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Wednesday, Sept. 25.

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TWELVE PAGES—THURSDAY MORNING SEPTEMBER 26 1907—TWELVE PAGES

CONTROLLERS' NEW VIADUCT POLICY COUNCIL WILL CONSIDER THE PROGRAM TO-NIGHT ABOLISHES ALL LEVEL SHUNTING

Land Damages Estimated by Mr. Forman as \$1,200,000, or \$400,000 in Excess of Damages Incurred by Bridges.

EFFECT ON THE ESPLANADE
STREET WILL BE NARROWER

The impossible has happened. The board of control at a meeting yesterday afternoon came to an amiable agreement upon a viaduct scheme, to be submitted to the city council at tonight's special session, and the indications are that the division in the ranks touching a solution of the waterfront problem has been ended and that the railway commissioners will be approached by the city with a firm and definite proposition.

The resolutions as carried were submitted by Controller Harrison. The one of chief importance is that in which it is proposed to do away with all shunting on the level, from Spadina-avenue east, thereby removing the chief objections to the original proposition of elevated tracks for thru traffic, and level tracks for shunting. How this plan could be made to work out is not defined in detail, but the broad proposition will be laid before council.

The remaining portion of the plan for dealing with the waterfront was outlined in four other resolutions, also unanimously carried.

Estimate of Land Damages. Mr. Forman said that the report of land damages thru bridges assumed that bridges would be built at Yonge, Church, Jarvis, Sherbourne and any streets, and did not take into consideration damages from fencing, as he understood that the present right of the public to cross at grades would be unchanged except at Yonge-street.

He estimated that the land damages would be between \$400,000 and \$500,000, not exceeding the latter figure, explaining that his figures were only approximate and that exact values would have to be determined by arbitration. Fencing along the main line tracks from Yonge-street to Parliament-street would seriously increase the damages. It would mean that the approach to the waterfront would be entirely by bridges, causing injury to business firms along Front-street. At a rough estimate this would mean adding \$400,000 to the damages, or a total of from \$800,000 to \$900,000, due to the adoption of the bridges plan, including the filling in of slips from the foot of each street on the south side of the Esplanade east to Parliament-street.

Viaduct Damages. The land damages from a viaduct, providing for four tracks, from Yonge-street, east to Parliament-street, would be heavy, the report continued. Commenting on the grade of the G. T. R. right-of-way near Logans-ave, and proceeding along the right-of-way to steel bridge over the Don, no great damage would be done. Logans-ave, and to the G.T.R. station at Queen-street, unless factories now using siding should be derived of their use. The same would apply to the C.P.R. right-of-way. The most serious land damages would be occasioned at Parliament-street, where the C.P.R. and G.T.R. tracks crossed. Thirteen right-of-way, and of-way would have to be taken over for the proposed service track, and 20-12 feet of the roadway, while 52-12 feet of the Grand Trunk right-of-way and 7-12 feet of the Esplanade would be required for a viaduct. The C.P.R. could demand compensation for expropriation of its right-of-way.

Mr. Forman summed up that the total damages by the viaduct would not be less than \$1,200,000.

Dividing the Esplanade. One hundred feet of the Esplanade would be divided as follows:

Four-track viaduct, 80 feet; one service track next to it, 12-12 feet; loading and unloading track, 12-12 feet; roadway and sidewalk, 15 feet.

The report stated that the number of lines of railway tracks at different points is as follows: Yonge-street, 9; Church-street, 8; West-borough-street, 8; Frederick-street, 8; Sherbourne-street, 8; Princess-street, 8; Berkeley-street, 11; Parliament-street, 8; Trinity-street, 10; and Cherry-street, 16.

It was a question whether 15 feet would do for a roadway, added the report, which set forth the main dangers and points as being at Cherry, Sherbourne and Yonge-streets, the first-named crossing being used by thousands of pedestrians during the summer.

"Any adjustment between the railways by reason of one railway using the lines belonging to another railway, I have not considered or estimated," the report concluded.

Controllers Hockett and Ward emphasized the fact that, whereas the bridges would only give access to the waterfront at five points, the viaduct would give twice as many.

