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ABOLISHES ALL LEVEL SHUNTING

Land Damages Estimated by Mr. Forman as \$1,200,000, or \$400, 000 in Excess of Damages In curred 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 faid before

for dealing with the waterfront was outlined in four other resolutions, als

mously carried. Estimate of Land Damages Forman said that the report of land damages thru bridges assumed that bridges would be built at Yonge, Church, Jarvis, Sherbourne and Cher-ry-streets, and did not take into conry-streets, and did not take into consideration damages from fencing, as he understood that the present rights 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 \$500.000 to the damages, or a total of from \$500.000 to the damages, or a total of from \$500.000 to the damages, or a total of from \$500.000 to the damages, or a total of from \$500.000 to the damages, or a total of from \$500.000 to the damages, or a total of from \$500.000 to the damages, or a total of from \$500.000 to the damages, or a total of from \$500.000 to the damages, or a total of the second to th Esplanade east to Parliament-street.

Viaduct Damages.

R. right-of-way near Logan-ave. and proceeding along the right-of-way to steel bridge over the Don, no great damage would be done, including that to the G.T.R. station at Queen-street, unless factories now using siding should be deprived of their use. The same would apply to the C.P.R. right-of-way. be deprived 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 all gathered with the leader, and the crossed. Thirteen feet of C.P.R. right-of-way would have to be taken over for the proposed service track, and for the proposed service track, and took the floor himself and discussed Mr. took the floor himself and discussed Mr. Borden's policy with a frankness which feet of the Grand Trunk right-of-way and 71-2 feet of the Espianade would be required for a viaduct. The C.P.R. Premier Roblin in a statement night emphatically denies the story.

Dividing the Esplanade. One hundred feet of the Esplanade would be divided as follows: Four-track viaduct, 60 feet; one ser-vice track next to it, 121-2 feet; one loading and unloading track, 12 1-2 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 Scott-street, 8; Church-street, 8; Westmarket-street, 8; Jarvis-street, 8; George-street, 8; Frederick-street, 9; George-street, 6, Frederick-street, 8; Sherbourne-street, 9; Princess-street, 8; Berkeley-street, 11; Parliament-street, 8; Trinity-street, 10, and Cherry-street, is reported amongst those who are sup-

I have not considered or estimated," the report concluded.

legal meaning would not embrace any adjourned under special order-in-counompensation which might be due the cil. C.T.R. because two of its tracks would

tween the companies.

Controller Ward gave cheerful testimeny to the fact that in only one case in seven years had the City of Chicago because there is a great pro
licy is fixed with the policy will have that the amount of the policy will have that the amount of the policy will have to be paid some day. But the preminums on our accident and sickness versity.

Prof. McMaster of Philadelphia is policy is proportionately lower and policy is a great proone of the leading historians in the over land damages.

Would Depreciate Property.

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

Winnipeg Story Says Prominent Educationists Premier Roblin Gave Advice, But He De-

Western Conservatives that his policy had too many "ifs" and "ands," was to nent personages will be honored by the Conservative that his policy had too many "ifs" and "ands," was nent personages will be honored by the conservative to parliament-street, would be heavy, the report continued.

Further than this, The Free Press commencing at the grade of the Conservative that his policy represented and a number of promisers too many "ifs" and "ands," was nent personages will be honored by the construction to many the conservative that his policy represented and a number of promisers too many "ifs" and "ands," was necessarily and too many "ifs" and "ands," was necessarily to parliament-street, would be heavy, the report continued.

Further than this, The Free Press says that Mr. Borden promised to make the United States and Canada will be represented and a number of promisers too many the United States and Canada will be represented and a number of promisers too many "ifs" and "ands," was not sufficiently anti-corporate in its tone.

Further than this policy represented and a number of promisers too many "ifs" and "ands," was not sufficiently anti-corporate in its tone.

