## CHARGE CLAIR KINCAID WITH DEATH OF LITNE

He Drove Car Which Crushed Litner to Death on the Aylmer-St. Thomas Highway on Night of November 12. Last Year.

VICTIM KILLED WHILE "JACKING UP" CAR

Special to The Advertiser by a Staff Reporter. St. Thomas, Feb. 28.—Clair Kincaid St. Thomas, Feb. 28.—Clair Kincaid 119 Garfield avenue, London, but employed in St. Thomas, faced a jury today charged with manslaughter. He was the driver of the death car which killed Frank Litner of Whitby, employed in Bayham Township, who ployed in Bayham Township, who was crushed to death against the rear of an auto on the Aylmer-St. Thomas
highway on the night of Nov. 12. A about opposite mine." true bill was brought in against him on Monday last, and he has since been out on heavy bail. Mr. Justice Masten is hearing the case.

Courtroom Crowded. Although the crowd of curious ctators was not as large as during the breach of promise case heard during the two previous days, the courtroom was filled to capacity and

courtroom was filled to capacity and many stroye to hear from the doorway and halls.

Kincaid, who is well known throughout this city and district, sat in the prisoner's box with arms folded. He followed the evidence carefully, but did not seem to worry greatly as Crown Attorney A. Mc-Crimmon stroye to build a case strove to build a case

Trouble was experienced in select-g the jurors. W. H. Barnum of ing the jurors. Aylmer, attorney for the defense, challenged twelve, his full quota, and the crown attorney turned back four. Mr. McCrimmon outlined the case telling how Mr. Litner, who had been riding with two girls and Harry Tribe, a friend, was killed while jacking up the rear of the car. There

was no light on the rear of the auto, and the car driven by Kincaid, he said crashed into the rear of the standing auto, driving it fifty feet and into the ditch. Litner, he said, was crushed between the cars and ed with that kind of bells," but he was dragged by the automobile driven frowned when the spectators laugh-

Saw Blinding Light.

Harry Tribe of Bayham Township, driver of the car in which Litner rode, took the stand. Questioned by Crown Actorney A. McCrimmon, he said he had been driving a car for he drove to Mr. Perry's, north of he drove to Mr. Perry's, north of or am trying to show that the force or or or or am trying to show that the force of the collision did not break it, my with them in the car. One girl got lord."

"What did you say after the When near Cecil Caughell's house on the Avimer road, he claimed stopped his car on the south side of the road when he saw a horse and ahead and a car coming toward them with blinding lights, be-cause he feared he would strike the "After you stopped, what became

of the blinding light?" 'I don't know. "And the horse and buggy?"

"I don't know."
"How long had you stopped ther before being struck?" "Three or four minutes."

"Where was Litner?" He got out to jack up the car. It had a weak magneto and would not start unless the wheels were

lifted." "Then what happened?" Awakened in Ditch.

"The next thing I knew we were in the ditch. Mr. Kincaid's car struck my car on a corner on the car."
"Were you hurt?"

IN TORONTO FEBRUARY

Special to The Advertiser.

Toronto, Feb. 28.-There were 56

deaths from violent causes in Toronto

under his observation for investiga-

tion. Thirty people were found dead

or died suddenly, ten men, victims

from gas fumes, five people commit

ted suicide, three took gas, one man

stabbed himself, while another shot

himself, three deaths were due to

a child was scalded and a man died

from a broken neck.

Two men were killed by falling down elevator shafts, one man died from a fall from a church, and there

were three other accidents causing deaths. One man died from alcoholic

poisoning, and another man died after having his teeth extracted.

PROPOSE TO SERVE WRITS

THROUGH REGISTERED MAIL

Canadian Press Despatch.

sured creditors an equal right with

the proceeds of a seizure, were

one woman died of burns

"My leg was."
"Did you see Kincaid?"
"He came to find out if anyone was

time."
"Where was Kincaid's car?"

"No."
"Where was Litner's body taken?" Knew Car's Faults.

Cross-questioned by Mr. Barnum, Harry Tribe said that Litner had lived at his home in Bayham for two years."
"You both were familiar with the

shortcomings of the car?" "Yes." "You both knew the back light had een out of commission for three or four days, and that the wires been disconnected and wound up?

