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MILLERS FAIL TO PROVE THO CAR SHORTAGE IS SHOWN DISCRIMINATION BY C.P.R.

Complaint That Western Flour Was Given Precedence Over Shipments of Grain to Ontario Mills—Congestion at Owen Sound.

CARS ENOUGH, NOT UNLOADED OFFICIAL BLAMES MERCHANTS

Complaints that the C.P.R. unduly delayed grain shipments from the west, while giving flour a right of way to the detriment of Ontario millers for the benefit of their Manitoba competitors, were vigorously pressed before the Dominion Railway Commissioners yesterday at the city hall. Unreasonable delay at Owen Sound was also alleged, and instances given in proof thereof.

Railway officials denied that they were at fault. Supt. Oborne said Owen Sound was now second only to Toronto as a divisional point and was getting a fair share of cars. The company had purchased 1600 new cars for delivery in October. In addition to those they were building in Montreal, and up to Tuesday last 80 of these had been delivered. He wished to impress upon shippers and consignees the fact that they could help themselves a great deal by unloading cars promptly. In Montreal 3400 cars were waiting to be unloaded. There were enough cars now in the country to take charge of all the business offering this week.

Chairman Killam, after evidence had been taken, remarked that there had been no proof given of discrimination. It was simply a question of cars and facilities, and he did not see what order could be given to suit the case. Dr. Bernier said that there were not enough cars, but to favor one reaction would be to deprive another.

Hon. Dr. Mills was not prepared to say that preference had not been shown and reserved his opinion.

Millers Complain.

C. B. Watts, the secretary, submitted the case of the Dominion Millers' association against the C. P. R. The complaint was embodied in a resolution bearing date Sept. 27, 1906, stating that whereas an instruction of the board, compelling the railway companies to make an equitable distribution of cars at the lake port elevators, expanding in 1906 and 1907, and that notwithstanding an alleged increase in the car supply, there had been during the preceding three or four weeks, a greater shortage of cars than during the same period the year before, and as much serious loss and inconvenience was caused by these conditions, the board should be requested to issue to the G. T. R. the same order that was given on Nov. 25, 1906, and to include in it Depot Harb, which was entirely in the hands of the G. T. R. Co., as well as Goderich, and to add to this order the following clause:

"That the distribution of cars to the various elevator shipping points, Beport Harbor, Midland, etc., be made pro rata as nearly as possible with orders, having regard to priority of date."

They also asked that an early date be set for the hearing of the question of reciprocal demurrage, and that if the commission had any doubt as to their power to deal with this important question, they secure from parliament at the coming session, all powers necessary to deal with it.

Mills Had to Close.

Mr. Watts, in reading the correspondence which followed, called attention to the fact that he bought wheat on Feb. 22 of this year, and on various dates up until about the end of March, thru Winnipeg dealers, for immediate shipment, and that this wheat was invariably shipped out within five days, and also to the fact that four shipped from Manitoba was being held at various points in Ontario, such as Peterboro, at the rate of two or three cars a week, while the wheat bought for Ontario mills in December last for shipment from Fort William, was not forthcoming, compelling these mills to shut down and the flour and meal local consumption to be supplied by the Manitoba mills, while the Lake of the Woods Milling Co. at Keewatin had been so supplied by the C. P. R. that they never had to shut down, either from shortage of wheat or cars.

Not only had there been unreasonable delay on the part of the C. P. R. in shipping wheat for Ontario millers from Fort William, but discrimination had been shown in favor of export shipment, and in shipments from Manitoba mills, against shipment of wheat for the Ontario mills, resulting in great hardship and loss of trade.

There had also been unreasonable delay in shipments from Owen Sound. For instance, the Matthews Grain Co. shipped to Owen Sound, on Nov. 22 last, for the shipment of 25,000 bushels of wheat, and they reported: One car shipped on Dec. 11, one on Jan. 4, five on Feb. 4, and the balance on the last but one and March 15, when the last 5000 bushels were shipped.

Shipments Delayed.

Stark Brook ordered out 10,000 bushels of wheat for the Tillson Co., Tillsonburg, and 5000 bushels for the Goldie Milling Co., Ayr, about Jan. 24 last, from Owen Sound, and of which was not shipped until March 30. They also ordered, about Feb. 3, 5000 bushels for the Tillson Co., 2000 of which was shipped on April 1, and the balance on April 6.

