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The Toronto World

FOURTEEN PAGES—SATURDAY MORNING NOVEMBER 30 1907—FOURTEEN PAGES

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27TH YEAR

CARRY THE POWER BY-LAW—THAT IS THE DUTY WHICH RESTS WITH TORONTO NOW

ALL FOUR GUILTY OF CONSPIRACY SENTENCE DEFERRED PENDING RESULT OF APPEAL JUDGE'S VERDICT IN LONDON CASE

Defence Unexpectedly Closes its Case with Renewed Objections as to Court's Jurisdiction—Judge Disbelieves Crown Witness, Finds Offence Proven.

**VANCE, SMITH, PRESTON
GIVE PRITCHETT THE LIE**

To the astonishment and dismay of the defence in the London election bribery conspiracy case His Honor Judge Winchester late yesterday afternoon found all four of the defendants guilty. The decision was given soon after the defence suddenly terminated its case. His honor granted an application for appeal to the higher courts, and sentence was not passed, the defendants, Reid, O'Gorman, Wiley and Mulloy, being allowed their freedom on \$5000 bail each.

His honor spoke for twenty minutes. Just after he had read the indictment, he intimated that, as Mr. Johnston had argued well in the matter of the court's jurisdiction, he would allow the case to go to the court of appeal.

"CONSIDERING ALL THE EVIDENCE," said his honor in conclusion, "I THINK THE EVIDENCE HAS ESTABLISHED A GENERAL CONSPIRACY, I FIND THE FOUR DEFENDANTS GUILTY OF FORMING A CONSPIRACY TO DEFRAUD THE ELECTORATE OF THIS PROVINCE."

E. F. B. Johnston sat in blank amazement. J. M. MacEwen of London, assistant counsel for the defence, could hardly control his disappointment.

The defendants looked askance at each other. O'Gorman seemed cool. Reid smiled. Wiley turned pale, and Mulloy appeared as if he did not understand what it all meant. The defendants had expected to go free, there had been a feeling that O'Gorman might be fined. They left for London on the 7:30 p.m. train, declining to discuss the matter.

Defence Ended Abruptly.
In the morning James Vance and Alex. Smith had given evidence, and in the afternoon W. T. R. Preston's affidavit, made in Australia, was read. A witness from Goderich was called, but did not respond. Then the surprise began.

"That is the defence," said Mr. Johnston amid a silence, for the defence expected that the defendants would be called to the stand.

"Any reply?" queried the judge of Lynch-Staunton, the crown counsel.

"No reply," said Mr. Staunton. "Argument?" asked the judge. Mr. Johnston then renewed his objections that the case was not within the jurisdiction of His Honor and that the crown had not proven conspiracy or any overt act in connection with any conspiracy which may have taken place in Toronto. Mr. Johnston asked His Honor to totally disbelieve the evidence of Pritchett and Farr, who should be arrested for perjury.

The crown had no right to advance them as credible witnesses. The oath of a perjurer, unsupported by any evidence, should be struck out of the book. They had been contracted on every hand.

There was no evidence, he held, that Reid had anything to do with any conspiracy, while Mulloy and Wiley had nothing to do with the alleged conspiracy in Toronto, and were connected with the London bribery only by the statement of Johnston.

Mr. Staunton followed with simply a brief outline of the points of evidence.

Judge's Address.
His Honor then read the indictment against the four prisoners. The defendants were charged with conspiring to corrupt elections over a period of ten years, mostly in by-elections, and in one general election in London. The charge was that they had conspired and combined with each other and with other persons in Toronto, London and other places.

His Honor read the statutes governing his jurisdiction in the matter and went fully into the judgment of Justice Britton, under whose order the trial had proceeded. His Honor held that when the defendants placed themselves in custody according to the statutes they were within the jurisdiction of the court.

"I will allow, however, the defendants, to go to the court of appeal, where I think this case should be disposed of," he added.

His Honor then summed up the case. As to the charges against Reid, Mulloy and Wiley, of a conspiracy in Toronto, no evidence was brought out. The evidence against O'Gorman must necessarily come from men who had no moral sense of their duty. Against O'Gorman the crown had only the evidence of Pritchett to rely upon, and he had been contradicted in several material points by men whom the judge had no reason to doubt. His Honor believed that Vance was telling the truth in reference to Pritchett's arrest at Bancroft. He also believed Alex. Smith.

Connecting O'Gorman.

In the face of such evidence as this.

Continued on Page 7

The Beginning—and the End

Quite as sudden and startling as was the inception of the now famous London election trial came the verdict yesterday of "guilty." All over Canada the trial had aroused attention. In Ontario, from one end of which to the other, the "Liberal machine" of inglorious memory is alleged to have at one time or another operated, the evidence was of exceptional interest. The result cannot but exert a salutary influence in the cause of honest elections the country over.

