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W. K. C. PARLEE,
Manager.

L. C. MACNUTT,
Editor.

DAILY HERALD

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POSES AS A MARTYR.

Mr. Foster has made several speeches in defence of himself against the report of the Insurance Commission, but his rather violent and dramatic declarations do not affect public opinion very much. His latest address on the question, delivered Wednesday in parliament, was answered by the minister of justice.

Mr. Foster declares he was marked out for political destruction by the commission which was the agent of the government, that he was cruelly treated by Judge McTavish, and his colleagues, but Mr. Aylesworth was able to quote from the words with which Mr. Foster took leave of the commission, that he had received every courtesy and consideration from the commissioners as well as from Mr. Shepley, the government counsel.

Mr. Foster would like to pose as a martyr before the country, but it will be some time before he shall wear the martyr's crown.

The western land deals consummated with the use of Foresters' funds have left an unpleasant odor throughout the country which no dramatic declarations of its participants will dissipate. The record is written in the testimony before the commission, and that body's conclusions as reported to parliament.

CURRENT COMMENT.

The Fredericton assessment bill, flat rate and all, has passed the legislature and will come in force this year. It is quite a triumph for the income men.

Hon. C. S. Hyman, his wife writes from California, is in a serious condition and is not likely to be back in Ottawa for a long time. He has been recommended to take a sea voyage.

The Montreal Star is after Col. Sam Hughes, M. P., for being too friendly with Sir Frederick Borden, the minister of militia, whose administration the colonel is always commending in parliament. The colonel is a Tory, but knows a good thing when he sees it, even if it proceeds from a Liberal source.

Some members of the legislature are anxious to see goat raising introduced in New Brunswick, and the opposition leader laments the disappearance of that interesting animal from St. John. He must be mistaken, for the St. John newspapers lead the public to infer that the common council is largely made up of goats.

Montreal Herald.—A few years ago, when the west first began to bulk numerically large in parliament, and when Mr. Gurney had the centre of the provincial stage, there used to be talk of the deplorable influence of the irreverent and insensitive members from beyond Winnipeg; but Mr. Fowler of New Brunswick, has done more in three weeks to grate on the feelings of those who are sensitive to the honor of the House, than the woolliest Westerner ever did in three years.

LOCAL LEGISLATURE

(Continued from Second Page.)

Mr. Hazen—I would like to hear the views of the commissioner of agriculture on this subject. Thirty years ago there were a great many goats kept in St. John and the popular impression was that they were fed mostly on old tin cans, old hoop skirts and old newspapers. It is a pity that this industry should have died out. From the interest which the member for St. John is taking in agricultural matters it is evident that the rumors which indicated that he is soon to become commissioner of agriculture are not without foundation.

Hon. Mr. Farris—The House is indebted to the member for St. John for bringing up this matter and it will receive the serious consideration of the government.

THE GAME LAW.

Hon. Mr. Sweeney introduced a bill to amend the law relating to the protection of game. He said this bill is the result of suggestions which we would have received from the chief game warden. We propose

to impose a fee of \$10 on non-resident sportsmen who come into this province to shoot our game birds. It also requires registered guides to make a return of the game killed by the parties they take into the woods. We also intend to shorten the open season, for martin, fisher and sable, and to extend the close season for beaver to the year 1910. Beavers are increasing in numbers, and the present close season will expire in July next. We also propose to reduce the number of persons one guide can take into the woods from five to two. When so many are taken in by a single guide it is impossible to keep track of the number of animals killed. Another proposal is that when the wives of a hunting party accompany their husbands but do not shoot that is certified by the guide, the license fee will be remitted. Another provision relates to the killing of deer in the open season. It has expressed to me that the farmers' crops are frequently destroyed by deer and this will provide that it will be a sufficient justification for a violation of the game law if the animals are killed when destroying a farmer's crops. We also propose to prohibit the use of automatic guns and rifles in shooting our game birds. These are very destructive and cause immense slaughter. They may not now be in use in the province but they are likely to be within a short time if not prohibited.

FREDERICTON ASSESSMENT BILL.

The committee then took up the consideration of the Fredericton assessment bill.

Mr. Allen explained in detail the various amendments which had been made in the bill by the municipalities committee and also stated that after the bill had been recommended by that committee he had been requested by the city clerk on behalf of the city council to add a section providing that the bill should not come into force till January, 1908. He had explained to the council that it was impossible now for him to make the alteration, but he undertook to bring it to the notice of the House. He moved that the bill as amended by the committee be agreed to.

Mr. Whitehead understood that the reason for asking for the delay was because the assessment for the present year had been pretty nearly all made out under the old system and it would cause very serious delay if it had to be re-made in accordance with the present bill.

The committee agreed to the bill as amended, without the addition of the section postponing the coming into operation, and it comes into force this year.

The committee also agreed to the bill relating to the Imperial Dry Dock of St. John with some amendments.

The Hon. Mr. Sweeney introduced a bill relating to dams, sluices and fish ways. In introducing this he explained that it had been found it inadvisable that the old law be re-enacted in order to allow of fish being put in the river, otherwise the dams made the rivers useless for fishing purposes.

He also introduced a bill to amend the Fisheries Act which he said provided for the sale of fishing leases by tender as well as by public auction as at present. He anticipated a considerable increase of revenue by this means.

Hon. Mr. Jones introduced a bill to provide for the continuance of the Consolidated School at Kingston. This school for some time past has been carried on by means of the McDonald School fund, and it would be necessary in the future if the school was to continue it would need to have a larger assessment.

