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TWELVE PAGES—THURSDAY MORNING SEPTEMBER 30 1909—TWELVE PAGES

51 29TH YEAR

WITNESS BRAZENLY ADMITS HE'D PERJURE FOR CASH HIS EVIDENCE RULED OUT

James Gates Gives Queer Testimony in Regard to His Negotiations for $400 for Making a False Affidavit

BUT MANY ARE AGREED ON LEARY'S GENEROSITY

PETERBORO, Sept. 29.—(Special).—A most unusual occurrence marked this afternoon's session of the election protest trial of Burnham v. Stratton, an aftermath of the Dominion general election in West Peterboro, when Justice MacMahon and Justice Magee ordered James Gates out of the box as a discreditable witness.

Gates had been called by A. E. DuVernet, K.C., counsel for Burnham, shortly before three o'clock, to corroborate a number of charges against Robert H. Leary, the liveryman, who, it is alleged, distributed $2 bills plentifully on election day, 26th October last, in the committee rooms of the Liberal candidate. Gates has been referred to in the evidence of Ashley, Alsept and others. He was regarded as a dangerous man. On Tuesday, when asked to leave the court room while other testimony was being given, he made the boast, "Wait until I am put into the witness box, I'll tell them something."

And well did he fulfil his promise. After reciting the incidents in connection with his visits to the committee rooms to get his $2 (he had no vote), Mr. DuVernet turned him over to Geo. H. Watson, K.C., counsel for Mr. Stratton, for cross-examination. Gates admitted certain facts concerning his visit to R .R. Hall's office on the 21st Sept. last, when he offered to make a false affidavit and leave this section of the country for $400, and Ashley, who was with him, for $200. Before this happened, he had already signed a declaration for J. H. Burnham, petitioner, for a consideration of $50.

Ready to Perjure.

In answer to Mr. Watson's question, "For $400, you would have made a false affidavit?" he answered "Yes."

"You have no honor?" "No."

"You do not pretend to be truthful?"—"Not a little bit."

"Would you make a false affidavit for $50?"—"No."

"For $100?"—"No."

"For $200?"—"No; $400 is my price."

After a few more questions, Justice MacMahon stopped the examination.

"In view of the numerous statements made here, that for a consideration he is willing to swear that black was white, and he says that $400 is his limit for making false affidavits, we cannot attach any weight to his evidence," he said.

In any other than an election trial Gates' brag and impudence would have resulted in incarceration forthwith, and when it was all over, one wondered at the forbearance of their lordships.

In addition to the Gates incident their lordships announced after luncheon that ten charges of bribery against Jas. P. Bryson, Robt. H. Sheppard and others were dismissed as not proven. The principal feature connected with these charges was the evidence of Robt. H. Sheppard, whose disclosure on Monday told of a cupidity only eclipsed by that of Gates to-day.

Counsel Objects.

On resuming this morning, Mr. Watson wanted each charge completed as they went along. He wanted an opportunity to submit rebuttal evidence while the matter was fresh in his mind, otherwise, he said, he might as well go home.

This morning Anthony Mongour was recalled and admitted that he got money. This evidence, however, was ruled out, the judges holding he could be asked only what he had seen in the Liberal committee room. Mongour swore he knew none who were there and said no when asked "Have you been seen since yesterday about this?"

Sidney Pope said he got $2 that Leary had put under a box on the table. He and two others had been told in the morning to come back in the afternoon. He didn't know who told him. He had signed a declaration recently that he had received no money.

Mr. Watson: "You were looking for money?"

"Well, it's a temptation to a man who never had any. It's unheard of in England."

William Swanger swore that he told Glover he had got no money, but had been promised money and had signed a declaration. Deacon O'Brien and J. P. Bryson had promised him the money. He would not take money specifically offered for his vote, he said.

Aaron Bouskill, too, had been similarly promised. His evidence was rejected as irrelevant.

Demanded More Money.