The prosecution was inaugurated in September of last year, when John O'Gorman, commission merchant of Toronto, was arrested on a charge of bribery in the federal by-election in London held in June, 1905, when Hon. C. S. Hyman was elected over William Gray (Con.). This arrest was made as the result of information furnished the crown by Jerry Collins, who had acted as D.R.O. in this election. He had been promised a reward for certain illegal acts in connection with the election, he said, and when he had gone after it, had been politely told to go. This was his revenge.

Collins' original charge was that he had been given \$1000 to bribe voters, and that O'Gorman had instructed him in the art of ballot manipulation.

After O'Gorman had appeared in the Toronto Police Court, warrants were issued as a result of evidence given, for George Reid, who is one of London's most prominent citizens; Daniel Wiley, a customs officer; William J. Mulloy, hotelkeeper; George Ardy, butcher; William Serviss, carpenter, and Ed I. Sifton, manufacturer. Sifton got away to Buffalo, but returned during the trial just concluded for use as a crown witness. The charges against Ardy and Serviss were not pressed.

After a preliminary hearing before Magistrate Denison, the defendants were bound over for trial at the assize court. Postponements were secured up to the fall assizes. During the interval, strong efforts were made to have the prosecution called off, but the attorney-general's department was insistent that the men should be given a fair trial.

For reasons best known to themselves, the defence unexpectedly then decided to exercise their prerogative and go before the county judge, but no sooner was this allowed than objections were raised to the jurisdiction held by Judge Winchester in the matter. This will be one of the grounds on which appeal will be made to the higher courts.

UNUSUAL FEATURES PRESENT IN TRIAL

Mr. Johnston Comments on the Perjured Evidence and on Trial by Newspaper.

"The case will be taken to the court of appeal just as soon as it can be prepared for trial," said E. F. B. Johnston last night. "It seems to me that it is about time to have it determined by some final tribunal whether men on either side of politics can be convicted on the perjured evidence of political opponents in the courts without greater corroboration than appears in this case."

"I say, perjured, for it was admitted under oath that much of the evidence was perjured, and nearly all of the crown evidence was that of men guilty of crime. The political opponent, I say, and I am not saying improperly, sought in the first instance was surely sufficiently attained by the exposure and punishment suffered by these defendants. Why seek by a technical process of law, when the substantive crimes are barred by statute, a further prosecution of these men? What safety is there for any man who may be the victim of criminal prosecution, if he is liable to be convicted on a side-wind charge of evidence of witnesses who, according to the trial judge's findings, are guilty of perjury in many material parts of their story?"

The law regarding this matter ought to be settled by the highest court in the country. However, there is the judgment and if there is no remedy the defendants must suffer. Parliament ought to deal with this matter and remove an absurd anomaly by preventing charges of conspiracy being laid when the subject matter of the alleged conspiracy is outlawed by the statute.

"Had this been a case outside of politics, do you think it would have gone on at all? And had it not been for the 'newspaper trial,' do you think it would have got beyond the police-court? We are fast falling into 'old procedure' similar to the United States."

"What will the newspapers say?" is more important than any other question in the esteem of our neighbors, and we are apt to be an imitative people.

"Ask Hon. Mr. Foster what he thinks of modern methods of indirect prosecutions. The World I do not complain of. It has generally tried to be as fair as possible in cases of a criminal nature, at least so far as my experience goes. In this case your paper has been reasonable and impartial from your own standpoint."

"As to the merits of the case I have nothing to say beyond what I stated to the court. The result comes as part of the general average, and we can't expect to be ahead every time. It is difficult enough to defend cases of late date, and it is more than difficult to defend when nearly ten years have elapsed and the admittedly guilty parties hold the crown's protection."

VICE-REGAL RECEPTION WAS BRILLIANT AFFAIR

Earl and Countess Grey Received From the Throne in Senate Chamber.

OTTAWA, Nov. 29.—(Special.)—The vice-regal drawing-room to-night was a brilliant and largely-attended affair. It was held a day earlier than usual on account of the large number of visitors in the capital, many of whom leave for home for the week-end. The entire court block was given up to the function. The privy councillors, consular general and headquarters officers were in full uniform. Earl and Countess Grey, with Lady Sybil Grey and Lady Evelyn Grey, received from the throne in the senate chamber. Mr. and Mrs. Choate of Washington attended.