"But we would still have the shunting," objected Controller Hubbard. Controller Harrison asked if \$1,200,000 would cover all land damages from the viaduct, and Mr. Forman gave the opinion that it should, as the term in its legal meaning would not embrace any compensation which might be due the G.T.R. because two of its tracks would be turned over to the C.P.R.

Controller Hubbard agreed that the matter would be one for adjustment between the companies.

Controller Ward gave cheerful testimony to the fact that in only one case in seven years had the City of Chicago been beaten in a suit with railways over land damages.

Would Depreciate Property. Controller Harrison declared that, since hearing Mr. Forman's report, he was more than ever in favor of the viaduct, and the commissioner went on to point out that the undertaking would mean reducing the width of Esplanade street from 40 feet to 15 feet.

Continued on Page 7.

VIADUCT PROGRAM

At a special meeting of the board of control yesterday afternoon, the following resolutions, submitted by Controller Harrison, were adopted, and will be considered by the city council to-night, as a solution of the waterfront question to be brought before the railway commissioners next week:

(1)—That application be made before the railway board of commissioners for the separation of the grades in the City of Toronto.

(2)—That all the railway tracks, both those used for thru traffic and those used for shunting, from a point about Spadina-avenue to east of the Grand Trunk Railway crossing on East Queen-street, be raised on a viaduct, and on the Canadian Pacific Railway to a point approaching the East Queen-street crossing at the Don.

(3)—That the tracks from Sunnyside to what is known as the "diamond crossing," at a point west of Bathurst-street, be depressed, and that the city's share of any expenditure, as might be agreed upon, of the cost of this depression only apply to the two tracks at present there, and that any additional expense for any additional tracks the railway may need must not be an extra expense in any way against the city; provision to be made in connection herewith for overhead crossings at the several intersecting streets.

(4)—That the railways raise the grade of their tracks west of Sunnyside crossing to the city limits at their own expense, and to provide subways at the several intersecting streets and park entrances.

(5)—That a bridge be built, crossing East Queen-street at the Don, at the expense of the railway companies, and that this board also take the same position as to the expense of the bridge to be built at Sunnyside.

WAS BORDEN TIPPED OFF? WILL RECEIVE HONORARY D.D.

Winnipeg Story Says Premier Roblin Gave Advice, But He Denies it. Prominent Educationists to be Present at Today's Inaugural at Varsity.

WINNIPEG, Sept. 25.—(Special).—The Winnipeg Free Press (Liberal) publishes to-night a story to the effect that R. L. Borden, while in Winnipeg, on his way to the coast, was informed by western Conservatives that his policy had too many "ifs" and "ands," was too non-committal, and was not sufficiently anti-corporate in its tone.

Further than this, The Free Press says that Mr. Borden promised to make a number of changes with a view to conciliating his western supporters and securing much-needed assistance in the ensuing campaign.

It had been decided, so the story goes, that Mr. Borden must not be allowed to go further in the west without being told of the general feeling, and that the unanimous choice for a spokesman fell upon a journalist. The party had gathered with the leader, and the interview was nearly at an end, with nothing heard from the chosen orator, when Premier Roblin, the undaunted, took the floor himself and accused Mr. Borden's policy with a frankness which astonished that gentleman.

Premier Roblin in a statement to-night emphatically denies the story.

STEEL COMPANY MAY DROP SIR HENRY M. PELLATT

Rumor That He is Too Heavily Interested in Dominion Coal to Suit Some Shareholders.

MONTREAL, Sept. 25.—(Special).—It is reported amongst those who are supposed to be in the inner circle of the Dominion Steel & Iron Co., that, at their next annual meeting on Oct. 9, Sir Henry M. Pellatt of Toronto will be dropped from the list of directors, and that some other director more in harmony with the policy of the company, and less interested in the Dominion Coal Company, will be elected to his place.