Harry Butler had got $2 from under a cardbox. He had told Leary he didn't think it was enough, and the liveryman had replied: "My God, Butler, if they were all like you they'd break the bank." He got $4, tho, and before he voted. He had heard money was going around and had looked it up, as he "thought it might influence him" in his voting. But Leary hadn't mentioned about voting.

"What we say," said Mr. DuVernet in regard to Leary, "is that there was a wholesale system of corruption. The witnesses have gone away. Everyone of them has been seen, all sorts of intimidations and bribes have been made use of."

After recess, W. J. Maharry, town policeman, was called. He said he had visited the Liberal committee rooms on election day, but saw nothing improper.

Charles Williams, a laborer, went into the rooms from curiosity and entered the small room immediately after Butler.

"Leary asked me if I knew Williams. I said 'Yes,' and he placed a $2 bill on

Continued on Page 7.

A Cheerful Liar

"You would have used a false affidavit?"

"Yes."

"That is the kind of man you are?"

"Exactly."

"You will swear for money?"

"If there is plenty of it."

"Do you think this is a laughing matter?"

"I am laughing because you are laughing."

—From the evidence of James Gates.

AYLESWORTH HAS "TIFF" WITH SCOTTISH COUNSEL

Minister's Preparation of Canada's Case For Hague Tribunal Said to Have Been Unsatisfactory.

OTTAWA, Sept. 29.—(Special.)—It is whispered that there has been friction in London between Hon. A. B. Aylesworth, Canadian minister of justice, and Sir Robert B. Finlay, the eminent Scottish counsel. Mr. Aylesworth and J. S. Ewart, K.C., were delegated by the government to prepare Canada's case in connection with the fisheries dispute, involving the United States, Canada and Newfoundland. Sir Robert Finlay was engaged as counsel to present Canada's brief before The Hague Tribunal in February next.

Towards the end of the last session of parliament Mr. Ewart was despatched to the old country to begin work upon the case. To his consternation he found that several American lawyers of repute had been working upon their side of it for two or three years, a fact which may cast some light upon the Alaskan boundary business.

Mr. Aylesworth arrived next, and it was his intention, after having prepared his case, to proceed to Vienna to consult a specialist there regarding his impaired hearing. He has not gone to Vienna yet, and one story that has reached Ottawa is to the effect that when Mr. Aylesworth finished his work a week or two ago, he presented the result to Sir Robert Finlay, and it was returned to him with the remark that it would not do. After a battle of tongues, during which, it is said, Sir Robert threatened to sever his connection with the case unless some points in the dispute were revised, Mr. Aylesworth was perforce obliged to do as he was bid.

AEROPLANES BEAT DIRIGIBLES

Wright and Curtiss Fly, While Balloon Machines Meet With Accidents.

NEW YORK, Sept. 29.—Wilbur Wright circled the great statue of Liberty at the entrance of New York harbor in his aeroplane to-day, while in the upper city two huge dirigible balloons fell ingloriously to earth.

Wilbur Wright made three sensational flights and Curtiss made one brief, tho successful, test flight of 30 seconds' duration. Capt. Baldwin, with his dirigible landed in the Hudson River less than an hour after the start, while Tomlinton, after remaining in the air from 11.36 a.m. until 1.30 p.m., came to earth near White Plains, 32 miles from his starting point, after the oil tanks began to leak.

PROVINCE LOST A GOOD THING

Sold Mining Claim for $10,500 That Goes for $400,000.

MONTREAL, Sept. 29.—(Special.)—James A. Brooks, on behalf of the purchasing syndicate, confirmed this evening the report that the Young and O'Brien property of 17 acres, purchased in July from the Ontario Government for $10,500, had passed into the hands of some Montrealers for about $400,000.

The original owners, A. J. Young of North Bay, and M. J. O'Brien of Renfrew, expended $2480 on the property which now passes into the hands of Dr. Miller Hersey, James A. Brooks, Alex. Pringle, James Robinson, ex-M. P. for Northumberland, N. B.; Shirley Ogilvie, John P. Black, Lt.-Col. Smart and Victor E. Mitchell.

G.T.P. READY BY JUNE 1

Announcement Made at Annual Meeting Yesterday.