"In the three or four months the magneto was weak, and during the time the light was broken you did nothing to repair the car?"
"No."

The car, he admitted, was second hand when purchased. It was a 1918 model. "Your car was very dirty, so much

so, it would not shine when light shone upon it?" "Yes. "Did you hear church bells ringing at Aylmer?"

"I didn't hear them." His lordship interjected.
"They evidently were not concerned with that kind of bells," but he

"Was the windshield broken?" asked Mr. Barnum.

"Yes."
"Before the accident."
"It might have been cracked."
His lordship wanted, to know what bearing would a cracked windshield "I am trying to show that the force

"I don't remember." "Did you say it was an unavoid-"Yes but that was before I heard Dr. Sinclair, coroner for the town

ship, said Mr. Litner was dead who arrived on the scene some minutes

Describes Accident.

Beatrice Perry said she had been sitting in the back seat with Mr. Lit-ner previous to the accident. When the car was struck she was thrown forward against the front seat and received injuries from which she still suffered. She swore that the car was struck quite hard, differing there from her evidence of the preliminary trial when she said it was not hit forcibly. Otherwise she corroborated Mr. Tribe's evidence.

Miss Lulu Perry was called but
Miss Perry turned out to be Mrs.
Harry Tribe. She was the second
girl in the case and has since been





NESTOR OF PARLIAMENT IN NORTH ESSEX BY-ELECTION. Hon. W. S. Fielding and several strong men of the Liberal party caught The Advertiser photographer as they stepped off a private car at Windto speak in the interest of the Liberal candidate. Upper picture, reading from left to right-Hon. Ernest LaPointe, Hon. W. S. Fielding, "Tim" Healy (Liberal candidate for North Essex), Hon, James Murdock, Senator Archie McCoig, Major J. C. Tolmie, M.P.P., and James Anderson. picture-Mr. Fielding, minister of finance, and Albert Healy, Liberal torch bearer in the North Essex by-election, who addressed a great audienthe Windson Armories Tuesday night.

# SLASHED BY MAYOR

Must Keep Down to Last Year's Rate, Is Dictum.

Pursuing his policy of retrenchnent and determined that the 1923 tax rate shall not reach 34.9 mills, Mayor Wenige today tentatively slashed the city engineer's estimates by more than \$18,000.

"This will bring it down to last year at any rate," he commented as he cast aside his pencil. "I'm watching the 34.9 mark closely. We're not going over that mark, at least. Nearly 8,000 ratepayers have directed us to that effect. "All the estimates must come down We're going after them all, hospital trust included. Certain proposed additions to the equipment of that in-

stitution must be eliminated, and also

there will be no new police patrel or any more motorcycles." CONFESSED CHILD SLAYER WILL GET "SWIFT JUSTICE"

Special to The Advertiser. Philadelphia, Feb. 28 .- "Swift justice" will be meted out to Wylie "Texas" Morgan 38, confessed abductor and murderer of six-year-old Lillian Gilmore, District Attorney

Rotan announced today. The coroner's inquest will be held Friday, and the finding will be sent to the district attorney's office for the preparation of an indictment. The indictment will probably go to the grand jury on Saturday and the trial

IN BAD RIFLE CLUB FIRE

Associated Press Despatch, Philadelphia, Pa., Feb. 28 .- One man was burned to death and six to attend the meeting of the grand were injured in a fire which swept the Philadelphia Rifle Club early

## Thieves Make Liquor Haul While Rabbi Is At Wedding HAS MIRACULOUS ESCAPE

Owner Returns Home To Find Eight Cases of Precious Fluid Had Disappeared During Absence. Regina, Feb. 28.—An optional right to serve writs through the registered

while the majority of London Jewish residents, including Rabbi Isaac
proceeds of a seizure, were
the more important proposals
shakatchewan government to
the the cost of the legal collection
the cost of the legal collection the cost of the legal collection
the cost of the legal collection the cost of the legal collection the cost of the legal collection the cost of the legal collection the cost of the legal collection the cost of the legal collection the cost of the legal collection the cost of the legal collection the cost of the legal collection the cost of the legal collection the cost of the legal collection the cost of the legal collection the cost of the cost of

tered the rabbi's caller and stole eight cases of liquor.

