

FLEMING-MACLEAN LIBELS.

A SETTLEMENT REACHED BETWEEN THE PARTIES.

The Public Must Read it and Draw Their Own Conclusions—Has the Telegram Any Reason For Its Comments and Charges—Each Party to Pay Its Own Costs.

"FLEMING-MACLEAN LIBELS SUIT."

"These cases being called at the opening of the court, it was announced by counsel for the private prosecutor and the defendant that they should not be tried, the good sense of the parties making overtures of a settlement of the controversy. It is agreed between the parties that the indictments and all the pleas, including the plea of justification, be withdrawn.

"In the bundle case the defendant published what he believed to be a fair report of the statements made by Rundle to creditors from reports actually made to the defendant. Counsel for defendant finds the transaction to be a business dispute between Rundle and Mayor Fleming over the state of accounts between them.

"The defendant says that the statements made by him were made without malice, and he denies intending to charge the Mayor with any criminal or quasi-criminal act, and the private prosecutor accepts such denial.

"In the other case, the trial of this case would involve the review of the past conduct of a third party, who has been seeking to reinstate himself with the public.

"The charges, if any, against the Mayor in the article complained of fall in the withdrawal of the plea of justification. So this matter drops.

"Data in the Assize Court, Toronto, June 22, 1893.

B. B. OSLER, of Counsel for the private prosecutor.

S. H. BLAKE, Counsel for defendant.

Such is the settlement of these cases. The public can read the terms and draw their own conclusions. The World has no intention of referring to the matter other than to simply publish the settlement, but as E. J. Fleming has been so generous in his generosity shown him yesterday by saying in effect, through the News and Telegram, that he had insisted on and obtained a full, retraction, and as his newspaper's champion, the Telegram, has seen fit to claim that "the Mayor wins his case; Maclean takes backwater," we propose to analyze the agreement with a commentary.

Agreement: It is agreed between the parties that the indictments and all the pleas, including the plea of justification, be withdrawn, there was nothing to plead to. Without cause there was no effect.

Agreement: In the Rundle case the defendant published what he believed to be a fair report of the statements made by Rundle to creditors from reports actually made to the defendant.

Comment: That is, that Rundle in his solicitors' did not claim charges against Robert John Fleming, and that the World's report of these charges was a fair and accurate statement of what Mr. Fleming has still therefore a good cause of action against Mr. Rundle for imputing the very same conduct to him in regard to which he thought himself compelled to indict the World. But he says he did not do this because Rundle was "generous" from a financial point of view. He says that other passengers in the same ship.

Intended: The "generous" talking about taking "back water," and every other paper ought to rejoice in this fact that the World in its pleadings in the case practically succeeded in making "generous" admit that "a fair report" of statements made to creditors as to the cause of a man's embezzlement — in making them plead to "privileged" before the law, and therefore not actionable. That would have been the end of the case if it had not been for it, and it was to maintain this privilege that the World has spent fifteen hundred dollars in the case.

The Telegram will in its own defence be using the very same name and terms as the World in its pleadings of yesterday.

For the benefit of the Telegram we might add that "the Mayor wins his case in pretty much the same way that John Ross Robertson won his case in the action brought against him by Mr. Obernier, the verdict and the costs of which he paid only the other day!

Agreement: Counsel for defendant finds the transaction to be a business dispute between Rundle and Mayor Fleming over the state of accounts between them.

Comment: It was certainly all that.

Agreement: The defendant says that the statements made by him were without malice.

Comment: That's what the World always said, and when Fleming was in the witness box in the Police Court his counsel suddenly withdrew the allegation of malice in order to get him out of the box. The World never is, we trust, malicious.

Agreement: All he (the defendant) denies intending to charge the Mayor with any criminal or quasi-criminal act, and the private prosecutor accepts such denial.

Comment: The World never made such a charge. Any charge that was made was made by Rundle, and the sooner the press join with the World in vindictive statements of this kind as "privileged" had in (as not actionable), the better it will be for all. It was therefore quite in order for the private prosecutor to accept such denial.

Beginning to see the Truth. About the only truthful thing in the Telegram outside of the settlement, which is printed in small type at the end of its report, is this paragraph in its last edition:

"The effect of the compromise reached in the Fleming-Maclean libel cases, respecting the question of costs, leaves each party to pay its own costs."

That is, it began to dawn upon the Telegram toward the last edition that instead of "the Mayor wins his case" it was "a compromise."

As to a complete withdrawal. Mr. Fleming is quoted in the News as saying:

"I have instructed Mr. Osler to insist upon an immediate and complete withdrawal of all the charges," said the Mayor to a newspaper reporter, "they have seen that the abstracted statements that I have made are the only ones which I will consent to be dropped."

The World cannot say what Mr. Fleming said to the reporter of the News, but the World does know that Mr. E. J. Osler, who has very good reasons, did not "insist upon an immediate and complete withdrawal of all the charges."