MONTREAL, Sept. 29.—(Special.)—It can now be officially stated that the Grand Trunk Pacific will be completed by June 1 next, passengers and freight being carried from the head of Lake Superior to within sight of the Rocky Mountains. The announcement was likewise made that the G. T. P. will have a grade thru the Rockies of four-tenths of one per cent.

DR. COOK AS AN AUTHOR.

The New York Herald is paying Dr. Cook $25,000 for the "Conquest of the Pole," now appearing in The Herald and The Toronto World. It cost The Herald $3000 for Dr. Cook's first cabled story of his discovery.

While playing hide-and-seek in a cornfield, near Deseronto, Robert Rainy's 3-year-old son was run over by a corn binder and fatally injured.

HAMILTON IS FREE OF CATARACT CLUTCH

Chief Justice Meredith Dismisses Obstructing Suit, and City Can Purchase Hydro-Electric Power.

HAMILTON, Sept. 29.—(Special.)—After several years' struggle, Hamilton is free at last to enter the governments project for cheap electric power. The legal entanglements that R. S. Morris, stock broker, attempted to rear in the way of the council applying to the hydro-electric power commission for a supply of power, were brushed aside this afternoon by Chief Justice Sir William Meredith. C. J. Holman, K.C., who, with City Solicitor Waddell, represented the city council, was not even called upon to present an argument, and his lordship dismissed with costs the action brought by Mr. Morris to prevent the council taking power from the commission.

"I think whoever attacked the hydro-electric bylaw went far afield to find grounds for this action," was one of the caustic observations made by his lordship.

George S. Kerr, K.C., who represented Mr. Morris, did not even attempt to show that there had been bribery and corruption, as he charged in his statement of claim, and altho T. J. Stewart, M.P., and Ald. Wright admitted making the statements he had termed as misrepresentations with regard to the power situation, when the question was before the ratepayers last June, Mr. Kerr did not try to substantiate his claim that they were misrepresentations.

Depended on Two Points.

Mr. Kerr confined his case to two points, that the voters' lists used last June, when the ratepayers turned down the Cataract contract and voted for a contract with the commission, were improper lists, because they contained the names of electors as well as ratepayers, and secondly, that the council was bound by the contract with the Cataract Power Co., put thru by last year's council.

His lordship found that the lists used were proper and that the voting was regular, and continued:

"Then, with regard to the other point raised by Mr. Kerr, the right of the council to enter into a contract with the hydro-electric commission, in view of the contract entered into by council of 1908 with the Cataract Company, which is perhaps the most substantial part of the case, I think it is quite clear that there is no power in the court to overrule the action or the judgment of the council with regard to the matter of entering into a contract with the hydro-electric power commission.

The Courts and the Council.

"Long years ago, down even to modern times, there prevailed upon the bench the notion that the court had a sort of supervisory power over the bylaws of a corporation, and had a right, where they thought they were opposed to public policy, in the public interest to set them aside. As late as, I think it is, 13 Queens Bench, judgment was delivered in re Barclay, a judgment by a very eminent judge in which he laid that down as being within the power and duty of the court, but modern decisions, in England especially, have entirely exploded that doctrine.

"The late Lord Russell delivered in one of the cases a most luminous judgment, in which he pointed out the essential difference between municipal councils and trading corporations. Municipal councils were elected by the people, whereas the corporations were, from earliest days, a creation of the crown, whose duties and powers were only quasi public.

Can't Interfere.

"Now, while courts, like private individuals, seem very slow to give up powers which they have exercised and perhaps the last vestige of this power has not yet disappeared, still I think everything points to the idea that where a municipal council, acting in good faith and within its power, does an act or enters into a contract—assuming no fraud or dishonesty on the part of the members of the council—no court has a right to interfere upon the grounds that what they are proposing to do is an unwise thing, or upon any other grounds than the one I have suggested, bad faith or misuse of the powers of the corporation.