He had no doubt that he could cite many similar instances of violation of the Railway Act.

Mr. MacInnes, C. P. R. freight traffic manager, replied that the delay in forwarding cars from Fort William was due to car shortage. The extreme

continued on page 7.

CHEQUE FOR \$500.

ST. MARYS, Nov. 6.—In 1878 Rev. Joseph Shepley subscribed \$500 toward the building of a new Methodist Church here. The solicitor to whose care Mr. Shepley entrusted his finances, absconded and Mr. Shepley was unable to meet his subscription. This week the trustees of the church received a cheque from George F. Shepley, K.C., of Toronto for the amount of his father's subscription, he having previously written to enquire into the circumstances.

GREAT CHANGE IN PRESIDENT

Demeanor in New York Taken to Indicate Relaxation of Attacks on Wealth.

NEW YORK, Nov. 6.—The World today says: President Roosevelt passed thru New York twice yesterday on his way to and from Oyster Bay, where he jetted. He arrived early in the morning at Jersey City by train from Washington. A train conveyed him around the waterfront of Manhattan Island to Long Island City. He returned over the same route at noon, reaching the White House in time for evening dinner.

The president left New York a changed individual. His appearance and his bearing were that of a sobered, reflective man. There was in his face a look of deep responsibility, of grave thoughtfulness, not seen before by those who know him.

From now on there will be a different plan of campaign conducted from the White House. The president is firm in his declarations that there is to be no change in his policy of antagonism to predatory wealth and illegal corporations, but his methods are to be modified, his attacks made more discriminate, and his warfare less destructive.

The events of the past two weeks in the financial world have had remarkable effect upon Mr. Roosevelt. The crash of banks, the cry of strangled business, the frightened hoarding of money, have deeply impressed him. The hours of his journey yesterday were given more to sober reflection than to animated conversation.

It is an argument was needed to complete the remarkable change in the nation's chief executive. It was furnished by the sight of Manhattan's beset skyscrapers of finance as his tugboat passed by the foot of Wall-street and skirted the Battery.

The day marked the end of indiscriminate presidential denunciation, of intemperate language of wholesale indictments, of incessant agitation against wealth, of wholesale attacks upon trusts and corporations, of fresh plans to punish and to destroy.

Mr. Roosevelt is not to make any more vehement speeches like those at Provincetown, and at towns along the Mississippi river, and in the near future, instead of causing new indictments to be brought against more trusts and corporations, the law will be allowed to take its course against those now before the courts.

While nothing has been said by the president directly to his intimates, it is considered likely that his message to congress will undergo certain modifications.

It is realized that congress could not handle in a single session all the great national projects which the president has launched, such as federal incorporation, federal license for corporations doing interstate business, control of corporations under the post-roads clause of the constitution, taxes on swollen fortunes and taxes on inheritances. The new plan will concentrate on one, or two measures and push them thru to completion before undertaking others.

Mr. Roosevelt's sudden change of attitude may be summed up in the phrase: No abandonment of policy, but modification of methods.

DAKOTA DIVORCE DIDN'T GO

Helped a Little, However, and Sentence Was Suspended.

WALKERTON, Nov. 6.—(Special).—The Switzer bigamy case was tried before Judge Barrett to-day. From the evidence it was adduced that Switzer had violated the marriage laws of the country, but unintentionally. The judge therefore let him off on suspended sentence, under bail to appear at any time within 12 months for sentence.

In 1894 Switzer was married in Manitoba to Ida Jane. He followed her to Ontario, where he was married to Marie Harris. He therefore concocated various schemes to get rid of Ida Jane and in 1896 was divorced from her in Dakota. A short while afterwards he was married to Marie Harris.

PRESTON'S STORY IS HERE FOR TRIAL

Crown Has Refused to Consent to Abandoning London Conspiracy Prosecution.

Efforts to obtain a nolle prosequi, or withdrawal of prosecution, in the case of the Londoners indicted for conspiracy, arising out of the now notorious election enquiry, have failed.