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Further than this policy represented and a number of promisers to many the united States and Canada will be represented and a number of promisers to many the united States and Canada will be represented and a number of promisers to many the united States and Canada will be represented and a number of

Premier Roblin in a statement to

tion of its right-of-way.

Mr. Forman summed up that the total damages by the viaduct would not total damages by the viaduct would not

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

It was a question whether 15 feet would do for a roadway, added the report, which set forth the main does not be in the inner circle of the college, Dalhousie University, present-Harvey Hall of Toronto, legislative port, which set forth the main does not be their review of the trainmen for the port, which set forth the main does not be their review of the trainmen for the port, which set forth the main does not be their review of the trainmen for the port, which set forth the main does not be the president of t port, which set forth the main danger-points as being at Cherry, Sherbourne and Yonge-streets, the first-named crossing being used by thousands of that some other director more in har-bedestrians during the approach of the company. pedestrians during the summer.

"Any adjustment between the rail-ways by reason of one railway using the lines belonging to the company, with the policy of the company, and less interested in the Dominion Coal Company, will be elected to fill his

the lines belonging to another railway, place.

I have not considered or estimated," This is the result of a disagreement. controllers Hocken and Ward em-Pellatt and his brother directors of the phasized the fact that, whereas the bridges would only give access to the with the Coal Company came to an

waterfront at five points, the viaduct would give twelve approaches.

"But we would still have the shuntboth companies and did all he could to Columbia, presented by the minister would give twelve approaches.

"But we would still have the shunting," objected Controller Hubbard.

Controller Harrison asked if \$1,200,000 would cover all land damages from the bisduct and Mr. Forman gave the opination of the party, and was not invited to several viaduct, and Mr. Forman gave the opin- party, and was not invited to several ion that it should, as the term in its meetings before the annual meeting was ter of education of Saskatchewan.

legal meaning would not embrace any adjourned under special order-in-coun
The Hon. Joseph Dubuc, B.C.L.

be turned over to the C.P.R.

Controller Hubbard agreed that the The premium on a life insurance polmatter would be one for adjustment beicy is fixed with regard to the fact Lord Bishop of London.

Controller Ward gave cheerful to the amount of the policy will have that the amount of the policy will have the controller ward gave cheerful to the amount of the policy will have the controller ward gave cheerful to the amount of the policy will have the controller ward gave cheerful to the amount of the policy will have the controller ward gave cheerful to the amount of the policy will have the controller ward gave cheerful to the controller ward gave cheerful been beaten in a suit with railways cheaper, because there is a great probability that the insured may never be injured at all and only suffer slight Controller Harrison declared that, illness. For the small cost of the pre-face hearing Mr. Forman's report, he mium a sickness and accident policy is a good investment and well worth Viaduct, and the commissioner went while. The indemnity covers the entives from other colleges will tender on to point out that the undertaking tire period of incapacity and provides congratulations to President Falconer, would mean reducing the width of Es-against monetary loss. Phone Main after which a conversazione will be planade street from 40 feet to 15 feet 1860. The planade street from 40 feet to 15 feet 1860. planade-street from 40 feet to 15 feet, 1642. London Guarantee & Accident, Continued on Page 7. Continued on Page 7.

to be Present at Today's Inaugural at

WINNIPEG, Sept. 25 .- (Special.) - The A brilliant assemblage of education ding \$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.

WINNIPEG, Sept. 25.—(Special.)—The A brilliant assemble of cucation witness the dishes to-night a story to the effect that formal inauguration of Dr. R. A. Faltant assemble of the University is to the filling in of slips from the foot of the University of Toronto. All the leading colleges in the United States and Canada will be western Conservatives that his policy represented and a number of promi-

Commencing at the grade of the G. T.
R. right-of-way near Logan-ave. and proceeding along the right-of-way to steel bridge over the Don, no great damage would be done, including that the conditions, the right-of-way to steel bridge over the Don, no great damage would be done, including that the conditions, the right-of-way to severing much-needed assistance in the link that the right-of-way to severing much-needed assistance in the lor, Sir William Meredith, will conduct the installation, and President than the right-of-way near Logan-ave.