"The legislature has left to the council, elected by the ratepayers, the business that the council shall do, and I think it would be a most unfortunate thing if judges, without any special training or aptitude for dealing with the large commercial business matters, which engage the attention of councils, should assume to supersede their judgment as to the expediency of any course proposed to be taken upon such questions as these.

Cataract Contract Doesn't Bind

"In this case no fraud, no misconduct, is imputed to the council. It is said that the council has entered into another contract for the supply of power, partly at all events. That is with regard to the sewage disposal works and the beach pumping station, for the very same purpose as the power which they are proposing to take from the commission is to be used. It might be, if that were an entering into a contract in a case in which they were bound to another party with regard to the very same thing, that that might be an act of misconduct or breach of trust on the part of the corporation. But that is not this case.

"The Cataract Power Co., with whom this contract has been entered into, claim that it is a contract binding for five years, with provision for its re-

Continued on Page 2

SUCKER FISHING

WILLIE MACKENZIE: I never knowed th' fishin' so bad.

TURNER WOMAN'S ALIBI SMASHED BY CONDUCTOR

Man in Charge of N.Y.C. Train From Which Body of Baby Authers Was Thrown Positive He Had Alleged Murderess as Passenger.

"I saw her on that train that day." With these words spoken in answer to a question from Assistant County Crown Attorney Monahan, at the inquest into the death of the Authers infant at the morgue last night, Edwin O. Parrish, conductor of the New York Central Railroad, identified Mrs. Turner, charged with the murder of the child, as a woman whom he had helped off the very train from which the body of the infant had been thrown.

The witness gave his evidence in a quiet and convincing manner, and every effort of counsel for the prisoner failed utterly to shake him.

Parrish was the third witness called, and his evidence struck the first note of interest that has been heard since the inquest was opened a week ago.

Prisoner Collapses.

Later Harry Gmelin of Niagara Falls, who has lived with the prisoner for a number of years, told the story of their goings and comings. As it drew to a close the prisoner who had sat quietly thruout the hearing flushed noticeably, and as she was being led from the room by Police Matron Mrs. Whiddon, she collapsed into the arms of two police officers, with a cry that was half sob and half a moan. In an anteroom she was quickly revived, but was not again brought back to the courtroom.

Mrs. Jennie Swazie, who keeps the boarding house where Harry Gmelin, heretofore supposed to be Mrs. Turner's husband, and who lived with her for years as such, boards, told of Mrs. Turner's appearance at her house in September, with yet another baby which she took away and the whereabouts of which is a mystery.

Conductor Parrish told of the movements of his train on the Thursday, Sept. 16, the day on which the body was thrown from the window of one of its cars, as it was on its way to Lewiston from Niagara Falls, on the early afternoon trip.

"Can you say if you ever saw this lady before?" asked Mr. Monahan, indicating Mrs. Turner.

"I think I have," replied the witness. "I'm pretty sure I have."

"When?"

"On that train, that day."

Asked what fixed the incident in his mind, Parrish described how the train had stopped at Lewiston, and told of helping Mrs. Turner to alight from it.

He described her clothes and later identified a black hat and tailor-made suit as like those which she had worn. He seemed anxious not to overstate his identification, but was sure of both the time and the woman.

On cross-examination, T. C. Robinette, K.C., strove to shake him. He asked if he had not been shown a photo of the woman, but Parrish replied that he had not. He asked if she had been pointed out to him, but this also was answered in the negative.

Knew Her Smile.

Asked how he came to notice this one woman out of the hundreds that he saw daily, he replied:

"When she came down the platform she was very pale, but she was smiling. She smiled the same way just now," he added.

The very ghost of a smile here flittered across the prisoner's face, waverer, her lips trembled irresolutely and her hand was raised nervously to her mouth, which again took on the almost plaintive droop which had marked it as her most attractive feature since she has been seen in the courts.

Mr. Henderson, assisting Mr. Robinette, here tried what his chief had failed to accomplish, and was stopped cleverly by the aged trainman.

"You never saw me!" he asked consequentially. "And yet I have been on your train often and have seen you."

"You see there would be nothing to attract my attention to you particularly," was the quiet rejoinder, and the courtroom rocked with mirth.