As matters now stand, George M. Reid, John O'Gorman, William Mulloy and William Wiley are to appear for trial at the criminal assizes in Toronto, which open Nov. 18. These are the cases of longest standing in the crown docket and should be the first to be heard. Twenty witnesses have been subpoenaed in London. Geo. Lynch-Staunton, K.C., of Hamilton, is the special crown prosecutor to conduct the cases.

Rumors emanating from those high in the confidence of the Conservative party in the province have been affixed for a considerable time to the effect that desperate attempts were being made by Liberal politicians to arrive at an arrangement with the crown whereby the various considerations among which would be the absence of a Liberal candidate at the recent London by-election, the conspiracy prosecutions should be dropped.

It was pointed out that the suggestion to appoint commission to examine witnesses who had gone to Detroit when the scandalous affair mentioned has not yet been acted upon.

A World reporter saw E. F. Johnston, K.C., concerning the various rumors about Mr. Johnston said: "There is absolutely no truth in the report that there has been a saw-off with the crown. No arrangement has been attempted. I have seen Hon. Mr. Foy and others, even as late as a month ago, representing that the prosecution of these men had become a persecution. I have pointed out on several occasions that the charges were technical and reached the actual offence only in a roundabout way, which was never intended to be covered by the statute. The actual offences were barred from prosecution after two years."

"I have urged that these men were not criminals, but the conditions of a condition which existed in London, and that if A, B and C had not committed the offences, X, Y and Z would have done so, and that the condition was the creation of both parties."

"It has been to no purpose. The crown persist in the present. I have received no encouragement whatsoever. These things may have been discussed in London and elsewhere for political purposes, but no arrangement has been made. The matter is in my sole control, and it is legally, and not politically, that I have, and intend, to conduct them."

Preston's Evidence Here.

The commission sent out to Australia and Hongkong to catch W. T. R. Preston, got back yesterday. He has been returned within the last two weeks. It is in the hands of the clerk of the assizes, and will be opened at the trial. That the examination of several witnesses in Detroit has been taken out, but has not, as yet, been acted upon, but may be presented. I have ample time. Three of these witnesses have returned to London, and if these can furnish all the evidence that all could give I will not use the commission.

"I expect to go to trial at this court immediately. I have no objection. I should be tried before a judge and not a jury. If the jury is Liberal they will get off. If it is Conservative they will be convicted. A mixture will mean a disagreement, and we will have had all our work and expense for nothing. A disagreement is likely."

To Plead Guilty?

Of a report that the defendants, with the exception of the one named, have pleaded guilty when brought to trial, Mr. Johnston would not speak.

Attorney-General said to The World: "I have not been approached by Mr. Johnston or anyone else with any view to a settlement of the case. London election or anything else as the whole or part of the consideration."

DETECTIVES SAW SHOPLIFTERS

Two Women Arrested—Got \$200 in Goods From Stores Yesterday.

Getting away with \$200 worth of goods of various kinds from the Eaton and Simpson stores is the charge to which Mrs. Annie Baker and her sister, Miss Florence Baker, admit themselves guilty. They were arrested by Detectives Kennedy and Mackie yesterday afternoon.

The detectives watched Mrs. Luman lift a web of cloth and conceal it under her coat. She observed the sleuths and attempted to return the goods. Kennedy snatched the other after he had observed her take sundry laces and other finery.

Upon search of the rooms occupied by the women at 77 Shuter-street, a grip and a suitcase filled with various articles, including a handbag, were found. The women said that it had been all secured yesterday. In a number of trips.