Early in the evening the rabbi left his home, 118 Clarence street, after carefully locking all the doors and windows. He returned at 12:45 o'clock this morning to find that the cellar door had been unlocked and his liquor supply confiscated. Investigation pointed to the fact that a skeleton key had been used by the theest to gain entry to the house.

## AROUSED OVER CASE OF BLIND MOTORMAN

Street Railway Men Intend To See That C. E. Grantham Gets Fair Deal.

The London street railway men intend to take up the case of Charles E. Grantham with the Workmen's Compansation Board, if this body re-Compansation Board, if this body refuses to reconsider Mr. Grantham's case, and grant him some allowance for his present near-blindness, which he claims is the result of an accident which happened when he was in the discharge of his duties as a street railway moternan in this city. railway motorman in this city. It is expected that the compensa-ion board will shortly hold another

sitting in this case, as it was recently brought before the attention of the sitting in this case, as it was recently brought before the attention of the tontario legislature by R. Hall, M.P.P., of Parry Sound.

"The men employed by the London street rallway are going to help Mr. Grantham as much as they can," stated John Colbert, president of the local water this morning. "We intend to see that he gets a fair deal, if we have to send representatives down to Toronto to appeal personally

down to Toronto to appeal personally to the compensation board."

Attack Police and Enter Territory Assigned to Poland.

Associated Press Despatch Warsaw, Feb. 28.-Reports from the neutral zone state that the Lithuanians yesterday broke the truce agreed upon between the Polish authorities and representatives local authorities and repr of the Lithuanian forces. Lithuanian bands are reported to have resumed their attacks against

tory assigned to Poland. A despatch from Warsaw on Feb 26 said that representatives of the Polish and Lithuanian government had agreed upon a suspension of hos-tilities pending discussions for the delimitation of the neutral zone.

the Polish police entering the terri-

Associated Press Despatch.
Paris, Feb. 28.—A despatch to the
Havas Agency confirms reports that he Lithuanians have again attacked Polish police guards. A collis

Collarbone Following Altercation.

Associated Press Despatch Sydney, N. S., Feb. 28.—One white man is in the hospital with a broken collar bone and both arms tempor-

days ago in a Waterford coal mine, when three white men were alleged to have attacked a negro named Philip Hoyt, beating him severely with a pick-handle. Rannie Currie, John Carpenter and Joseph McNeil are now under indictment for attempted murder in connection with

fight in the yard.

No arrests have been made.

HOUSE TODAY DISCUSSES RACE TRACK GAMBLING

His Worship Will Lead Tonight's Assault on Street Railway.

WANTS BUSES BACK One-Man Cars May Be Restrict-

ed to Outlying Districts of City.

Mayor Wenige leads a general asault upon the street railway corporation at a regular session of the finance committee tonight.

"The London street railway must pave all streets upon which cars are operated," he stated decisively today, "and tonight I will introduce for consideration the resolution pertaining to 'one-man' cars, as approved by the city council of 1922."

Squarely upon the shoulders of last rear's council, the mayor places responsibility for the fact that no greement has yet been signed by the railway company, in compliance with the 1922 resolution which permitted the conditional operation of the onenan safety cars, Must Do Paving.

"The company should agree to pave every street upon which their cars operate," he said, "and furthermore operate," he said, "and furthermore it is my opinion that the city should not advance the finances, as was the at the station to bid him God-speed. ease last year."

While the members of the street railway executive will be asked to confer with the council with respect to the entire transportation situation, the mayor questions further what authority is actually conferred upor that corporation by the 1922 resolu-Preparations Being Rushed For

will be operated in the 'outlying districts,' "he asserted. "Now, where are the outlying districts? From present observation it would appear that the council can rightfully insist that these cars not be operated in the downtown districts or the center of the city—compel them to be run east on Dundas street or on the Hamilton road from Rectory street."

ton road from Rectory street." Liable for Improvements.

