

THE WEATHER:  
FAIR, NORTHEAST WINDS.  
FRIDAY—CLOUDY.

# London Evening Advertiser

LONDON, ONTARIO, THURSDAY, MARCH 20, 1924 —SIXTEEN PAGES.

"SPORTING GREEN"  
ON THE STREET AT 5.00  
WITH LATE NEWS.

THREE CENTS.

61ST YEAR. NO. 23915

## MURRELL APPEAL FOR NEW TRIAL IS DISMISSED

### MURRELL TO FACE GALLOWS UNLESS OTTAWA WILL ACT

Appeal of Counsel Is Dismissed at Hearing at Osgoode Hall Today—Prisoner Not Allowed To Appear—Judges Fail To See Any Grounds To Reduce the Charge To Manslaughter.

FIND NO MISCARRIAGE OF JUSTICE

Special to The Advertiser by a Staff Correspondent.  
Toronto, March 20.—Sidney E. Murrell, convicted of murdering Russell Campbell, auto mechanic, of Malton, Ont., was not present in the second divisional court at Osgoode Hall today when his counsel, J. M. Donahue, of London, asked for leave to appeal on mixed questions of law and fact, and did appeal on the law. He failed, and only Ottawa intervention can save Murrell from the gallows.

Under the act, a criminal appellant may attend the hearing on questions of fact, but until leave is given the right to appear in person does not arise.

Three hangings are fixed for April 10 in Ontario, Ont., subject, of course, to appeal results and Ottawa action. Murrell is one of the three under the death sentence, and the others are Henry J. (Sam) Williams, charged jointly with Murrell and tried separately, and Clarence Topping, the last named for the death of Geraldine Durston.

In seeking leave to appeal, Mr. Donahue submitted two grounds, one that a juror was stood aside and that the question on the manslaughter had been withdrawn from the jury. "Is there a miscarriage of justice?" "We can't give leave to appeal unless we feel there has been a miscarriage of justice."

Mr. Donahue: "It might be a substantial wrong."

Too Late.  
Mr. Justice Middleton: "In this case you say that the request to stand aside came a moment too late. Perhaps it did, but that is a miscarriage of justice."

Mr. Donahue: "I abandon that, my lord."

On the manslaughter ground, Mr. Justice Masten said: "On the evidence as it appears, no honest-minded jury could bring in a verdict of manslaughter."

Mr. Donahue insisted that intent must be shown.

Mr. Justice Smith—"Is there any evidence that he shot without intending to do bodily harm?"

"Before proceeding with the evidence," said Mr. Donahue "I wish to refer to the difficulty of the counsel at the trial. I did not want to take any risk in dwelling on manslaughter, but the facts were there, and I raised the question in my address to the jury. The judge took issue with me. The trial judge said in this point, 'I would tell you, because I shall say to the jury that the evidence is that the jury that the evidence that would bring the case within manslaughter.'"

Mr. Donahue: "I should like to show you the plan."

Then Mr. Donahue gave Murrell's version. His gun, he had given to someone else, but the latter had thrown it up the floor, and Murrell picked it up. Chief Justice Latchford: "Wasn't Murrell being stopped from escaping?"

Fired Three Shots.  
Mr. Donahue—Not in his situation, Murrell had fired three shots from his 45 calibre. The last was discharged vaguely.

Mr. Justice Orde—Assume he had killed someone in the next street, would not such reckless shooting have been murder?"

Mr. Donahue—On the reckless charge.

Mr. Justice Orde—Say he fired into the air?

Chief Justice Latchford—If the bullet through the ceiling had killed somebody, would not that have been murder?"

Mr. Donahue—I submit not.

Please See Page 2, Column 4.

### The Weather

#### FORECASTS.

Today—Northeast winds; fair.  
Friday—Strong northeast winds; cloudy; light snow in southern portion; somewhat lower temperature.

Pressure is high over and to the northward of the Great Lakes, while an important disturbance from the Gulf of Mexico is moving northeastward toward the Middle States.

The weather is comparatively mild throughout the Dominion.

Temperatures.  
The highest and lowest temperatures during the 24 hours previous to 8 a.m. today were:

Stations.	High.	Low.	Weather.
Victoria	59	28	Clear
Calgary	54	29	Clear
Winnipeg	49	26	Fair
Port Arthur	54	16	Clear
Sault Ste. Marie	28	28	Cloudy
Cochrane	34	16	Cloudy
Quebec	31	29	Clear
Kingston	36	24	Clear
Ottawa	36	26	Cloudy
Montreal	38	26	Cloudy
Quebec	38	26	Cloudy
St. John	42	30	Cloudy
Halifax	44	36	Cloudy

LOCAL TEMPERATURES.  
The highest and lowest temperatures recorded in London during the 24 hours previous to 8 o'clock last night were: Highest, 31; lowest, 20.