Among those present from Western Ontario were Miss Beatrice Garraw, Toronto; Miss Pearl Ryan, Guelph; Mrs. Hugh Guthrie, Guelph; Mrs. F. H. Deacon, Toronto; Miss MacLennan, Toronto; Miss Jean Duff, Kingston; Mrs. Edgar M. Cook, Toronto; Miss Evelyn Taylor, Toronto; Mrs. Wm. Patterson, Brantford; Miss George, Toronto; Miss Edith Trees, Toronto; Miss Evelyn Somerville, Toronto; Mrs. G. W. Ross, Gladys Merton, Toronto; Mrs. W. S. Sanford, Hamilton; Mrs. Jack Carling, London; Miss Maclean (debutante), Toronto; Mrs. W. F. Maclean, Toronto.

GEARY IN THE FIELD.
Ald. Geary, speaking to The World yesterday, said: "I am in the field as a minority candidate till the last vote is polled, and any statement other than this is incorrect. I have no intention of retiring for Dr. Nesbitt or anyone else."

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If you are seeking credentials to recommend you for a position of trust or to win your influential relatives and friends. We guarantee good men, and place a money backing on our word for their integrity. London Guarantee and Accident Company, Limited, corner Yonge and Richmond streets, first floor, Confederation Life Building.

Fitzgerald Wins Fight.
BALTIMORE, Md., Nov. 29.—Willie Fitzgerald of Brooklyn defeated Amby McGarry of New York in a boxing bout before The Eureka Athletic Club at Germania Hall to-night, the referee stopping the fight in the 11th round, when McGarry was clinging to the ropes.

A GHOSTLY VISITANT



MR. NICHOLLS: The face seems familiar, but I don't recognize the "figure."

RETAIL MERCHANTS WILL SUPPORT POWER BY-LAW

Association Will Organize to Assist in Carrying Policy—City Will Notify Voters by Postal Card.

"We, the executive board of the Toronto branch of the Retail Merchants' Association of Canada, after reviewing the electric light and power situation in the City of Toronto, unanimously believe that it is in the best interests of the merchants, manufacturers and workmen of Toronto that the power bylaw should be supported. It will place the distribution and control of this service in the hands of our own citizens and give the merchants and householders cheaper light and power, and we strongly urge every retail merchant to give the bylaw his strongest support."

The above resolution was passed at a meeting of the retail merchants' executive, called to specially consider the power question. It was also decided that an organized effort should be made to carry the bylaw.

By invitation W. K. McNaught, M.L.A., member of the hydro-electric power commission; P. W. Ellis, and T. W. Sothman, chief electrical engineer for the hydro-electric commission, were present, to address the meeting.

The speakers entered very fully into the plans of the government, and the cost of bringing power to Toronto. They also pointed out that out of the money that was received for the service would come all expenses in connection with installing it and creating a rest fund to pay off the bonds. These who do not use electric light would not contribute toward its construction.

Quebec Government Attacked By Protestant Committee

Exciting Scene: Enacted by Hon. Mr. Weir, Principal Peterson of McGill and Others—Unparliamentary Language Freely Exchanged.

QUEBEC, Nov. 29.—(Special.)—The Protestant committee of the council of public instruction is in a state of revolt against the action of the provincial government in ignoring it in the distribution of McGill Normal School money, amounting to \$15,000. Freed by the action of the committee and by Sir William MacDonald's generous gift of the college at Ste. Anne, Hon. Mr. Weir, who made his first appearance as a member of the committee, said he had come prepared for a pommeling, but was ready to strike back when attacked.

Dr. Peterson and Mr. Ames, M.P., accused the government of having broken faith with Sir William MacDonald.

Mr. Weir asked where Sir William was on record as having expressed a desire in the matter. Principal Peterson in reply passed over a document to Mr. Weir, saying: "Here it is." Mr. Weir said: "Cannot you be un-civil without being impertinent?" Mr. Ames, M.P., addressing Rev. Dr.

Shaw, chairman: "We have always been gentle and gentle men up to this."

Mr. Weir: "It alters the case, however, when Dr. Peterson cannot act as a gentleman."

Mr. MacLaren remarked that Principal Peterson's character as a gentleman was perfectly well established through the services.

There was another scene between Mr. Weir and Rev. Dr. Rexford, principal of the Montreal Theological College, because he had re-written a clean copy of a resolution he had drafted. Mr. Weir objected for a long time to its presentation, finally consenting when Dr. Rexford declared it was an identical copy. Some of the members of the committee threatened, if their recommendations were further ignored, to either resign from the committee or to appeal to the people of the province against the government and ask them whether they were satisfied to give up their present guarantees of Protestant education.