Ald. John T. May, who was a member of the 1922 council, submits that when the street railway directorate first approached the city with respect to the operation of these cars it was the general understanding that the company would undertake all improvements mentioned, including the paving of the thoroughfares upon which the company maintains ser-

"As I understand it" he stated "that was one of the stipulations un-der which the company secured its increased fare from the Ontario legislature. I questioned President Currie in this instance when he attended the council meeting in 1922 to ask per-mission for the one-man cars. He said that he did not know what had en said in Toronto but I pointed that Vice-President Ivey was

Ald. May is further aroused by the fact that he has been recorded as in favor of the one-man cars. He subnits that he did not vote in the affirmative when permission was granted in 1922. He registered protest to this effect this morning with Mayor Wenige when the latter submitted the record, as follows: Yeas, Ald. Childs, Cunningham, Judd, May Bean, Douglass, and Drake. Nos Ald. Watkinson, Holmes, Ashplant

Blames 1922 Council.

Ald, may submits that it is a mis-understanding, that he did not sup-port the motion while Ald. Douglass explained that he favored the care ipon the distinct understanding that the company would agree to under-take certain paving projects, Stanley street and Richmond street north for

Mayor Wenige holds the 1922 coun-cil to blame because no agreement has yet been presented to the com-pany or had even been drafted by the city solicitor last year.

The one-man cor resolution states further that "the new agreement shall

be without prejudice to any provision of bylaw 916 the city's original agree ment with the company.' Mayor Wenige desires action.

the interim he proposes that the bus issue shall not die an automatic death. He is making an effort this afternoon to meet the police commissioners, when he will submit his proosal for a new omnibus bylaw Hope for Buses.

# Or Beauty, Expert States

frozen.

Mary Garden a Hit Despite Lack of Voice, Says Hammerstein Calgary ...... in Gallagher-Shean Suit Against Ziegfeld.

illustrate his theory on the ratio exting between "personality" and "bank

"Mary Garden has about the worst voice now on the stage," declared Mr. Hammerstein, 'but she has personality, and she has been one of the greatest hits in opera ever since my father sign

injunction, for appearing for Flo Zieg-feld or anyone else till September, 1924. plaintiffs sought to establish through their expert witness, that Gallagher and Shean were performing ser-

Report to the Senate Taday.

United States Board Makes

FIND NO BETTER PLAN Sees No Reason Why Departure Should Be Made From

1922 Scheme.

Special to The Advertiser. Washington, Feb. 28 .- The Inter-State Commerce Commission today informed the Senate, in response to the Walsh resolution, that it had concluded it should not lay any embargo against the shipment of anthracite coal to Canada.

"We are not persuaded that during the remaining six weeks of the present coal year, there should be a de-parture from the plan of distribution adopted by the federal and state rep-resentatives in September, 1922," the report stated. "No better plan of distribution has been brought to our attention. It seems to us that an embargo against the shipment of cite coal to Canada, if laid, would effect a substantial departure

SAYS GOOD-BYE TO LONDON.

herewith presents the latest picture of Rev. G. A. Leichliter, former pas-

tor of Adelaide Street Baptist Church. Mr. Leichliter was "caught" at the Grand Trunk station this morning as

Discussion on Elective

Police Commission.

uled for two weeks hence, when the

Mayor Wenige reported today that

eight or te n municipalities had al-ready officially announced that they

don, and the indications are that the

"We will frame a suitable appeal

meet with the general approval of

the delegates, and then we take it

right to the Legislature. We want

action upon this in 1923 if possible, I

contend that the time has come when

the people who foot the bills should

have the power to elect their own

representatives, and if it should go

to a vote of the people, I believe

honestly that they will approve of

the elective form of police commis-

Ald. Albert Judd and W. A. Wilson

are outstanding among the members of the council, who have frankly op-

posed the measure. The council, by

vote of 9-3 resolved to call the con-

vention in London, the three coun-cillors from ward three, Ald. Colbert,

Drake and McKay being strong ad-

Canadian Press Despatch

Montreal, Feb. 28.—When they ent to evict James Madden, 42, of

1140 St. James street, this city, for non-payment of his rent yesterday

two employees of the landlord found him dead in bed. He had been dead for some time, as his body was

ear, and was given notice to vacate

he premises last Wednesday.

