

# Armstrong Will Be Aylesworth's Opponent in Next Federal Election

## The Toronto Sunday World

TORONTO, SUNDAY MORNING FEBRUARY 27, 1910.

### Can Man Get a Commission for Selling to Himself? Asks Judge

#### "WAS UNBUSINESSLIKE" SAYS JUSTICE MAGEE IN SUMMING UP LIBEL CASE

When Property Came Into Hands of Trust Company Members of Syndicate Ceased to Be Personally Liable—Definition of the Words "Rake Off."

WAS DEAL NOTORIOUS? JURY LEFT TO DECIDE

#### CHARGES JUDGE WITH UNFAIRNESS

"Finally, I make the general charge that your lordship's summing up was unfair to the plaintiff. You pointed out everything against him, and..."

#### DRIFT OF JUDGE'S SUMMARY.

His lordship instructed the jury that it remains to be seen whether the matter was not a libelous one. People were entitled to freedom of speech and to comment freely on matters of public interest. There was likely to be little purity in public life if that were not so. The royal commission report was undergoing a wide discussion. Matters of importance that in which the public had a right to discuss, and make for and against, were not to be limited with kid gloves. A man so charged was entitled to defend himself, so long as he kept notice in the background.

The Foster-Macdonald libel action, which has occupied the attention of Justice Magee and a jury for a week, and in which many distinguished men have taken part, either as principals, witnesses or counsel, went to the jury at 3.40 Saturday afternoon. Justice Magee's summary was on the whole rather in favor of the defendant, Mr. Macdonald. At the conclusion of the judge's summing up, which lasted from 10 a.m. to 3.40 p.m., Mr. Hellmuth raised objections to several interpretations of the evidence as given by his lordship.

#### Montague's Privilege.

Mr. Montague was given the privilege of selling this land and repaying the money from time to time. This resolution was passed by a meeting at which the borrower himself presided. It was to be noticed that Mr. Montague's name alone appears all through this transaction, which was entered in the books as "the Montague loan." Mr. Montague then purchased 4,267 acres, and the money was provided by the I.O.P., and paid out to him direct, without the intervention of Mr. Foster or his company.

Mr. Foster at that time had no connection with the transaction good, bad or indifferent. Dr. Montague paid out \$107,000 for land before the end of June, 1902, and had applied to borrow on 100,000 acres of land which he had not yet purchased.

In the summer of 1902, after \$107,000 had been invested, Dr. Oroniyatka offered Foster an interest in the transaction, not only in the 60,000 acres still to be purchased under the resolution, but in the 40,000 acres already purchased. It was for the jury to say whether they had an object in getting Mr. Foster of the Union Trust Co. in the deal with them, or only look him in as a favor.

The syndicate then had four members, and they went into other deals, purchasing Carrot River, Battle River and Swan River blocks, bringing the total acreage up to about 110,000. It was necessary to remember that while the resolution stipulated that the loan was made on the basis of \$1 per acre, \$1.50 was actually paid for the Battle River lands, \$5 for the Carrot River lands, and \$5.25 for the Swan River lands.

Well, Mr. Foster is authorized by the syndicate to buy lands. He had met a man named Pritchard, who offered the Swan River block at \$1 per acre, but Mr. Foster had finally purchased it at \$5.25 per acre with the understanding that 25 cents per acre would be turned back to the syndicate. The offer was accepted and is a striking example of

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#### TORONTO GIRLS, ISN'T THIS A SCREAM?



One of Exhibits This Week at New York Millinery Show.

#### Citizens' Court of Last Resort

Another of James Gunn's jokes has been published. It is by way of being a general order to street railway employees, but is incidentally directed at the suffering public.

"If you have any improper treatment to report, do it now," says Mr. Gunn. "Don't waste your time complaining at the city hall, or writing to the newspapers. Go to the Head Office."

The Head Office is the greatest thing in Toronto, according to Mr. Gunn. "All you have to do is to make your report there. You will find you are dealing with reasonable people, whose sincere desire is to do what is fair by the public. There will be crowds at the Head Office this week, not to make complaints, but just to see those he-angels."