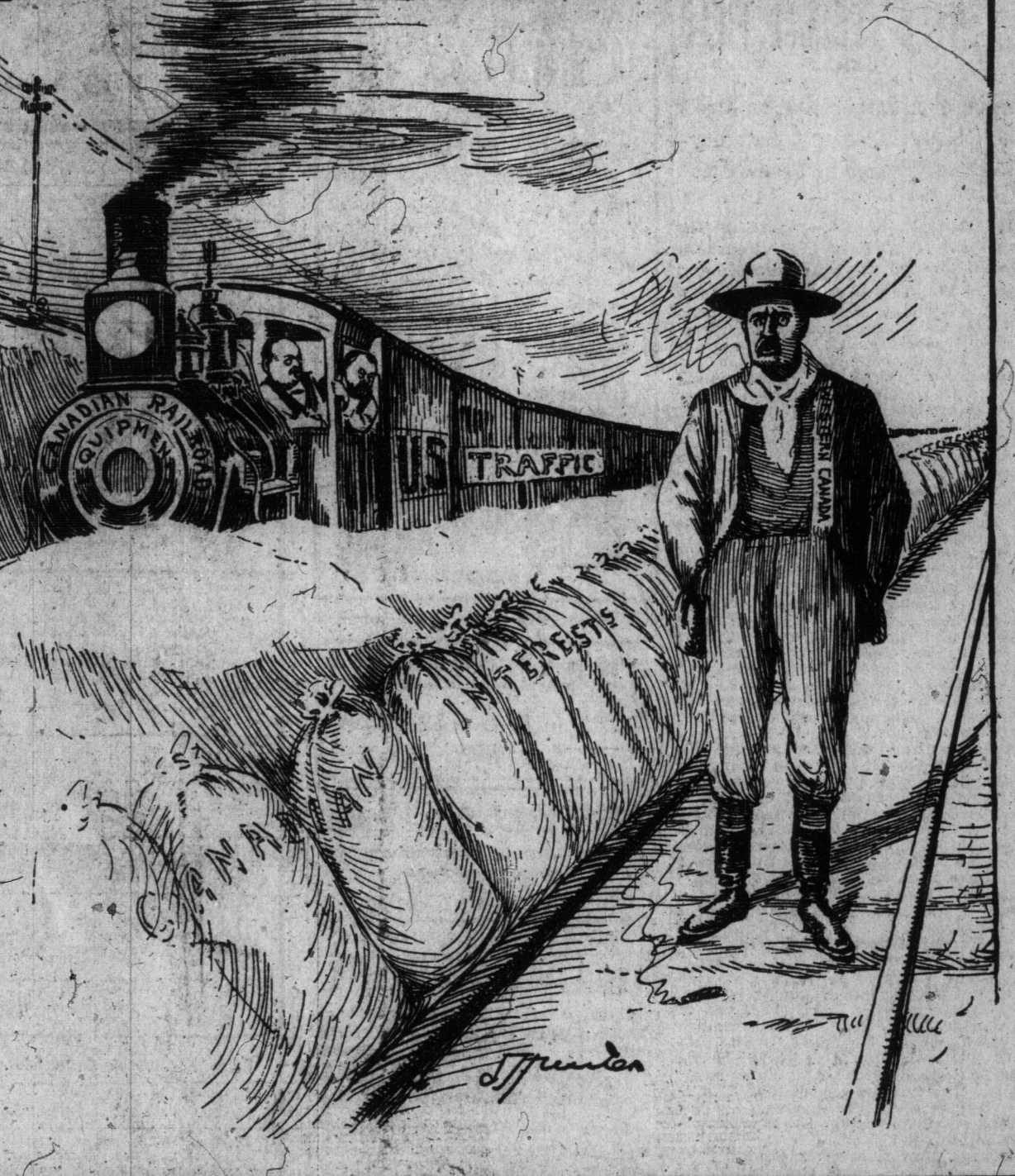
IS 102 YEARS OLD.

OTTAWA, Nov. 6.—(Special).—John McKelvey, 11 Pinar-street, is celebrating his 102nd birthday. He is a native of Tyrone, and came to this country 75 years ago. He is hale and hearty and has all his faculties. His second wife is 70 years of age.

WATCH MANUFACTURER DEAD.

CANTON, O., Nov. 6.—John C. Deuber, the watch manufacturer, died at his home here to-day.

SIDE-TRACKED



CLERGY'S LOAN RENEWAL REPUDED BY BOARD

Privilege of Voting on \$5,000,000 Advances From Philadelphia Bankers Objected To—Injunction Prevents Meeting—Litigation to Follow.

NEW YORK, Nov. 6.—(Special).—The annual meeting of the Canadian Improvement Company (Soo Corporation), scheduled for to-day, did not take place in an official way, owing to an injunction restraining the directors from taking official action.

