

60TH YEAR, NO. 23584

LONDON, ONTARIO, WEDNESDAY, FEBRUARY 28, 1923. — SIXTEEN PAGES.

U.S. WILL NOT PUT EMBARGO ON COAL TO CANADA

CHARGE CLAIR KINCAID WITH DEATH OF LITNER

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, 113 Garfield avenue, London, but employed in St. Thomas, faced a jury today charged with manslaughter. He was the driver of the car which killed Frank Litner of Whitby, employed 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 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 spectators was not as large as during the breach of promise case heard during the two previous days, the courtroom was filled to capacity and many strove 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. McCrimmon strove to build a case against him.

Trouble was experienced in selecting the jurors. W. H. Barnum of 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, 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 was dragged by the automobile driven by Kincaid.

Saw Blinding Light.
Harry Tribe of Bayham Township, driver of the car in which Litner rode, took the stand. Questioned by Crown Attorney A. McCrimmon, he said he had been driving a car for two years. On the night in question, he drove to Mr. Perry's, north of Orwell, and the two Perry girls went with them in the car. One girl got in the front and one in the rear seat. When near Cecil Caughell's house on the Aylmer road, he claimed, he stopped his car on the south side of the road when he saw a horse and buggy ahead and a car coming toward them. He feared he would strike the buggy.

"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 there 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?"
"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?"

"No."

"What did you say after the accident?"
"I don't remember."
"Did you say it was an unavoidable accident?"
"Yes, that was before I heard everything."

Dr. Sinclair, coroner for the township, said Mr. Litner was dead when he arrived on the scene some minutes later.

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

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

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"My leg was."
"Did you see Kincaid?"
"He came to find out if anyone was hurt. I don't remember what I said in reply, but I helped the girls from the car and took them to the house. Both were hurt a little."
"Did you not go to help Litner?"
"No, the people were pushing Kincaid's car from his body by this time."
"Where was Kincaid's car?"
"On the north side of the road, about opposite mine."
"Has your car been fit to drive since?"
"No."
"Where was Litner's body taken?"
"Into the house."

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 been out of commission for three or four days, and that the wires had been disconnected and wound up?"
"Yes."
"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 concerning with that kind of bells, but he frowned when the spectators laughed."

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

"Before the accident?"
"It might have been cracked."

"His lordship wanted to know what bearing would a cracked windshield have on a rear collision?"
"I am trying to show that the force of the collision did not break it, my lord."

"What did you say after the accident?"
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NESTOR OF PARLIAMENT IN NORTH ESSEX BY-ELECTION.

Hon. W. S. Fielding and several strong men of the Liberal party caught by The Advertiser photographer as they stepped out of a private car at Windsor to speak in the interest of the Liberal candidate. Upper picture, reading from left to right—Hon. Ernest LaPointe, Hon. W. S. Fielding, "Tim" Hooley (Liberal candidate for North Essex), Hon. James Murdoch, Senator Archie McColig, Major J. C. Toimie, M.P.P., and James Anderson. Lower picture—Mr. Fielding, minister of finance, and Albert Healy, Liberal torch bearer in the North Essex by-election, who addressed a great audience at the Windsor Armories Tuesday night.

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AROUSSED 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 Compensation 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 motorman in this city.

It is expected that the compensation board will shortly hold another sitting in this case, as it was recently brought before the attention of the Ontario legislature by R. Hall, M.P.P., of Parry Sound.

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

Must Do Paving.
"The company should agree to pave every street upon which their cars operate," he said, "and furthermore it is my opinion that the city should not advance the finances, as was the case 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 upon that corporation by the 1922 resolution.

"It distinctly states that these cars 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."

Liability 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 service.

"As I understand it," he stated, "that was one of the stipulations under 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 permission for the one-man cars. He said that he did not know what had been said in Toronto but I pointed out that Vice-President Ivey was there."

Ald. May is further aroused by the fact that he has been recorded as in favor of the one-man cars. He submits 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, Douglas, and Drake. Nos, Ald. Watkinson, Holmes, Ashplant, and Ashton.

Blames 1922 Council.
Ald. May submits that it is a misunderstanding that he did not support the motion while Ald. Douglas explained that he favored the cars upon the distinct understanding that the company would agree to undertake certain paving projects, Stanley street and Richmond street north for instance.

Mayor Wenige holds the 1922 council to blame because no agreement was yet been presented to the company or had even been drafted by the city solicitor last year.

The one-man car resolution states further that "the new agreement shall be without prejudice to any provision of bylaw 916 of the city's original agreement with the company."

Mayor Wenige desires action. In 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 proposal for a new omnibus bylaw.

Hope for Buses.
"We have an offer of reduced insurance," he pointed out, "and it is Turn to Page 5, Column 7."

One in Hospital With Broken Collarbone Following Altercation.

Sydney, N. S., Feb. 28.—One white man is in the hospital with a broken collar bone and both arms temporarily paralyzed, and three more are suffering from minor injuries received in a pitched battle between the whites and ten negroes in a colliery yard at New Waterford yesterday.

The affair had its genesis several days ago in a Waterford coal mine, where three white men were alleged to have attacked a negro named Philip Hoyt, beating him severely with a pickaxe. Rennie Currie, John Carpenter and Joseph McNeil are now under indictment for attempted murder in connection with the fight in the yard.

Racial ill-feeling has since intensified, and some uncompromising remarks about the negroes started the fight in the yard.

No arrests have been made.

HOUSE TODAY DISCUSSES RACE TRACK GAMBLING

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.

HUNT MISSING SEAPLANE OFF FLORIDA EAST COAST

Stuart, Fla., Feb. 28.—Search continued today for a missing seaplane which was taken at the one time as neighbors would have discovered a raid was in progress had a series of trips been made.

Police were notified today and began a probe. So far no suspects have been located.

The liquor had been in the rabbi's cellar for a long time, but no previous attempt had been made to steal it.

It is believed someone who knew the liquor was in the place committed the theft, waiting for the opportunity to take at the one time as neighbors would have discovered a raid was in progress had a series of trips been made.

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 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 thieves to gain entry to the house.

While the majority of London Jewish residents, including Rabbi Isaac Phillips, of the Jewish synagogue, were attending a wedding at the Masonic Temple last night, thieves entered the rabbi's cellar and stole eight cases of liquor.

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PAVE ALL STREETS WHERE CARS RUN, IS MAYOR'S VIEW

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

WANTS BUSES BACK

One-Man Cars May Be Restricted to Outlying Districts of City.

Mayor Wenige leads a general assault 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."

Squaring upon the shoulders of last year's council, the mayor places responsibility for the fact that no agreement has yet been signed by the railway executive in compliance with the 1922 resolution which permitted the conditional operation of the one-man safety cars.

Must Do Paving.
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