The news has a ridiculously misinformed article in last night's issue. Its editor has some reputation for accuracy not to speak of impartiality to maintain, but the article is an extraordinary example of lack of knowledge of the Ontario power policy and the situation generally. Evidently the news has never read the report of Robert Jaffray and his fellow commissioners on the Victoria Park commission. Evidently also it has never heard of the contracts made in New York State by the Electrical Development Company, nor of the combination of that company with the Niagara Power Company to squeeze the Ontario Power Company out of any share of Ontario business. The news should be the last, when it makes acquaintance with the facts, to accuse Hon. Mr. Beck of unparliamentary conduct.

Other things were done. Hon. Geo. P. Graham was applauded by Liberal members when he laid on the table huge bundles of documents, the tumult arising from the fact that it was the baby minister's first break into the real business of the federal house.

Mr. Graham's report covered the operations of the railway commission for Canada, the National Transcontinental Commission and the department of railways and canals.

Railway Commission's Report.
The railway commission has had 63 public sittings and heard 21 applications, and of the amount appropriated by parliament, \$74,250, there is a balance of \$583. The commissioners and secretary get \$21,750. Four hundred and sixty persons were killed and 693 injured. Forty-two of the killed were passengers and 212 employees. Forty-one were killed at level crossings and 12 injured trespassing. 95 killed, 33 injured, derailment, 15 and 192; collisions, 44 and 109; collision with street cars, 1 and 17; found on track, 61; switching, 29.

Eight Millions Expended.
The third report of the transcontinental railway commission covers the fiscal period of nine months ended March 31, 1907. The total expenditure for work done under the commission was \$3,147,494.63, of which \$5,537,857.59 is credited to the fiscal period covered by the report. The cost of the headquarters staff was \$166,191.03; for the location of the line, \$555,896.34; for transport service, \$225,620.59, and for actual construction, \$4,589,859.64.

It district P. north of Kenora, 17 persons were killed and 26 injured. District Engineer Hodgins reporting that the accidents were mainly due to carelessness of the men in handling dynamite and to some extent to liquor being in the camps. The portions approved and covering which contracts have been awarded are: New Brunswick, 112 miles; Quebec, 417; Ontario, 238; Manitoba, 84; total, 852 miles.

Ralph Smith (Nanaimo, B.C.), has given notice of a resolution that in the opinion of this house steps should

Continued on Page 7.

LAW REFORM A NECESSITY

Bar Association Set Forth Present Defects and Advance Suggestions to Remedy.

COURTS TOO COMPLICATED.

System of Criminal Prosecution in Province Recommended—Where County Courts Fail.

SUGGESTED REFORMS.

Reconstructed system for criminal prosecutions, with permanent counsel in defined districts:

A court for commercial cases. A reconstructed county court to include a commercial court, surrogate court and general sessions. Simplification of the criminal code for uniformity of sentences. Abolition of extra fees to justices of the peace for conducting and straight salaries for county constables. Reduced number of division courts, with increased pay for officials.

The first annual meeting of the Ontario Bar Association was held yesterday in convocation hall at Osgoode Hall. The president, A. H. Clarke, K.C., of Windsor, delivered an address, which was mainly historical, going back to the time when lawyers were given a recognized status in England, and treating of the history of the Canadian bar from its earliest period. Justice Riddell spoke at some length on legal ethics and law reform was discussed by Mr. Hoyle, principal of the Osgoode Hall Law School, and E. D. Armour, one of the lecturers.

"No lawyer can make himself rich out of the practice of law," said Justice Riddell, who thought that nowadays the possession of wealth gave more importance than it did formerly. The old-time family lawyer and confidant was being superseded by the business man, the acute pulse-feeler of the money market, ever on the lookout for investments for his clients. The spectacular and oratorical in the courtroom had been replaced by dry legal questions and technicalities.

Mr. Justice Riddell condemned the prevailing practice of permitting spectators to crowd court-rooms.

Decorum in courts was a necessity and a decided asset to the country. Care the choice of language was also advocated.

Law Reform.
Principal Hoyle, in dealing with matters of law reform, advocated the abolition of the system through which lawyers were now used to collect government taxes as they applied. The heavy disbursements now made in appeals should not be required, and a new and improved system of land tenure should be adopted. He advised resort to the statutes of Newfoundland in making revision, and urged the selection of three eminent counsel to review the laws of the province, abolishing regulations which, it was set out, placed the farmers at the mercy of the packers and restricted the sale of live hogs.

Other things were done. Hon. Geo. P. Graham was applauded by Liberal members when he laid on the table huge bundles of documents, the tumult arising from the fact that it was the baby minister's first break into the real business of the federal house.

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Continued on Page 7.