Mr. Gunn illustrates. Suppose you have a dispute about a red ticket. The explanation is that your watch is wrong. All you have to do is to walk down to the Head Office and they will prove it to you. This will convince you that you have done the poor conductor an injustice.

Suppose you present a transfer ten minutes late, and the conductor won't believe that you have been waiting 15 or 20 minutes for a car, your duty is to go down to the Head Office and hear the appropriate bluff for the occasion. The conductor "knows nothing about the blockade," says Mr. Gunn, "alho it was his own car that was late and blocked."

"Your proper course is to put in a blue or a yellow ticket." Mr. Gunn is quite reasonable. He does not ask for five cents. A blue or yellow ticket will do. But be sure and go down to the Head Office and have them put it over you.

#### ARMSTRONG CHOSEN AT NORTH YORK CONVENTION

#### Namesake of Former Canadian Premier stirs Conservatives to Enthusiasm—Was the Unanimous Choice as Aylesworth's Opponent.

NEW MARKET, Feb. 26.—(Special.)—Without a dissenting voice and amid a scene of the wildest enthusiasm John Alexander Macdonald Armstrong, of Scarborough, notary and farmer, was on Saturday afternoon chosen to contest North York in the federal election by the Conservatives of that historic riding.

The town hall, where the meeting was held, contained more than 200 representatives. North York Conservatives see an augury of success. T. H. Lennox, M.L.A., in the enthusiasm endorsed the acceptance of the nomination shared with the candidate in the honors of the day.

On the platform were John Currie, J. A. M. Armstrong, T. H. Lennox, D. H. Sprague, J. D. McKay, Frank Roche, Isaac Fenton, A. McCullum, R. White, A. L. Fenelon, A. W. Howdle, L. Hollingshead, Dr. Stevenson and many others.

Solid on Naval Policy. "I stand loyally by the policy of the Conservative party as applied to the naval question and the giving of Dreadnoughts to Great Britain," said Mr. Armstrong. In eloquent terms he reviewed briefly the vindictive policy of the government, and criticized severely the reckless waste of public money. Through his address, which was given with splendid effect, was directed to the fact that A. C. Godevee, M.P., British Columbia, charged reckless extravagance in connection with the building of the Grand Trunk Railway and referred in scathing terms

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#### DEATH CAME WHILE DELIVERING ADDRESS

Mrs. John Hoodless of Hamilton dropped dead at St. Margaret's College, Saturday afternoon at 4 o'clock, in the midst of her address on "Women in Industrial Life." A son-in-law, Mr. Bostwick of Hamilton, has been notified. A profound sensation was created.

#### TO MAKE LORDS ELECTIVE HOUSE

Government Said to Favor This Move—Gives Better Battle Cry at Next Election, Which Looks Near.

LONDON, Feb. 26.—(Special Cable to The Sunday World.)—Premier Asquith had an audience with King Edward at Buckingham Palace this morning and the meeting has given rise to many fantastic reports. The fact seems to be that the premier, after yesterday's cabinet council, asked for a special audience with the king to acquaint His Majesty with the proposed modifications of the electoral system.

Forced by the Rebels. That modification of the cabinet's original plans having been rejected, the cabinet is not to be doubted, but the cabinet is represented as having decided not to compromise the demands

#### RIGHTS OF CANADA LIFE POLICY HOLDERS

#### Over a Million Dollars

The customs receipts for the month of February ran over a million dollars up to Friday night's close and are expected to reach, if not exceed, a million and a quarter for the whole month.

This is in excess of any other February in the history of the city.

#### Millions Involved in Laidlaw Action—Amended Statement of Claim Has Been Filed.

Two developments were made on Saturday in the action by W. Laidlaw, K.C., et al, v. Canada Life Assurance Company by the filing of an amended statement of claim, and the announcement that George Kappela, K.C., had been appointed by Hon. J. J. Foy, attorney-general of Ontario, to represent the province with respect to the constitutional question.

The plaintiff sets forth that the minister of justice, at Ottawa, and the attorney-general of Ontario have been duly notified that the plaintiff and the policyholders associated with him in this city, a four storey brick structure, the action are applying for a trial at law, the action are composed of three judges, of the question of the constitutionality of the insurance law now before parliament, also the act of 1909 and preceding legislation affecting the rights of policyholders in their contracts made in accordance with the Dominion charter granted to the defendants.