The House went into committee on the government's bill respecting telephone companies. Mr. Murray in the chair.

The first three sub-sections of section 9, were held over for further consideration. These sections relate to the requiring the company to put its wires underground.

Mr. Robertson thought this provision too severe and Mr. Currie agreed with him.

Mr. Lowell thought the right to enforce this should not be limited to cities of ten thousand inhabitants, but should apply to such towns as Fairville.

Mr. Carpenter thought Mr. Lowell's proposal was not an unreasonable one.

On section eleven, relating to long distance connection with any other company or municipality, the bill was amended so as to compel a company to give connection even in cases where the company seeking connection had a line duplicating that of the larger company.

This was objected to by Mr. Whitehead and Mr. Robertson.

Mr. Lowell thought a large company should not raise any objections but should be content to take what they got.

Hon. Mr. Pugsley said that the feeling in favor of this feature of the bill was very strong. Under this section a company or municipality owning a line, say between Fredericton and Woodstock, and duplicating the lines of the New Brunswick Telephone Company, can compel the latter to give long distance connection with all the places on its system.

Section 17 of the bill imposing a penalty on any person using a telephone not being a subscriber was struck out.

The bill to encourage the erection of miners' houses, and the bill to amend the New Brunswick Joint Stock Company's Act were agreed to.

The House adjourned until Thursday at three o'clock.

FOSTER DEFIANT.

(Continued from first page.)

knowing that so far as Mr. Shepley is concerned he has treated me with unvarying courtesy, and all who have been associated with him, the officers and others have been more than kind."

Mr. Aylesworth said that under

the circumstances, in view of the magnitude of the inquiry, it was late in the day to make the argument before the house or country that any special degree of hardship or of cruelty was exhibited by the commission with regard to the Order of Foresters, or to the Union Trust Company its creatures and its alter ego, or with regard to the conduct of the manager of the Union Trust Company, Mr. Foster. Mr. Foster had presented his case before the House upon the footing that the Union Trust Company was a different entity from that of the I. O. F.; that he was in no sense accountable to the Order of Foresters as being in their employment or handling their money. But if the house looked at the article of incorporation and at the circumstances under which that company was brought into existence, they found over the signature of Mr. Foster the statement that out of two million dollars' capital stock no less a sum than \$1,996,000 was the property of the I. O. F. These figures established this, that the capital stock of that company and the money invested in it consisted of \$499 of the Foresters' money to every dollar of anybody else. That state of facts the language of Mr. Hellmuth, counsel for Ontario, when he called the Union Trust Co. simply the creature of its creator was surely fairly justified.

FOSTER COMPARED WITH MCGILL.

Mr. Foster had stated that in no sense had he ever put in peril any of the money of the I. O. F. Mr. Aylesworth ventured, with all due respect to take direct issue with this. These moneys, he submitted, were literally imperilled. He was not a Forester and he had not the right to complain but if he was interested as a member of the Order, he thought he should have every right to complain of what had taken place. Only twelve months ago the manager of the Ontario bank was engaging in a career of investments of speculation in stocks. That transaction resulted disastrously in the failure of the bank. These moneys were imperilled and the manager was today in the penitentiary.

But in the present case moneys which were even more sacredly trust funds were sunk in the advance of unimprovements, which if they happened to go up in price would produce a return to those who put their money in while on the other hand if they became stock in the market it would mean the loss of every dollar that was invested and would result as disastrously as the similar efforts of the manager of the Ontario Bank had resulted. That was what he called imperilling funds, trust funds and most assuredly that was not the investment of trust funds in the way contemplated by the statutes of the country. In that position it was not only proper to be investigated by the commission, but a circumstance, he submitted, fully justifying the observations of the commission in regard to that in the case of the investment in lands in the Northwest which were made by the manager of the Union Trust Co. commissions were paid in cash by that company to its manager. The moneys were a part of the general trust funds which were paid into the hands of that body for investment under the terms he had described, and they had no right to be diverted from that purpose to any other.

FOSTER'S COMMISSIONS

Turning to the circumstances under which the commissions were paid to Mr. Foster, Mr. Aylesworth said no one would dispute the correctness of the general principle laid down in the minutes of the Union Trust Co. that it was a very unsafe and unwise practice that any one employed by that company should receive a commission from the opposite side. It stood as a conceded thing that the payment of the five thousand dollars was in fact made to Mr. Foster himself, that it was made by a check from his own company, the Union Trust Co., which doubtless could not have been issued without his personal knowledge. That check was issued expressly as one-half of the commission of ten thousand dollars which was being paid by the owners of the property then being purchased by the company, and was exactly what it was purported to be, a commission of five thousand dollars upon the transaction. So far as Mr. Aylesworth was able to see the views expressed by the commissioners were not open to criticism.

Mr. Aylesworth next dealt with the Pope-Fowler syndicate and pointed out that on the 9th July, 1903, a block of land was disposed of by that syndicate to the Union Trust Co. That was a transaction by which \$648 acres of land was bought directly by the Great West Land Co. in which the Union Trust Co. or the Foresters were the only entity that had put any appreciable money into the transaction and there was for some unexpected reason and to his mind, no possible explicable reason no less a sum than that which would represent \$4,320 was handed to the syndicate or executive of the company itself. That was no case of profit upon the transaction because the lands had in no sense gone through these individuals, they had never owned the lands.

It was the money of the company with which these lands were bought and they, the executive of the company took that money, which was literally the money of the Independent Order of Foresters no less a sum than \$4,320 and continued to hold it as their own.

Mr. Borden and Mr. Bennett continued the discussion, which is still unfinished.

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