 12
Moraviantown Oct. 13-19

A MEDICINE FOR THE MINER'S PACK.—Prospectors and others going into the mining regions, where doctors are few and drug stores not at all, should provide themselves with a supply of Dr. Thomas' Electric Oil. It will offset the effects of exposure, reduce sprains, and when taken internally will prevent and cure colds and sore throat, and as a lubricant will keep the muscles in good condition.

Sometimes the hero in the play is a genuine hero. At least you think as you watch him that it requires nerve for such an actor to go on the stage.

Some men are good husbands because they know that it isn't wise to be any other kind.

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175 Dress Skirts Marked For a Rapid Disappearance

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175 only Dress Skirts marked for a rapid disappearance. Materials are Cheviots, Homespun, Venetians and Fancy Tweed Mixtures. Black, brown, navy, green, gray and red.

All new styles. Circular cut, with panel, and trimmings of strappings and buttons. Regular values are from \$3.50 to \$5.00. Now for record-breaking business—and just look at the saving! Sale price **\$2.85** Mantles—Second Floor.

The Family Hosiery Should

be bought here, because you'll have such an immense variety of reliable qualities to choose from—and prices are always reasonable.

LADIES' Plain Tan and Black Cashmere Hose, also Ribbed Black Cashmere. Seamless—easy on the feet. Spliced heels and toes. Extra good quality—and extra good value at..... **25c**

LADIES' and CHILDREN'S Fancy Ribbed Black Cashmere Hose. Extra spliced heels and toes. Sizes 5 to 10 inches. Excellent wearing hose. Priced according to size..... **20c, 25c, 30c and 35c**

LADIES' Black Cashmere Hose. Full fashioned, high spliced heels and toes. Fine quality..... **50c**

CHILDREN'S Ribbed Wool Hose. Good for school wear. Sizes from 5 to 10 inches..... **20c to 40c**

MEN'S Wool Socks. Black and dark gray. Per pair..... **25c**

Hosiery—Main Floor.

SMALLMAN & INGRAM, 149, 151, 153 and 155 Dundas Street

Inducing him to betray people. On the contrary, he is as clean personally as he was when he issued his declaration of independence from the "robber ring" which had made him mayor and which had plundered the people of Philadelphia right and left.

Weaver today is honest. The only trouble with him is that he has been unable to separate his personal political ambitions from the great cause of reform itself. He constantly has confounded the two things together, and because he also failed to make his personal friend and counsel district attorney of Philadelphia he has turned back on all his reform associates and has broken with the men who made his administration brilliant, has refused to enter the campaign for the reform candidate for governor, and has appointed men to his personal municipal cabinet who are in open sympathy with the old gang ticket.

CHLOROFORM BOUQUET

Makes Women "Faint" and Charming "Prince" Robs Them.

Paris, Oct. 10.—An hotel thief, who has been systematically robbing English and American women, after presenting chloroform bouquets to them, was arrested today at the Grand Hotel here.

He called himself "Prince Tschilindro, of Montenegro," and stayed at the best hotels, engaging expensive suites of rooms, and living in luxurious fashion.

His manners were exceedingly polished, and he rarely failed to be acquainted with the most richly-dressed women staying at the hotels. When the acquaintance was sufficiently developed he ventured to offer a beautiful bouquet.

His victim, charmed with the "Prince's" courtesy, smilingly accepted, and gratefully smelt the flowers. She soon after became faint, and had to be led to her room.

The "Prince" then busied himself in rendering her assistance, and in doing so he generally managed to relieve her of a valuable necklace or bracelet.