

THE WEATHER:
STRONG WINDS, MOSTLY FAIR.
FRIDAY—COLDER.

London Evening Advertiser

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THREE CENTS.

BARNED GETS 6 MONTHS IN JAIL

London's Tax Rate Will Not Be Reduced For This Year

BARNED'S TRIAL COLLAPSES IN PLEA OF MANSLAUGHTER AND SIX MONTHS' SENTENCE



J. M. McEVROY.

counsel for Frank Barked, who pleaded guilty to a charge of manslaughter in the death of Smylie Muirhead at Welland today. This is the nineteenth time Mr. McEvoy has defended a man charged with murder. Not one has been sentenced to death.

J. M. McEVROY ADDS TO GREAT RECORD

Acts in Nineteen Murder Trials
and None Face
Gallows.

J. M. McEvoy, who has long held an enviable reputation as one of the foremost criminal lawyers in Canada, has added another legal victory to a record which would be difficult to surpass. Today Mr. McEvoy, defending Frank Barked, charged with murder, had the charge reduced to manslaughter.

Mr. McEvoy began the practice of law in London in 1892. Since that time he has defended 19 men charged with murder. So successful have been his pleas and the wonderful defence he placed before the crown, that the heaviest sentence imposed on any client charged with murder has been a five-year sentence in the penitentiary.

For some years past Mr. McEvoy has declined to act in murder trials, but was finally persuaded to take over his 19th case, that of Frank Barked, charged with the murder of Smylie Muirhead at Niagara Falls, on Sept. 27th last. Today the charge of murder was changed to that of manslaughter.

Among the many important cases defended by Mr. McEvoy was the famous Sifton murder trial in 1903.

ARREST FACES THIRTEEN SENATORS WHO BOLTED

Democrats Quit Indiana For
Ohio in Protest to Gerry-
mander Bill.

Associated Press Despatch.
Dayton, Feb. 26.—A blanket warrant for the arrest of thirteen Democratic senators of the Indiana general assembly, who bolted the legislature yesterday and came to Dayton, was served this morning. The Indiana senators left their state, going into voluntary exile here last night as a protest against a gerrymander bill, which they declared was detrimental to the interests of their party. By refusing to attend the legislature they have made the passage of the bill impossible, owing to lack of quorum.

Jerome Brown, principal doorkeeper of the Indiana senate, who was mandated to take the law makers back to the state house at Indianapolis, said the men flatly refused to acknowledge the instrument. They challenged his authority, he added.

Mr. Brown said he was awaiting advice from Indianapolis and was uncertain as to his next plans. Minority leader Cravens offered to resign as a senator, but told Mr. Brown that the senators would not follow him back to Indiana. The senators are expected to go to Columbus.

GLORIA HAS A GOOD NIGHT.
Associated Press Despatch.
Paris, Feb. 26.—The clinic where Gloria Swanson is resting following her recent operation reported this morning that the film star had passed a good night, and was doing well.

Murder Charge Ends in Swift Surprise When Crown Accepts
McEvoy's Switch to "Guilty of Manslaughter"—
Jury Not Even Sworn.

WHOLE PROCEEDINGS TAKE FIVE MINUTES
Crowded Courtroom Cheated of Expected Thrills—Twenty-Four
Witnesses Ready, But None Called—Barked Shows
Relief at Success of Plea.

Special to The Advertiser by a Staff Reporter.
Welland, Feb. 26.—Frank Barked of London was sentenced to six months in jail by Mr. Justice Logie this afternoon when he pleaded guilty to a charge of manslaughter in connection with the death of Smylie Muirhead.

By PURDO M. F. LOVE.
Special to The Advertiser by a Staff Reporter.
Welland, Feb. 26.—The Barked murder trial, scheduled for this morning, ended with dramatic suddenness five minutes after the prisoner was placed in the box when Crown Counsel W. C. Mikel, K.C., of Kingston, agreed to accept a plea of manslaughter offered by J. M. McEvoy, K.C., of London, Ont., on behalf of Barked.

"Are you guilty or not guilty to the charge of murdering Smylie Muirhead?" asked the clerk of the court, looking at Barked after reading the indictment.

"We are willing to plead guilty to the charge of manslaughter, and I understand that the crown is willing to accept that plea," said Mr. McEvoy.

Just at that moment Frank Barked muttered some unintelligible remark.

"Is the crown willing to accept the plea of manslaughter?" asked Mr. Justice Logie, presiding judge.

"Yes, my lord," replied Mr. Mikel.

"I would like to make some representations to your lordship before sentence is passed," said Mr. McEvoy.

"You understand that they will have to be made in open court," observed the court.

"Yes, my lord," replied counsel for defense. Barked was then quickly removed from the courtroom, a relieved look on his face.