As to a complete withdrawal. Mr. Fleming is quoted in the News as saying:

RIGHTS OF CANADIAN SEALERS.

Mr. Phelps Says the Herring Sea Dispatch Means on the Question of Canada's Rights to Take Seal.

PARIS, June 22.—At the Court of Arbitration today, M. Phelps, counsel for the United States, said the issue rested on the one question: Have the Canadian sealers the right to hunt the seal? All the other questions were merely secondary.

He admitted the principle of freedom of the seas, but contended that sealing was an abuse, consequently it was illegal. Mr. Phelps extolled the diplomacy of Lord Salisbury, who invariably considered everything American as a trial for him he was not prevented by the interference of the Canadian Government. In commenting upon this effective interference, M. Phelps said that the sealers were the employees of Great Britain or Canada?

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THEY ALL WANT SUNDAY CARS.

WHAT PARK COMMISSIONER CHAMBERS HAS TO SAY.

Thousands Who Have Heard of the Beauties of the Parks Have Never as Yet Been Able to Visit Them—How Strangers Are Deceived by the City—What the Cemetery Managers Say.

The question of Sunday cars has been the main topic of discussion among citizens since the sizzard struck the town the other day, and hundreds now support the running of the cars who never did before, while those who always advocated them now advocate them the more. The petition appears in The World this morning for the last time. Fully 8000 signatures in all have been obtained. An additional 1000 will do so tomorrow. Sign the petition and send it to The World office.

The World yesterday took a walk among the hotbeds, the caretakers of the cemeteries and had a chat with Park Commissioner John Chambers in regard to the Sunday cars. The result makes interesting reading.

What Park Commissioner Chambers says is a strong advocate for Sunday cars. He thinks that anyone taking a walk Sunday afternoon through the city should have the opportunity of the city where the working class reside would soon become a convert to the idea.

On the shady side of all the streets cars would be found the workmen and their families, and the children, hot and uncomfortable, dressed in their best bib and tucker, have to contend themselves with the heat of the sun, and also, in some sections of the city, to contend with the stench of the garbage cans.

It is not only the children, but the old and infirm, who would be benefited by the cars. The streets are now a mass of people, and the cars would give them a chance to visit the parks and the cemeteries.

Mr. Chambers thinks that the Christian who goes to the cemetery on Sunday should have the opportunity of the city where the working class reside would soon become a convert to the idea.

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SUNDAY CARS.

TO HIS WORSHIP THE MAYOR AND ALDERMEN OF THE CITY OF TORONTO:

WHEREAS at a meeting of the City Council held Jan. 10, 1891, it was moved by Ald. Leslie, seconded by Ald. Lindsay, that at any time during the lapse of the streets of this city for street railway purposes, as per tenders to be received by the City Council, signed by 8000 ratepayers qualified to vote for members of this council, asking that the question of street cars on Sunday be submitted to the ratepayers, the said question shall be submitted in due course;

WHEREAS Section 40 of the Agreement between the City Council and the Kieley-Svevett Syndicate stipulates: "No cars shall be run on the Lord's Day until a Sunday Service has been approved by the citizens by a vote taken on the question";

The undersigned ratepayers, qualified to vote for members of the City Council, do hereby request that the ratepayers give an opportunity forthwith of expressing their opinion for or against the running of street cars on Sunday;

NAME. ADDRESS.

When Petition is signed please send to The World Office.

tham in driving out in a private coach.

An Unknown spot to Toronto. Mr. Thompson, the caretaker of Mount Pleasant, was found amidst his summer houses.

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CHANGES IN THE TRISH BILL.

IMPORTANT ALTERATIONS IN THE FINANCIAL CLAUSES.

Ireland to Collect and Manage Taxation Except Customs and Excise Dues—Parliamentary Oppose the Clause—Preventing Unjust Regulating Existing Taxation as Unjust and Humiliating.

LONDON, June 22.—In the House of Commons today Mr. Gladstone stated the alterations the Government had decided to make in the financial clauses of the Irish Home Rule bill.

He proposed a provisional term of six years to effect the financial arrangements. No change in managing or collecting the existing taxes would be made. The Irish Parliament would be empowered to establish new taxes.

Ireland's contribution to the Imperial Exchequer would be one-third of the assessed value of the land. The Government would be empowered to collect and manage taxation with the exception of the customs and excise duties.

Mr. John Redmond, Parliamt member for Waterford, gave notice that he would oppose the clause preventing the Irish Parliament from collecting and regulating existing taxation as unjust and humiliating to Ireland.

Irish Leaders Disappointed. Interviews with Justin McCarthy and other Irish leaders show that they are disappointed with the changes in the bill.

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IDENTIFIED BY THE WORLD.

The Man Who Died at Beeton Was O. M. Johnston of Woodstock—Recognized by His Friends.

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