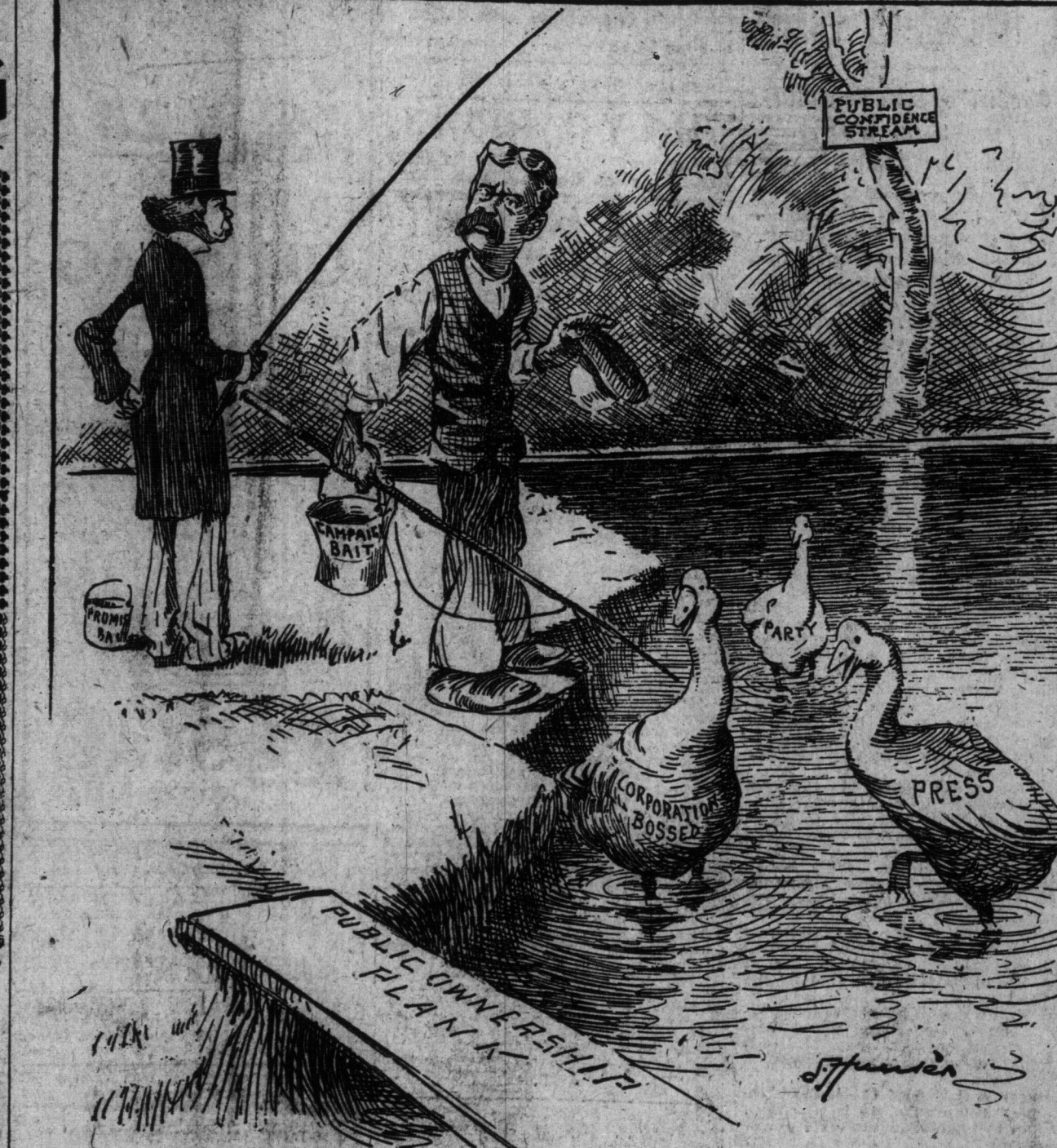
This is the result of a disagreement that has existed between Sir Henry Pellatt and his brother directors of the Steel Company ever since the difficulties with the Coal Company came to an impasse.

Sir Henry was heavily interested in both companies and did all he could to dispute about a peaceful settlement of the dispute, with the result that he is said to have been practically read out of the party, and was not invited to several meetings before the annual meeting was adjourned under special order-in-council.