The court was jammed with interested and curious spectators, who were left in a flummoxed condition at the quick termination of what had promised to be a bitter legal battle.

Barked was brought into court this morning at 10:20. He sat in the prisoner's box with hands clasped on his lap. The prisoner appeared quite composed and kept his eyes fixed on the judge. He was wearing a dark suit, neatly pressed, a soft collar, and a gray, striped tie. He was followed in court by his counsel, J. M. McEvoy, K.C., and W. B. Henderson.

A total array of 24 witnesses had been summoned by both sides, and it was stated that the crown had several witnesses in reserve, who were not mentioned on the indictment. Mr. James D. Wilson of London, who had attended Barked since an infant, was present to give evidence for the defense. He was prepared to tell all about the condition of Barked's legs and the infantile paralysis that had made the prisoner a cripple for life.

The \$25,000 damage suit brought by Mrs. Muirhead against Barked for the death of her husband, will not be tried till next week, it is expected.

Mr. McEvoy will also defend that case.

Briefly, the facts in connection with the case are as follows: Barked left London to motor to Niagara Falls on Sept. 26 last to see his wife, who had come from Queenston, where she was teaching school, to spend the week-end with the Muirheads.

Changed Her Mind.
Barked, who had been separated from his wife, was anxious to effect a reconciliation. He arrived in time for dinner, and after an hour's conversation, took his wife for a motor drive. Mrs. Barked doing most of the driving. It is said that arrangements were made that night for Mrs. Barked to return to London with her husband on Saturday evening.

Exercising her woman's privilege to change her mind, Mrs. Barked informed her husband on Saturday morning that she would not return to London with him. Barked, who was still deeply in love with his wife, implored her to reconsider the matter. Mrs. Barked refused, and her husband went away. He again tried to get his wife to change her mind and met with another refusal.

Mr. and Mrs. Muirhead, accompanied by Mrs. Barked, left the house shortly after 2 o'clock to go down town. Barked found out that they had left, and followed in his car. He approached to talk once more with his wife, when the car left the road on Epworth Circle, jumped the curb, and struck Mrs. Barked and Muirhead, killing the latter. Mrs. Barked had her leg broken in two places.

Judge Passes Sentence.
The car did not stop, but continued several blocks, where it was later found by the police. Barked, according to his own story, told to The Advertiser several days ago, walked across the bridge to Niagara Falls, N. Y., and caught a train for New York City. Here he sold enough jewelry to take him by train to New Orleans, where he was captured early



WHERE BARNED AWAITED FATE.

Here is the courthouse and jail at Welland where Frank Barked awaited his trial on a charge of murder. At the extreme right is the wall to the jail. Barked's cell was on the ground floor, and the second along the passage leading into the courthouse.

Two-Year College Term Taken In Big Collegiates Is Backed By Trustees

Prefers Bunyan To Barleycorn

Associated Press Despatch.
London, Feb. 26.—The British workman of today prefers wireless to whiskey and Bunyan to barleycorn. Capt. Charles Nicholson of the Salvation army told the Finsbury justices at their meeting to consider liquor license renewals.

"Drunkness has been reduced by one-half during the last few years," said the captain, and many public drinking houses are often empty on Sunday evenings.

In November, after he told a "friend" that his motor car had killed a man in Canada, Barked was then brought back to Canada and committed to Welland jail.

Mikel did not press for heavy sentence, stating that in his view was one of negligence, and called for some punishment.

"Barked, stand up," said Mr. Justice Logie. "You've heard what has been said. You are clearly not of the type that comes before the court in criminal matters, yet you snuffed out the life of a perfectly innocent man."

"I accept what the crown says, that there was no element of intent to injure your wife, and therefore it comes down to manslaughter by negligence. There is too much of that."

"I can understand why you would use a car, unsafe as it was. It would enable you to get about your business rapidly."

"I cannot entirely ignore your offence. There is no question of drink, and I think that the ends of justice will be sufficiently met if I sentence you to six months in the common jail."

Mr. and Mrs. Barked, father and mother of the prisoner, were in the courtroom with friends when the sentence was passed. They showed no emotion and neither did Barked. Mr. McEvoy stepped over to speak to Barked while members of the family made their way quickly from the courtroom.

The late doctor directs that within two years his alma mater shall give a sum of \$5,000 for the advancement of medical research, the fund to be called "The Dr. James P. Rutherford Medical Research Fund."

In honor of his late father, the will specifies, must be invested, and the income paid to his wife during her life. Upon the death of his wife, and in the event of no issue, the estate is to be reduced to money and the same handed over to the University of Toronto for the advancement of medical science, to be applied to the fund specified. The will directs that the sums be appropriated to that department of medicine of which Dr. George Banting is head. The estate is estimated at more than \$50,000. Dr. R. W. Rutherford died suddenly Jan. 14.