Entitled to Share Profits. The plaintiff claims that under the charter the policyholders were entitled to share in a division of 50 per cent of the profits, and that the shareholders were limited to 10 per cent.

The statement claims the increasing of the paid up capital fund \$125,000 in 1909 to \$1,000,000 was "a device to take from the policy holders for the benefit of the shareholders."

The amended statement after detailing the acts complained of by the company, including the "promotion of the act of 1909," charges that they "constitute and are wilful violators, and breaches of the obligations of the company to the policyholders on the participating scale, and constitute and are repudiators of the life policy contracts, and the plaintiff is entitled to rescind, and he elects to rescind, the said life insurance policies, and to claim the right to receive back the premiums which have been paid in respect thereof and interest."

Constitutional Question. The constitutional question is whether jurisdiction over insurance contracts made in Ontario are subject or not to changes by the Dominion Parliament such as would affect the rights of the parties to the contracts.

A RETROSPECT. Feb. 27, 1871.—The Joint High Commission met in Washington. Feb. 27, 1896.—The Legislature of Manitoba protested against the interference of the Dominion in Manitoba school affairs.

Technical Old Boys. A new organization, consisting of ex-students of the Toronto Technical School is now in process of formation. The organization will be known as the Technical Old Boys' Association, and a constitution has already been framed. An open meeting will be held on Wednesday evening, March 2, at 8 o'clock, in the high school building, College street, when the nomination and election of officers will take place. Principal Eldon will preside, and addresses will be given by Dr. Pakenham, ex-principal of the school, and now dean of the faculty of education of Toronto University; James Simpson, chairman of the board of education, and several members of the high school staff.

#### More Factories Coming

It is learned from an authority who is competent to speak in connection with Toronto affairs in general, that two or three important industrial concerns are at the present moment making provision for coming to Toronto for the purpose of establishing factories. Confidential agents of these people are looking up statistics in connection with their various propositions before it is definitely settled as to the extent in which these corporations will involve themselves in opening up in Toronto.

#### RAILWAYS BUY UP LAND, BUT STILL UNCERTAIN

C. P. R. Probably Has No Settled Terminal Plan, But is Getting Sites That Will Be of Use.

"You are just as much entitled to write fiction as I am," said a prominent C. P. R. official to The World yesterday, with regard to the object of the company in making large purchases of property west of York-street between Front and King-street.

From the present indications it is obvious that the officials of the company, from Sir Thomas Shaughnessy and David McNicholl down are not clear in their own minds as to the right plan to follow. The crisis of the situation is the viaduct question, which will be argued before the privy council this summer. Until that question is definitely disposed of no individual of concerted move on the part of the three railway companies concerned will be made.

In any event, viaduct or no viaduct, a redistribution of the respective railway routes shortly have been inevitable.

For some years past, both the C. P. R. and Grand Trunk have been ready to acquire the government house property and the site of the present central prison. In the latter case the company offers the government \$100,000 for the property five years ago.

C.P.R. Was Dissatisfied. Anyone who is familiar with the inner working of the Union Station and the headquarters of the C. P. R. has never been satisfied with its bargain with the Grand Trunk. Not only in the station badly designed, but the Grand Trunk always held the whip hand and frequent arbitrations have taken place to define the right of the junior road. This does not apply to the Toronto terminals alone, but even to the various points where the roads intersect.

Are those purchases of property for a station, an hotel—or for additional yardage? That is the imminent question. There are those whose theories go either way. If the viaduct is built, the present station of the C. P. R. at the foot of York-street will be destroyed, and additional yardage will have to be secured elsewhere. That is one factor; the passenger station is the other.

Then the extensive purchases of land at North Toronto by the same company constitute another element. If local freight is loaded and delivered from that point, a certain amount of congestion on the Esplanade will be relieved. For passenger facilities, however, the terminals that only carry traffic would be attracted there and the Hamilton, Buffalo, New York and Western Ontario business would fall off considerably, and the eastern business might be cut in half.

New Industrial Belt. The Grand Trunk have yet the Belt Line to be used in the game of re-division. Any day the word might come from Montreal to get the road in shape for traffic, and before long a new industrial constituency may be added to Toronto.