Other trainmen called could not remember Mrs. Turner as having been on the train or at the depot that day, tho the gateman at the depot at Niagara Falls had seen her often.

"I cannot say whether she was there that day or not," he said.

Mrs. Swayzie's Evidence.

Mrs. Swayzie said she saw Mrs. Turner in July of this year. The next week the husband came to board with the witness. She saw the prisoner again in August, and she stayed a week, went to Toronto for a day, and brought back a baby. She kept the child there till Labor Day (Sept. 6), and then took it away. She said the parents' name was Sterling. She said the mother had blood-poisoning and she was to keep the child till they could take it. On the Friday before she left she got a wire which, the prisoner told her, said the mother was dead of blood-poisoning. She saw her again on the 16th of September. Mr. Turner came over at 11 a.m. She was carrying a box wrapped in brown paper. Mrs. Swayzie thought it was a doll that Mrs. Turner had promised her

Continued on Page 7.

WHY ARE YOU SINGLE?

There are in Canada thousands of men and women between the ages of 25 and 40 who are unmarried. We want to know the reason why? The Boston Journal has put this question to the unmarried people in New England. The answers have been numerous and varied, humorous and serious. They have revealed sociological conditions unsuspected, and fears in some cases unwarranted. The World does not pretend that the idea is original. It is an adaptation of an idea that should prove entertaining. Make your answers brief. Tell us the kind of husband or wife you would want, if you could be induced to marry at all. If you are not a sentimentalist write your answer in prose, if otherwise, make it poetry, for we intend to stand for a whole lot.

The answers will appear in next Sunday's World. Watch for them.

POLICY PLANNED FOR WORKS AT SOO

President Warren Says No Interest Can Be Paid on Income Bonds This Year —Algoma Central Extension.

The report of the directors of the Lake Superior Corporation, to be presented at the annual meeting next week, hardly foreshadows an enlargement on a scale of operations to so important an extent as rumor has indicated to be the policy of the big steel enterprise and its subsidiary companies. Definite announcement of an intention to extend the Algoma Central Railway is, however, made. No information as to the earnings and expenses of the individual companies is given.

President C. D. Warner is conservative in his summing up of the corporation's nancial affairs, and the business outlook. He points out that while a surplus of 11,093,372.30 is shown for the fiscal year ended June 30, this is withoue provision for bad and doubtful mebts,, depreciation and renewals. Of the amount $501,424.46 ic contributed by the subsidiary companies in interest and dividends, while the remainder, of the surplus has been set aside to provide for such depreciation.

He announces, that in view of the conditions, the directors do not feel justified in paying interest on thte income bonds, but expresses gratification that the large amounts it was found necessary to borrow from the banks because of insufficiency of working capital since reorganization in 1904, "has been reduced to a comparatively small amount." He adds: It is obviously in the interests of all concerned that the affairs of the corporation should be placed on a sound basis, and the directors look forward with hope to the commercial possibilities of the business. The outlook for the current year is encouraging.

Increased Rails' Output.

While ehe output of rails for the fiscal year was greater than for the preceding year, pig iron shows a slight decrease. The gures are

	1907–8 Tons.	1908–9 Tons.
Pig iron	135,852	130,268
Rails (Bessemer)	117,697	126,733
Rails (open hearth)	26,321	31,732

The income account shows a balance for the fiscal year of $22,095.55. The gross income was $566,511.69, while $543,-516 14 was paid for interest and general expenses, including interest on first mortgage and collateral trust bonds.

The statement shows assets of $53,-578,244.80 and liabilities of $53,056,066.66, with $522,178.14 as the profit and loss balance. The assets include $51,430,-951.33 in investments and securities, $1,171,116.08 due from subsidiary companies and $795,200 treasury bond trust account. The liabilities include $40,-

Continued on Page 7.

RAILWAY MOVE TO NORTH END COMING

Canadian Northern and Canadian Pacific To Join Fortunes in Extensive Program Including Union Depot on Upper Yonge.