TRAINING VESSEL WRECKED.
Tokio, Feb. 26.—The Oshima, a nautical school training vessel, was wrecked on the Izu peninsula, southeast of here, on Tuesday, and it is reported that ten of her crew, including the captain, were lost. The Oshima was a small vessel, carrying a few students.

BUYING ELECTRICAL PRODUCTS.
Associated Press Despatch.
Moscow, Feb. 26.—It is officially announced that Russia intends to buy electrical products to the value of 15,000,000 rubles during 1925, from countries abroad.

JACK AND BILL HIT TRAIL TO SEE BORDER WONDERS

Lorne Ave. Public School Pals
Now Being Sought by
Police of Windsor.

INTIMATED PLANS
Fortified with the advantages of education and strong physiques, endowed with a super-abundance of initiative, two citizens of London, bent on making a premature success of life, started out on the broad highway of wealth and fame yesterday—on foot.

They are Jack and Bill, aged 12 and 13 years respectively, inseparable companions of the Lorne avenue public school. At police station they are now reported as "missing" Londoners.

Windsor was their destination. They had hinted at making a "break" for some time, and the Border Cities and Detroit had always lured with fascination.

Both lads wore gray caps and overalls. One was dressed in corduroy trousers with rolled socks. The other wore a red sweater.

Police of Windsor have been notified, and an effort will be made to locate the two runaways in that city.

ICE JAM MAROONS FAMILIES

Flood Situation in Kent County
Lowlands Reaches Serious
Proportions.

NO RELIEF SEEN
People of Dover and Raleigh
Townships Moving Around
in Boats.

Special to The Advertiser.
Chatham, Feb. 26.—With the wind veering round to the north, followed by a sudden drop in temperature of several degrees shortly after midnight last night, the flood situation on the low-lying lands of Dover and Raleigh townships, along the Thames river between this city and Lake St. Clair, is this morning considered serious.

Twenty families are marooned and hundreds of acres of land are covered with water. People are moving about in boats, but there are no reports of suffering and no loss of live stock has been reported as yet, although the water is steadily rising.

There is no prospect for any relief, farmers of that section declared this morning, until the weather moderates and the wind changes to another direction, thus releasing the ice flows, which are jammed for a distance of some ten miles.

Last evening, when the seven-mile ice jam which had formed yesterday at Prairie Sliding loosened and started lakewards, all danger of a serious flood was thought to have passed and although the floods jammed again about a mile from the mouth of the river, the people were confident that on account of the low water in the lake the flood waters would get away. About 1 o'clock this morning a high wind sprang up from the north and ended all hope of the ice moving out into the lake.

Cadet Movement Meets With
Unanimous Backing of the
Members Present.

FAVOR HOMEWORK
Proposal of Ferguson Is Given
Support After Considerable
Debate.

Premier G. Howard Ferguson's intimated plan of having second-year university work taught in the larger colleges of the province was endorsed by the urban school trustees' association this morning.

The association adopted by unanimous votes resolutions approving the cadet movement in the public and high schools, the giving of a moderate amount of homework in the primary and secondary schools, the teaching of music in the schools by the use of staff notation, the use of textbooks approved by the department of education, and petitioning the department of education to take steps to promote the exchange of teachers between the different provinces of the dominion.

The resolution proposed from Sault Ste. Marie recommending a change in the regulations so that public school boards would not have to provide accommodation for pupils beginning in the kindergarten and primary grades entering at Easter time was defeated by a vote of 10 to 8.

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HILLIARD LANG,
superintendent of life savers at Toronto, who with his crew and life-boat, taken on the bank of the Don on a motor truck, rescued two families and several individuals from the flooded areas when the Don river overflowed its banks this week.

PRESIDENT EBERT TAKES BAD TURN

Develops Peritonitis, and Heart
Action Is Growing Hourly
Weaker.

Associated Press Despatch.
Berlin, Feb. 26.—President Ebert, who underwent an operation on Tuesday morning for appendicitis, developed peritonitis last night. He was somewhat better this morning, but his condition was still serious.

The president's physicians this morning issued a bulletin which read:

"The president suddenly fell ill at noon on Feb. 25 with a severe case of appendicitis, which necessitated an operation that night. Despite the fact that the operation was undertaken soon after the illness developed, the appendix was found badly inflamed and partially ruptured, so that peritonitis developed."

"The course of the illness was satisfactory until last night, but as a result of the operation, the peritonitis became worse last evening so that the president spent an uneasy night."

"This morning his condition was improved but was still serious."

While the patient was sleeping at 2 o'clock this afternoon, it was reported that his heart action was not so strong as the hospital attendants hoped, and there was much apprehension about his condition. Dr. Bier and the other physicians who have assisted in treating the president will hold a conference at the hospital at 4 p.m.