This injunction was obtained by several Philadelphia banks and trust companies, who allege irregularity in the securing and renewal of a \$5,000,000 loan from them by Mr. Clergue. The point at issue, which was discussed at to-day's meeting, was the right of Mr. Clergue to negotiate the renewal of the loan under the terms as alleged by parties securing the injunction, and which involves the transfer of the voting power conveyed by the \$5,000,000 loan to a security for the loan.

The improvement company, it seems, has repudiated the agreement negotiated by Mr. Clergue, and the matter will be threshed out in the courts.

In the meantime the annual meeting and election of officers will not take place for two months—Jan. 7.

ENFORCED BENEVOLENCE.

Local Street Railwaymen to Contribute to Frisco Strikers' Funds.

Members of the local Street Railway Men's Union will be called upon to-day for a special assessment of 25 cents in addition to their other monthly dues. The extra levy is to assist the men on strike in San Francisco.

It is understood that the November button will be issued only to those men who make prompt response to the call of the men's demand. Some of the men may object.

The railway company in San Francisco will make prompt response to the call of the men put rather than accede to their demands.

CAPTURED HIS WIFE.

Alberta Justice of Peace Had a Long Chase.

ANN ARBOR, Mich., Nov. 6.—Charles Wixman Hermit, a justice of the peace from Raymond, Alberta, chased his faithless wife and her paramour fifteen hundred miles across country, and arrested them here to-day. The man in the case is John Cooper, a land agent. Altho Hermit arrived here several hours behind the couple, he was enabled to make the capture because his wife tarried, too long over a visit to relatives in Ferrisburg.

Hermit claims that while he was in Owen on a business trip Cooper became infatuated with Mrs. Hermit and enticed her to elope with him. Hermit, notified by his friends of her desertion, started out on the trail of the pair. He followed them thru a score of cities in the middle west, but Cooper and his companion always managed to keep a few miles ahead. The couple were arraigned in the police court, and both gave bail for their appearance in court next week.

FRANK CAPELLI ESCAPES THE GALLOWES

Broke Down and Kissed Cell Floor on Learning That Sentence Had Been Commuted.



PARRY SOUND, Nov. 6.—(Special).—Already three times reprieved, Frank Capelli to-night, in the very shadow of the gallows, received glad tidings from Ottawa that saves him from the hangman's noose, but condemns him to life imprisonment. To-morrow, for the second time, Radcliffe will leave Parry Sound with his "job" undone.

When Capelli heard the news this evening his usual stolid and indifferent manner gave way to a complete breakdown. With tears streaming from his eyes he dropped to his knees and kissed the floor of his cell.

The message was received at about 6 o'clock this evening from the private secretary of the governor-general, informing Sheriff Armstrong that his excellency had been pleased to commute the sentence of death to one of imprisonment for life.

This afternoon, in answer to a message from the sheriff asking for instructions, a telegram was received from the minister of justice at Ottawa saying that "Capelli's case is still under consideration."

The story of the crime and of the efforts of the prisoner's counsel to save his life may be briefly summarized. The murder occurred in the house of Michael McCormack, on the Hurpee-road, last winter, and resulted from a real or supposed attempt on the part of the prisoner to commit a criminal assault on Mrs. McCormack.

Don Dow lost his life in an effort to restrain the Italian. In the melee four other men were also stabbed by him.

The prisoner was tried in June and sentenced to hang on Aug. 3, but on the eve of the execution an application was made for a reprieve, which was granted. Subsequently another reprieve was granted to Oct. 1, and later another to Nov. 7, and in the meantime a man was to have been executed for the murder of one of the gallowes.

Rev. Father Artis has been unremitting in his attentions and Capelli seemed quite reconciled to his fate, saying a day or two ago, when told he would probably have to die, that it did not matter, as it would only last a few minutes.

The gallows, which had been twice erected, will be pulled down to-morrow and Hangman Radcliffe will leave for his home the second time without his services having been further required than to superintend the erection of the instrument of death and to interview the prisoner in preparation therefor.

DONKEY ENGINE BURST

FIVE MEN KILLED

Serious Accident at the Labelle Iron Works.

STUEBENVILLE, Ohio, Nov. 6.—By the explosion to-night of a donkey engine boiler at the Labelle Iron Works here, five men were killed, three perhaps fatally injured, and a portion of the open hearth plant, directly opposite the explosion, was wrecked.

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