Accident vs. Life Insurance. The premium on a life insurance policy is fixed with regard to the fact that the amount of the policy will have to be paid some day. But the premiums on our accident and sickness policy is proportionately lower and cheaper, because there is a great probability that the insured may never be injured at all and only suffer slight illness. For the small cost of the premium, because there is a great probability that the insured may never be injured at all and only suffer slight illness. For the small cost of the premium, because there is a great probability that the insured may never be injured at all and only suffer slight illness.

Continued on Page 7.

Not Biting



FIRST FISHERMAN: Crick's awful low.
SECOND FISHERMAN: And the geese ain't helpin' things much.

RAILWAY MEN PROTESTING AGAINST PROSECUTIONS

Strong Deputation Waits on Attorney-General—Held Critically Responsible for Accidents Beyond Control.

COUNSEL NOT FITTED FOR TECHNICAL POINTS

Hon. J. J. Foy, the attorney-general, received a representative deputation of railway men at the parliament buildings yesterday. There were present: S. N. Berry of Toronto, vice-president of the Order of Railway Conductors; James Murdoch of Toronto, vice-grand master of the B.R.T.; D. Campbell of Toronto, vice-president of the Order of Railway Telegraphers; D. Cameron of Allandale, general chairman, and William Johnson of Galt, secretary of the Order of G.T.R. Engineers; John Maloney of G.T.R. men; Thomas Courtney of G.T.R. trainmen; representing the M. C. St. Thomas, representing the M. C. trainmen; Kepple Hastings of St. Thomas, representing the M.C.R. conductors; L. W. Cole of St. Thomas, representing the Pere Marquette trainmen; A. Stewart, representing the V. firemen; J. E. Trotter of Montreal, representing the telegraphers, and J. H. Staley of Niagara Falls, representing the C.P.R. telegraphers; A. E. Wright, C.P.R. conductors; George E. Crowhurst of Toronto, C.P.R. firemen; J. Harvey Hall of Toronto, legislative representative of the trainmen for the Dominion; and William Cobb of Kenora, and Thomas Towles, Ottawa, Mr. Cartwright, the deputy attorney-general, was present.

Mr. Hall, in presenting their case, said that, owing to the prosecutions which had taken place in this province during the past year or so, under officers acting under the attorney-general's department, a feeling had grown up among railway men that the conditions surrounding their position were such that justice was not always meted out to them. They did not consider, at the present time, that this was the fault of the department, but they did think that in existing circumstances it was not possible to bring out evidence to show that where men were charged by coroners' juries with criminal negligence, as a matter of fact such "negligence" was due to conditions over which they had no control.

Causes Nervous Strain. The recent activity of the officers of the crown in prosecuting railway men was, in point of fact, not in the interest of the safety of the public. The conditions of railway service were such, and the minds and bodies of the men, owing to the multiplicity of their duties, were taxed to such an extent that errors in judgment and lapses of memory were apt to occur, and when accidents happened the fact that railway men worked long hours under men engaged in any other branch of labor was not given the consideration it deserved. And while the others concerned were protected by legal advice and assistance, the unfortunate railway men often lacked the technical

Continued on Page 7.

CARS LEFT THE TRACK CROSSED BRIDGE SAFELY

Tender and Van on C.N.R. Almost Tumble From Viaduct Near Valedon—Track Blocked All Day.

An engine, tender and van left the Canadian Northern yards on the Don about 6 o'clock yesterday morning to go up the line for a ballast train. Shortly after the train had reached the middle one of the three bridges just south of Valedon Station, and at the eight-mile post, one of the wheels of the tender started to break its flanges and in a second after jumped the track, followed by the van. The driver did his best to check the

FACTORY SITE

with 255 feet on railway siding, on two lines of street cars.

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61 Victoria street.

ONE CENT.

CONDUCTOR COOK "NOT GUILTY" SAY JURY

Justice McMahon Gave Charge Against Prisoner and Lectured Jury—They Feared Severe Sentence.