Representatives of the universities of the Order of Railway Conductors; of the United States: John Bach Mc-Master, Litt. D., LL.D., professor of history in the University of Pennsylvania, presented by Goldwin Smit. LL.D., D.C.L. Henry S. Pritchett, Ph.D., ScD., LL.

D., president of the Carnegie Foundaon for the Advancement of Teaching, presented by the president. Representatives of the universities

and educational systems of Canada; Sir Sandford Fleming, C.E., K.C.M. G.,LL.D., chancellor of Queen's University, presented by the vice-presi-Cecil C. Jones, M.A., Ph.D., chancel-

lor of the University of New Bruns-wick, presented by the dean of the medical faculty.

Alexander Charles McKay, M.A.

LL.D., chancellor of McMaster University, presented by the professor of

Howard Murray, B.A., dean of the lege.
William Peterson, M.A., LL.D., C.M.
G., principal of McGill University,
presented by the principal of Univer-

The Hon. Alexander Cameron Rutherford, B.A., B.C.L., premier and minister of education of Alberta, present-ed by the Premier of Ontario.

The Right Rev. David Williams, D. D., Bishop of Huron, chancellor of the Western University, presented by the provost of Trinity College.
The Hon. Henry Esson Young, B.A.,

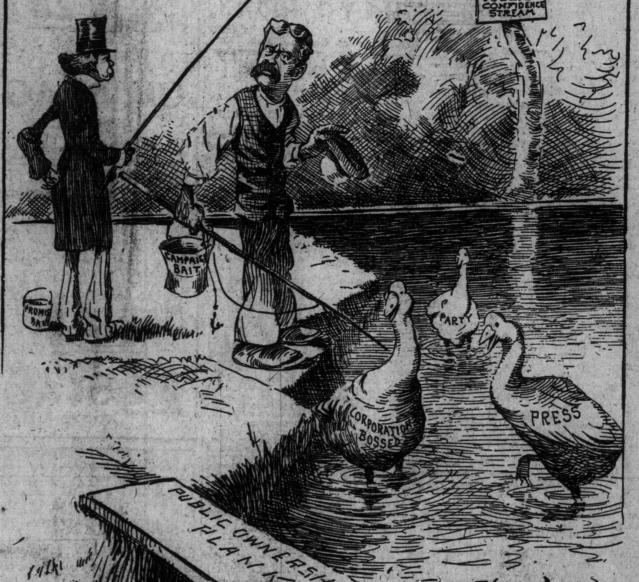
The degree will be conferred in absentia upon: The Hon. J. A. Calder, B.A., minisvice-chancellor of the University of Manitoba, Chief Justice of Manitoba. The Right Rev. and Right Hon. Ar-

thur Foley Winnington-Ingram, D.1

of education of Ontario.

one of the leading historians in the United States, while Prof. Pritchett is head of the Carnegie tederation which will administer the fund for the bene-fit of teachers the continent over. This evening the various representa-

after which a conversazione will be held in the Physics Building. To-morrow the formal opening of the Physics Building Will take place.



Not Biting

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

WHICH IN I WATER TOURS IN AGAINST PROSECUTIONS

Strong Deputation Waits on Attor ney-General - Held Criminally 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 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 Maloney of Ottawa, representing the G.T.R. trainmen; Thomas Courtney of 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 l'.
M. firemen; J. E. Trottier of Montreal, representing the telegraphers, and J. H. Staley of Niagara Falls, representing C.P.R. telegraphers; A. E. Wright, C.P.R. conductors; George E. Crow-hurst of Toronto, C.P.R. firemen; J. Dominion, and William Cobb of Kenora, and Thomas Towsley, Ottawa, Mr. Cartwright, the deputy attorney-