The railway situation at the present time in and about the city is chaotic. All that has been done meanwhile, despite speculations to the contrary, is to promote safety factors to guard against possible contingencies.

#### JOINING THE POLICE.

Applications are coming daily to Deputy Chief of Police Stark from those anxious to be among the chosen sixty to fill the vacancies upon the force. Many of these are from farmers' sons of Ontario, the class most desired by the department.

The regulations call for men between 20 and 30 years of age and over 5 feet 10 inches up their stockings. The salary offered is \$700 for the first year, \$500 for the next four years and \$300 thereafter. There is also the prospect of the raising of the scale within the next year or so, as the matter has already been strongly agitated. The pension fund, too, has recently been put upon a sound basis.

The force is becoming more and more Canadian, which is a source of gratification to officers and men.

#### STAND UP, JAMES DUFF—NOW YOU LISTEN

City Hall Authorities Want to Muzzle Minister of Agriculture—The Events of the Week.

After March 1 the business address of Joseph Thompson, commissioner of Industries and publicity, will not be the city hall. Mr. Thompson is firm on the point, alho, by the way, it did not require a will of chilled steel to resist the pressure of the board of control. There were no cajoling, no blandishments, no pleadings with tears in eyes that he stay on the job.

The commissioner's feelings were probably somewhat akin to those of the ubiquitous hero of one of William Jennings Bryan's favorite stories, who after having been forcibly ejected half a dozen times from a ballroom, remarked knowingly, "They can't fool me; they don't want me in there."

Why the Hon. Mr. Thompson?

It would not be fair to charge that the board was antagonistic to Mr. Thompson. The resentment was against the city council for having refused the board for accepting his resignation. This hostility prompted the curtness from the mayor, apprising the commissioner of what the council had done nine days after council had done it. Probably Mr. Thompson had read about it in the papers during the interval, and the massive had no news value to him. Anyway, he got the official notification, and sent an official reply. The incident is over all but the final acceptance of the resignation by council tomorrow.

What Mr. Thompson will do is for the future to unfold.

"Joe's" Horoscope. His horoscope gives indication that he is about to embark upon a long journey, in fact, he has already bought his ticket for a trip west. He is expected back in a few weeks, when it will be known whether the rumors that he is to resign are true. His friends are well based. His friends say they are not.

The question of an entrance into the city for the Waterloo, Hamilton and Guelph Radial Railway has been settled yet, after having been before the railway committee of the Dominion Parliament on several occasions, covering a period of a month. Once again has it been backed into a siding, for which the city is not sorry. The caution with which Ottawa is handling the application indicates a recognition that the issue is a large one, involving Toronto's right to manage its own transportation questions when the surface railway franchise is taken over. Controller Spence must be credited with having seen the dangers in the radial bill after off and with having sounded the alarm which has been the subject of the board of control.

Stir the People Up. It is doubtful, too, whether the public mind has been stirred as it should be, despite the educational campaign for tubes, the possibilities of subterranean invasion seem remote to many people who do not see the signs of the times nor realize how Toronto is growing and that its population will reach the million mark in a little over 20 years at present rate of progress.

James Duff. This for You. The "galling" of Hon. James Duff by Property Commissioner Harris was another notable event of the week. Most citizens will stand behind Mr. Harris in the opinion that the principal minister of agriculture has better devote his time to the interests of the man with the hoe and not dabble in Toronto what it should do with the Metropolitan Railway's application for an entrance on a franchise extending beyond the life of the street railway charter.

#### PRIME MINISTER LEAVES TO-NIGHT FOR THE SOUTH

Will Take Special Car For Rest After Strenuous Work With Naval Bill.

MONTREAL, Feb. 26.—(Special.)—Sir Wilfrid Laurier has decided to give up the house of commons for a month or so and seek the benefits of a warmer climate than is to be found on Parliament Hill. The prime minister will leave Montreal Sunday evening for Hot Springs, Ark. The time of his sojourn there will depend upon the state of his health. A private car will be placed at the disposition of Wilfrid by the C.P.R.

#### THE WEATHER

Sunday—Mild, with Snow or Sleet.