WHITBY, Sept. 25.—(Special).—Conductor Cook was found not guilty. The jury returned the verdict after being out three hours. This was very much to the astonishment of nearly everyone present.

Judge McMahon said to the jury, after he had recorded their finding: "I hope you gentlemen are ever on a train when an accident happens; perhaps if you are, you will have a different opinion to that you have just expressed."

Talking with one of the jurors after they had been discharged, it was learned that only one of them had held out for conviction. That one felt in his conscience that Conductor Cook had broken the rules and should be punished.

The others took the ground that if their verdict was guilty, as the charge was manslaughter, his sentence might be unnecessarily severe, and so were for acquittal.

The judge's charge was quite pronounced against the prisoner. No witnesses were called by T. C. Robertson for the defence. Nothing new of importance was submitted by the prosecution beyond that brought out at the preliminary trial.

The grand jury returned a true bill for criminal negligence against Train Despatcher Wilkinson. The case goes over to the next assizes and Wilkinson was given bail at \$400.

Mr. Arnold—Opened Case.

Mr. Arnold then opened the case for the crown by addressing the jury on the main points of the case. He emphasized the fact that the two men lived their lives by criminal carelessness, which amounted to a crime on the part of the prisoner. The prisoner, in accepting the position of conductor on the C.P.R., had undertaken to cross train 1488 at Myrtle. He had not done so, and a charge of manslaughter resulted.

The rules of the C.P.R. the crown prosecutor went on, are perfect marvels of completeness. The legislature has also provided rigid regulations for the running of the C.P.R. These also had been disregarded by the prisoner in his capacity as conductor. Mr. Arnold then outlined the story of the wreck and drew attention to the alleged failure of Cook to read his train orders to his rear-end brakeman. On the contrary, Mr. Arnold alleged, leaving 1488 was mentioned the fact in a casual manner that a train was to be passed at Myrtle.

The number of the train was not mentioned. As it happened, train 1482 was on a siding at Myrtle, and, of course, the brakeman, not fully informed, concluded that 1482 was the train they were to meet. The conductor, without thinking of train 1488, let his train go on to a false which resulted in the loss of two lives. There were two hours and a half in which to rectify the order, but Wilkinson, failing to raise Myrtle, had not notified his rear.

G.T.R. GOES TO TRIAL.

Holland's Landing Corporation Complain of Stolen Roadway.

The Grand Trunk Railway Company was committed for trial at the present sittings of the quarter sessions by Magistrate Woodcock at the county magistrate's court yesterday. The charge is of maintaining a nuisance at Holland Landing, Ont. The cause of complaint is the widening of their right-of-way 14 feet into an anciently dedicated roadway leaving only a 3-foot footpath beside their fence.

The company's defence is largely technical, attacking the jurisdiction of the magistrate and the method of procedure. The company objects to the magistrate as an incompetent, and declares that indictment should be the initial step in the proceedings, or that the railway board should act.

The roadway in question connects new and old Yonge-street.

THE BISHOP'S ADVICE.

Our philosophic friend, the "Bishop of Cotnamtown," says: "Let the undertaker be the first man to know you are broke." Nothing makes a man look so close as the cushion as does a seedy hat. Dineen can improve your appearance wonderfully by giving you one of their special fall hats, hard or soft felt, for \$2.50. The celebrated hat store at Yonge and Temperance streets carries the most extensive line of the newest styles of all the principal European and American hat manufacturers, and satisfactorily assured to even the most fastidious.

Witnesses Still Away.

D. V. McMahon, Valedon, Mr. Giannetti and F. Martirano were vainly called at the inquest into the death of A. Giannetti at the city hall last night. The inquest was once more adjourned till Friday night, on the morning of which day the men have, with the exception of Giannetti, undertaken to be present in police court. They are still out of the city.

Two Hundred Strike.

HALIFAX, Sept. 25.—(Special).—The strike of about two hundred iron workers, who were engaged in repairing the steamer Universe, on the marine railway on the Dartmouth side of the harbor, and the steamer Oscar II. in the drydock, took place this morning. The men were working for the Drydock Company.