general, was present. der officers acting under the attor-ney-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 raliway 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 en, 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 rail-

and practical advice and assistance necessary to bring out facts which would be in their favor. They recognized the fact that laws were a necessity for the protection of society, and that it was the duty of the officers of the department to enforce these laws, and they only asked that they should get the same liberal interpretation of the law which other citizens received. Unquestionably railway men were not, as a class, actuated by criminal instincts, and it appeared to them unfortunate that they

peared to them unfortunate that they should be unfairly branded as criminals and lose their positions in consequence of errors of judgment, brought about in the discharge of their duties thru causes for which they were not really responsible not really responsible.

The policy of the crown officers had the effect of removing many experienced men from the railway service, and of replacing them with young and the replaced men. This was certain.

and of replacing them with young and inexperienced men. This was certainly not in the public interest, and they requested the assistance and consideration of the attorney-general in securing for railway men considerate and fair treatment in the matter of a criminal prosperations. William Johnson of Gait, secretary of criminal prosecutions. No one dethe Order of G.T.R. Engineers; John plored accidents more than the railway men themselves, but it should be remembered that they were only men. In such cases the men concerned always risked their positions, altho they might have for many years filled responsible positions a conductor. sponsible positions as conductors, en-gineers and telegraphers. They did not deliberately make mistakes, and while the public must be protected, they felt that the attorney-general's department did not possess any of-ficial who would bring out all the facts in investigations before coroners'

Lawyers Not Experienced. Lawyers lacked the technical knowladge necessary to bring out the entire truth. And if the activity of age.

Her son had preceded her to the theatre. 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 to appoint someone who had practical and technical knowledge of the conditions.

The

Continued on Page 7.

INTARIO PEOPLE BOOKED MINITO I FOI FF DANKED

Allen Liner is Expected to Reach Quebec To-Day - No Further Details of the Collision.

MONTREAL, Sept. 25.—(Special.)-No further information has as yet No further information has as yet tioned the fact in a casual manner been received from the disabled Allan that a train was to be passed at Myr-Liner Mongolian, which is now on her way back from Quebec from Belle Isle Straits, after being in collision with the freighter Hurona.

The Hurona and Mongolian which is now on her way back from Quebec from Belle mentioned. As it happened, train 1492 was on a siding at Myrtle, and, of course, the brakeman, not fully in-

with the freighter Hurona.

The Hurona and Mongolian are ex-The Hurona and Mongolian are expected at Quebec between 5 and 6 tomorrow morning. It is evident that the Mongolian has been severely damaged, as the 38 nassengare are aged, as the 38 nassengare are the morning on to a fate which reaged, as the 38 passengers she was suited in the loss of two lives. There carrying, have been transferred to were two hours and a half in which the Hurona. The government steamer to rectify the order, but Wilkinson, failing from Quebec to meet the Mongo-lian and render any assistance that

may be necessary.

Amongst the Ontario passengers on the Mongolian were; Cabin passengers, Mrs. F. Harding, Thomas Lindsay, Guelph; Alan Wilson, Brockville, and James McMillan, St. Catharines.

The Grand Trunk Railway Company Steerage passengers, Walter Patterson, J. Thompson, George Anderson, Michael Graham, William Gilbert and John Sharp,

DIED ON WAY TO THEATRE. Aged Woman Overtaken in Street--No Inquest Will Be Held.

Mrs. Mary Branker of Jamaica, West Indies, dropped dead of heart failure technical, attacking the jurisdiction of in a grocery store at 134 Simceo-street, the magistrate and the method of pro-last night. She was on her way to the juries, and in prosecutions, in such a manner as to protect the men and show that they had no criminal intent.

Reyal Alexandra Theatre with her daughter when she became faint. Going that they had no criminal intent.

Reyal Alexandra Theatre with her trate as an interested party, and described the interested party.

minutes later.