Col. Ralph H. Webb, Mayor
of Winnipeg, Urges Cam-
paign in Schools.

Canadian Press Despatch.
Saskatoon, Sask., Feb. 26.—Statement that the American trash magazines and advertising were but woe-panda with which American manufacturers were flooding the country, and that the only way to relieve the unemployment situation in this country was for everyone to purchase "Made in Canada" goods, prefaced an emphatic appeal to the people of the west to assert themselves in standing for their rights, and the completion of the Hudson's Bay railway above all, in an address by Col. Ralph H. Webb, mayor of Winnipeg, to the Saskatchewan school trustees' convention last night.

He urged that teachers make it a duty to take ten minutes each day to teach children to buy Canadian goods.

The trustees were not interested in the secession talk that had been heard, the speaker declared, but the actions of people in the east, made the west pretty sore at times.

W. E. N. Sinclair, Liberal leader, has given notice of a resolution, "That in the opinion of this house, the interests of hydro-electric development in Ontario demand the immediate appointment of a third member of the Ontario Hydro-Electric commission."

Special to The Advertiser.
Toronto, Feb. 26.—The present policy of the Ferguson government of allowing the hydro-electric commission to carry on under the supervision of a single commissioner, during the absence, through ill-health, of Sir Adam Beck, has roused criticism among Liberal members of the Legislature.

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Special to The Advertiser.
Sofia, Feb. 26.—Bulgaria has reached an agreement with Yugoslavia providing for the maintenance of neutrality along both sides of the frontier.

Foreign Minister Kaloff took the initiative and the Yugoslav government meeting him half way, a working agreement was soon negotiated which is being well received by the people of the incidents that have gravely complicated the relations of the two countries for weeks past.

These incidents largely took the form of raids over the border from Serbia by agrarian communists.

CRASH IN THE AIR KILLS
TWO, TWO OTHERS ESCAPE

Associated Press Despatch.
Paris, Feb. 26.—Two military aeroplanes, performing evolutions over Pontiose, collided in the clouds, 2,500 feet above the earth, yesterday afternoon. Both planes crashed to the ground, and two of the army aviators lost their lives. Two others escaped with only a few bruises.

FEAR RATE FOR CITY MAY RISE

No Reduction in Taxes Seen in
London This Year by the
Council Members.

REQUESTS ARE HIGHER
Additional Assessment Expected
To Take Care of the
Demands.

It will be an easy matter for the city council to boost the tax rate this year, if need is paid to all the requests for increases in expenditure. According to several city aldermen the tax rate will be kept down with difficulty. Although no deficit will likely be reported for 1924, many departments are asking for slightly increased expenditures.

"We should come down some," the mayor says. "Not too much, but every little helps. It came down some last year and we haven't come behind. I think the assessment on new houses will be enough to take care of the additional expenditures needed."

"It will be easier to put the tax rate up and bring it down," is the comment of Ald. Harry Bottrell, chairman of No. 2 committee, "but as far as I'm concerned there isn't going to be any great increase in educational expenditures this year."

"City officials, after going over department estimates, declare that expenditures may be up considerably this year if consideration is given all the calls that are being made."

Works department estimates will be higher than last year, relief will be any of the city's departments, and board of education. In fact there are increases noticeable all the way round.

In spite of the optimism of the mayor, belief is entertained in council circles that there will be no reduction in the rate. No. 2 committee will meet next Tuesday for a consideration and No. 1 committee will take up their figures later in the week.

JAPAN GETS FIRST EAST
PLANT OF FORD MOTORS

Associated Press Despatch.
Detroit, Feb. 26.—Establishment of the Ford Motor Company of Japan, Ltd., was announced here by Edsel Ford, who accompanied the announcement with the information an assembly plant would be established in Yokohama, the first to be established in the Orient.

Mr. Ford announced it was expected the plant would begin functioning about April 1.

MARTIAL LAW APPROVED.
Associated Press Despatch.
Constantinople, Feb. 26.—Two grand national assembly at Angora has unanimously approved the action of the Turkish government in proclaiming martial law in Kurdistan and declaring it a treasonable offense to make political use of religious affairs.

ONE-MAN COMMISSION
SCORED BY LIBERALS

W. E. N. Sinclair Gives Notice
Urging Appointment of
Third Member.

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LOCAL TEMPERATURES.
The highest and lowest temperatures recorded in London during 24 hours previous to 8 o'clock night were: Highest, 39; lowest, 32.

The official temperatures for 12 hours previous to 8 a.m. were: Highest, 38; lowest, 32. Sun rises at 7:01 a.m. and sets at 6:02 p.m.

Barometric Reading.
Wednesday 8 p.m.—28.75.
Today, 8 a.m.—28.81.