The World has no doubt in its mind, and hasn't had for some time, that the Grand Trunk, Canadian Pacific and Canadian Northern Railway are either jointly or individually, or two of them jointly and one independently, moving in the direction, and have about settled on a policy, of having a main passenger station, or stations, uptown, and in all likelihood at the Canadian Pacific crossing on upper Yonge-street. A lot of property thereabouts has been somewhat mysteriously purchased, and a still larger amount has had options taken on it within the last few weeks.

A still more significant story, and it is only a rumor as yet, but The World has taken the trouble to partly work it out on maps herewith published, is to the effect that the Canadian Northern and Canadian Pacific are to join fortunes in some rather extensive operations, including a union station uptown. The World proposes to give the story as it has picked it up in various quarters, and leave the public to watch it develop rather than to accept denials that may be forthcoming.

C.P.R. New Line.

The story in substance is that the Canadian Pacific are anxious to get away from its joint user with the Grand Trunk of the latter's line to Hamilton and to have a new direct line to the Niagara River. That is the first point. The second point is that the Canadian Northern is anxious to get a North Toronto station, and also a high level outlet to the east for their new line from Toronto to Ottawa from the terminal of their Niagara and Hamilton right-of-way at Davenport-road. In other words they'd like to connect their Hamilton and Niagara line with their Ottawa line on the high level crossing upper Yonge-street.

The combination suggested is that the Canadian Northern allow the Canadian Pacific to build a double track line to the Niagara River over the right of way of the Mackenzie and Mann and Toronto and Niagara power line, which is one hundred feet wide, starting in at a point west of the Etobicoke Creek (west of Islington), where the C.P.R. and the power line begin to diverge, one to Detroit and the other to the Falls. It will be remembered that Mr. Mackenzie announced quite lately that he was going on right away with his Niagara River line, but it is now hinted that it will be possible for the two companies to combine and have a double track line and be joint users of it on equitable terms. The Mackenzie and Mann system would supply the right-of-way to the Niagara River over the power line; the Canadian Pacific would build it and allow the Canadian Northern to have joint use of it and of their tracks from Etobicoke or Islington to Wexford via North Toronto; and from Wexford, which is on the east side of York Township, the Canadian Northern would build a spur line to Woburn, where they would strike the road they are now about to build to Ottawa and which at present is surveyed to branch off from the C.N.R.'s Sudbury line in the Don Valley at the Don Forks.

Common Double Track.

In other words the Canadian Pacific and the Mackenzie and Mann system would have a common double track line from the Niagara River along the power line right of way up to a point a little west of Islington, where the Canadian Pacific and the power line come together, and then over a Canadian Pacific double track line from west of Islington thru Lambton, Toronto Junction, North Toronto, Leaside, Donlands and Wexford, where the C.P.R. would continue on its present line east to Agincourt; but the Canadian Northern would diverge at Wexford and have a line at Wexford running south of the Canadian Pacific track to Woburn, thence crossing the Rouge and crossing from Scarboro into Ontario County about half way between the Grand Trunk and the Canadian Pacific and running from there easterly on two or three miles north of Whitby and Oshawa, to Belleville, and thence to Ottawa. A fair appreciation of this proposal can be got from the maps annexed.

The great objection to the present down town union station on the waterfront is that while all the roads approach the city from the west at an elevation from 100 to 300 feet above the lake level, they all drop down to

Continued on Page 8.

THE FUNCTION HAT.

The Hat for Every Daylight Society Function.

There are occasions where a silk hat is a positive necessity. And have you ever noticed that a silk of even a year back in style looks positively in bad taste. It's always a good plan to buy a new one every year. You will feel comfortable in the sea of ancient designs, generally on parade. Get the hat, too, with the name of a good maker on the inside band. An English hat seems to have a smarter cut to it than those made in the United States, with the exception of hats by Dunlap of New York, for whom the Dineen Company is sole Canadian agent. Dineen is also sole Canadian agent for Henry Heath of London, England, maker to His Majesty King Edward. The Heath Hat is the ultra-stylish head-piece used by the nobility of Europe