Mrs. Branker, who is a widow, had been visiting her son, Gerald Branker, at 261 Simcoe-street. She was 50 years

No inquest will be held. Manitoba Legislature. WINNIPEG, Sept. 25.—(Special.)— The local legislature will be called on the second Thursday in January.

CARS LEFT THE TRACK CROSSED BRIDGE SAFELY

Canadian Northern yards on the Don one.

about 6 o'clock yesterday morning to go up the line for a ballast train.

Shortly after the train had reached derailed tender and van on the track.

The passengers on the morning train are were part to work to get the derailed tender and van on the track.

The passengers on the morning train are were engaged in repairing the

Day.

Twenty-five feet at the north end of The inquest was once more adjourned the bridge the van took a dip and toppled half way over on the east side, which day the men have, with the exception of Giannetti, undertaken to be captured to but without falling into the bed of the ception of Giannetti, undertaken to be captured to be compared to the court. They are still contained to the court of the city.

accidents happened the fact that rall-way men worked longer hours than men engaged in any other branch of labor was not given the consideration it deserved. And while the others considerated were protected by legal advice and assistance, the unfortunate rail-road men often lacked the technical shortly after the train had reached the middle one of the three bridges just south of Valdon Station, and at the morning train down and the morning train going north were transferred at the wrack. At 6 o'clock the van was goten back on the rails and sent to Rosedale Station, while the eight-mile post, one of the wheels of the eight-mile post, one of the wrack. At 6 o'clock the van was goten back on the rails and sent to Rosedale Station, while the eight-mile post, one of the wrack. At 6 o'clock the van was goten back on the rails and sent to Rosedale Station, while the eight-mile post, one of the wrack. At 6 o'clock the van was goten back on the rails and sent to Rosedale Station, and at the morning train down and the morning train d

Justice McMahon Gave Charge Against Prisoner and Lectured Jury --- They Reared Severe Sentence.

WHITBY, Sapt. 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 overyone present.

Judge MacMahon said to the jury, after he had recorded their finding: "I hope none of you gentlemen are ever on a train when an accident happens; perhaps it 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 fe!t in his conscience that Conductor Cook had broken the rules and should be The others took the ground that if their verdict was guilty, as the charge was manslaughter, his sentence might

for acquittal.

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

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.

over to the next assizes and Wilkinson was given bail at \$400.

Mr. Arnoldi Opened Case.

Mr. Arnoldi 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 lost their lives by criminal carcless-

ductor on the C.P.R., had undertaken to cross train 1488 at Myrtle. He hade not done so, and a charge of man-slaughter 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 and operation of trains. These also had been disregarded by the prisoner in his capacity as conductor. Mr. Arnoldi then outlined the story of the wreck, and drew special attention to the alleged failure of Took to read his train orders to his rearend brakeman. On the contrary, Mr. Arnoldi alleged that Cook merely mentioned the fact in a casual manner

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.

initial step in the proceedings, or that the rallway board should act.

The readway in question connects new

and old Yonge-street. THE BISHOP'S ADVICE.

Our philosophic friend, the "Bishop of Cottontown," says: "Let the undertaker be the first man to know you Nothing makes a man look so close against the cushion as does a seedy hat. Dineen's can improve your appearance wonderfully by selling you one of their special fall hats, hard or soft feit, for \$2.50. The celebrated hat store at Yonge and Temperance-streets, carries the most extensive line of the newest goods of all the principal European and American hat manufacturers, and satisfaction is assured to even the most

Tender and Van on C.N.R. Al train, but it kept on running and the most Tumble From Viaduct Near crossed the whole of the bridge without going over.

Witnesses Still Away.

D. Vetromile. G. Vetromile, Mario Giannetti and F. Martirano were vainly called at the inquest into the death of A. Giannetti at the city hall last night. Valydon - Track Blocked All Twenty-five feet at the north end of The inquest was once more adjourned.