TO TRY OUT U. S. ZEPPELIN

FOR TRANS-ATLANTIC TRIF

Associated Press Despatch.

Berne, Feb. 28.-Trials of the

Jnited States zeppelin now under

begin in May and will comprise ex-

tended flights, including a trip across

the Alps. The dirigible will be taken to Berlin in June, where it will be inspected by the United States am-

Its transatlantic flight to

construction at Friedrichshafen, will

FIND TENANT IS DEAD

ne time, as his body was He had paid no rent this

vocates of the elective form.

COME TO COLLECT RENT,

elective form of police commiss

would send representatives to

gathering will be highly

will be discussed.

Propagations are being completed for the convention

The Advertiser staff photographer

NO PRIORITY ORDERS. Canadian Press Despatch.

Washington, Feb. 28 .- The commission further reported that investigation into anthracite supplies and methods of distribution had impelled to refrain from issuing any priority orders governing the movement of anthracite from mines in Pennsylof anthracite from mines in Pennsylvania to New England or the northeast section of New Yor kstate, where there have been much agitation for priority and for an embargo.

A statement of reasons which have governed the commission's course was transmitted to the Senate in regeneration.

was transmitted to the Senate in response to a resolution of inquiry.

A general plan for alloting anthracite coal was adopted by producers and national and state fuel distributors last fall, the commission's report said, when the five months strike in the producing regions of Pennsylvania ended. That plan has been followed in general ever since. followed in general ever since, and

season of heavy coal consumption will be over.
"No better plan of distribution has
"No better plan of distribution," said the report. "It seems to us that an mbargo against the shipment of an hracite coal to Canada if laid, would effect a substantial departure from that plan. We cannot give our ap-proval to an embargo which if en-forced might benefit certain commun-ities, but which inevitably would deprive other communities of their allotted supply of anthracite coal which in most cases is but sixty per cent of the quantity actually nee cannot overlook the possibility that such embargos, if approved, might tend to incite appropriation of a full supply of fuel in the state or the and that the ultimate result might be nulation of the distress else-

## ROB NIGHT WATCHMAN IN HAMILTON OF \$400

Two Young Men Hold Up Officer in Basement of Jones' Factory.

Canadian Press Despatch. Hamilton, Feb. 28.-Saul P. Brown, night watchman at Jones Brothers' factory in Dundas, was held up and robbed of \$400 in the basement of the factory last night by two young men. Brown was in the habit of carrying large sums of money with him and it is believed that the men who robbed m were familiar with his habits.

PLAY GOLF IN CALGARY.

Canadian Press Despatch.
Calgary, Feb. 28.—Taking advantage of the ideal weather prevailing here a number of Calgary citizens links yesterday.

### THE WEATHER

FORECASTS. Moderate winds; partly cloudy and mild today and on Thursday. Pressure is highest over the Western States and lowest over Northern Sas katchewan and Alberta. The weather continues rather cold in Quebec and the Maritime Provinces,

and mild in the Western Provinces. Temperatures.
The highest and lowest temperatures during the 24 hours previous to 8 a.m.

Weather. Stations. Victoria ..... 50 Fair Winnipeg ...... 34
Port Arthur.... 32
Sault Ste. Marie. 28

Ottawa ..... 32 St. John....

LOCAL TEMPERATURES. The highest and lowest tempera-tures recorded in London during the 24 hours previous to 8 o'clock last night were: Highest, 35; lowest, 23.

The official temperatures for the
12 hours previous to 8 a.m. today
were: Highest, 29; lowest, 16.

Barometric Readings.

Tuesday—8 p.m., 29.25, Today—8 a.m., 29.24

## MISS ANNIE MACSWINEY RELEASED FROM PRISON

Grand National Assembly.

Associated Press Despatch. Constantinople, Feb. 28—The Grand National Assembly can hardly reach a vote on the allied peace proposals during February, according to the before next Monday, according to adofficial figures of Chief Coroner Gra- vices from Angora today. ham compiled from cases which came } The assembly was addressed

of the gas disaster in February, died Pasha, the Nationalist leader.

SIR JOHN GIBSON ILL. Canadian Press Despatch.

Hamilton, Feb. 28.—Owing to

# Official Figures of Chief Cor-oner Show Fifty-Six Angora Advices Report Ismet Pasha Address Before the

length yesterday by Ismet Pasha, foreign minister and head of the

# NOT BEFORE MONDAY

# MANY VIOLENT DEATHS TURKS VOTE ON PEACE

will begin next week. Turkish delegation at the Lausanne conference, and Mustapha Kemal ONE DEAD, SIX INJURED

## To Sign U.S. Pact On Fishing Rights

Canadian Press Despatch.
Quebec, Feb. 28.—It was learned
here this forenoon that Hon. Ernest Lapointe. Dominion minthis morning for Washington, to sign an agreement between Can-ada and the United States regarding fisheries and fishing rights.

Ponzi Petitions For His Freedom States He May Suffer Perman ent Injury to Health.

Associated Press Despatch, Boston, Feb. 28.-Charles Ponzi, wh has served 27 months of a five-year sentence for using the mails to defraud is an applicant for elemency and commutation, it became known yesterday. United States Attorney Robert O. Jarris received from Washington onzi's petition, based on ill-health. Harris The prisoner returned two days ago Plymouth jail, after an operation at a hospital here for stomach trouble. Fur-

### ther confinement would work a perma-nent injury to him, he contends, LAW STUDENT DISCHARGED

WITH \$70,000 LIABILITIES Canadian Press Despatch. Vancouver, Feb. 28 .- With liabilities approximating \$70,000, and assets nil Wallace W. Lefeaux, law student secured his discharge as a bankrup from Mr. Justice Morrison here today Lefeaux participated in the Winnipeg strike trials, assisting the defense. He visited Russia two years ago to study

### TWENTY-NINE STOWAWAYS ARE SENT BACK TO JAPAN

Canadian Press Despatch.

Japanese stowaways taken from the reighter Taihu Maru last Sunday night, hama Maru, which sails today. According to the captain's report some of the stowaways appeared after the vessel left Kobe, and with the aid of some members of the crew, defied the ship's officers.

death yesterday afternoon, when a mass of ice slid off the roof of the home of James Swift, King street. Father Mea heard the noise of the ice sliding down the roof and got out of the way just in the nick

**HUNT MISSING SEAPLANE** 

WHEN ICE FALLS OFF ROOF

Special to The Advertiser.

Kingston, Feb. 28.—Rev. Father Mea had a miraculous escape from

OFF FLORIDA EAST COAST Associated Press Despatch. Stuart, Fla., Feb. 28.—Search continued today for a missing seaplane with at least two persons aboard, which was believed to have been lost somewhere between the east coast of Florida and the Bahamas.

## curred at two points, and in each case the attackers were driven back. Their losses are not known. THREE WHITES INJURED

One in Hospital With Broken

arily paralyzed, and three more are suffering from minor injuries received in a pitched battle between five whites and ten negroes in a col-liery yard at New Waterford yesterday.
The affair had its genesis severa days ago in a Waterford coal mine

the Hoyt case.
Racial ill-feeling has since intensi led, and some uncomplimentary re-narks about the negroes started the

Canadian Press Despatch.

Ottawa, Feb. 28. — Race track gambling is scheduled as the subject of debate in the House of Commons this afternoon. Right of way has been arranged for the resolution declaring for an amendment to the criminal code in this regard, which stands in the name of W. C. Good, Progressive member for Brant. Mr. Good is proposing that race track gambling should be placed under the same penalties as other games of chance.

### the United States is not expected b fore autumn, when it is hoped that We have an offer of reduced inthe zeppelin can fly at least to Chi nce," he pointed out, "and it is Turn to Page 5, Column 7. Personality Beats Voice

Associated Press Despatch. for Jacob and Lee Shubert in their New York, Feb. 28.—Famous divas suit against Ed Gallagher and Al Shean, vere used by Arthur Hammerstein to restrain the team of humorists, by

FIRE DESTROYS APARTMENT.

hits in opera ever since my father signed her up, many years ago.

"Cavaldere came to America the most beautiful of women, with gorgeous figure, but she had no personality, and so she was singing for \$300 a night, while Mary Garden got \$2,500."

Mr. Hammerstein thus committed himself while testifying as an expert interest.