The official temperatures for the 12 hours previous to 8 a.m. today were: Highest, 30; lowest, 18.

Barometric Readings.  
Wednesday—8 p.m.—29.22  
Today—8 a.m.—29.17.



WINSTON CHURCHILL, famous British statesman and former cabinet minister, who was defeated in yesterday's by-election in the Abbey division of Westminster.

### CHURCHILL DEFEATED IN 4-SIDED ELECTION

Former Cabinet Minister Loses to Conservative by Narrow Margin.

RECOUNT TAKES PLACE

Hotly Contested Fight in Westminster Creates Widespread Attention.

Associated Press Despatch.  
London, March 20.—Winston Churchill, standing as an independent and anti-Socialist candidate, lost his fight in the parliamentary election for the Abbey division of Westminster to Otto Nicholson, Conservative, by 33 votes.

The battle was a four-cornered one and was hotly contested. It attracted the widest attention. The result was:

Nicholson, Cons., 8,186; Winston Churchill, Ind., 8,153; A. F. Brookway, Socialist, 6,155; Scott Duckers, Lib., 290.

A recount of the votes has been ordered.

The recount, speedily completed, did not affect the result, Nicholson still leading the poll and with a margin of 10 additional votes. The revised figures were: Nicholson, 8,187; Churchill, 8,144; Brookway, 6,156; Duckers, 291.

Mr. Churchill's defeat by this narrow margin was the culmination of the former Lloyd George cabinet member's effort to get back into parliamentary life after having been defeated by a Labor candidate in the general election last December. The Churchill selected the Abbey division of Westminster in which to make his fight, a vacancy having occurred there by the death of Brigadier-General J. S. Nicholson, the Conservative member.

Mr. Churchill declined to submit himself for nomination by the regular Conservative organization, because that would have cut him off from the Liberals, so he elected to stand as an Independent Anti-Socialist, as opposed to the present Labor regime. The candidate who defeated him was a nephew of the late Conservative member.

The district was naturally a strong Conservative one, and Mr. Churchill had admitted that his chances of electing who ordinarily never take the pains to go to the polls. During the balloting yesterday he had more than 200 motor cars carrying about 1,000 voters and carrying them to the polling places.

Dean Fox gives lecture on "POMPEII" in course.

Dean Sherwood Fox has just returned from Exeter, where he gave the third lecture of the winter's Western University extension course. The subject of the lecture was "Pompeii." Rev. J. C. Bowen and Professor R. C. Deane were the earlier lecturers in the series.

LAD ACCIDENTALLY KILLED WHILE HUNTING RATS

Eganville, March 20.—While hunting rats in their summer home at Douglas, near here, George Vallette, 11, was yesterday fatally wounded by a rifle accidentally discharged by his brother, Francis, 14.

Speed of Race Increases In Last Stage of Contest

Small Group of Candidates Are Now Slowly Drawing Ahead.

BUT ANYONE MAY WIN

Lead Is Not Too Great To Be Overcome Through Work.

Valiant spirits striving for leadership in the final stage of the greatest campaign of its kind Western Ontario ever saw are now showing the results of their splendid efforts. Slowly but surely a dozen or more candidates are widening the space between them and their less energetic competitors, and the gap promises to reach substantial proportions before the end of the week.

Notwithstanding this gradual rise to the front rank, every candidate has a good chance for the grand prize. The difference between the moderately active worker and those now in the lead is not so great that it cannot be overcome by determination and hard work.

The contest has not reached a period of tense anticipation. Changes in the standing of the candidates are announced daily and the final count is now looked forward to with feelings of great interest and excitement. Even though they are not prizewinners, contestants will get a heap of satisfaction from the hundreds of dollars secured through commissions. Everyone seems to realize now just what securing votes will mean for them, and all are there-

fore putting a maximum of effort into it.

Watch tomorrow's Advertiser for particulars of the final drive for subscriptions and the new vote standing.

MRS. H. F. MELVILLE

of St. Mary's, who is making a splendid run for the Hudson Coach, one of the grand prizes in The London Advertiser's big contest. Mrs. Melville made full use of the special vote offers, receiving excellent support from her many friends.

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GABRIELE D'ANNUNZIO, Italy's soldier-poet, who has been made a prince for his part in the annexation of Fiume.

### SLEEPING SICKNESS IS CAUSE OF DEATH

Health Officer Announces the Woman Was Not Afflicted With Smallpox.

Sleeping sickness was responsible for the death of a resident during the past few days. City Medical Officer of Health W. S. Downham announces.

In view of the rumors current this week that the patient died from smallpox, Dr. Downham reports definitely that such was not the case. There have been no deaths in London from smallpox this winter, and he does not anticipate any serious results from the three smallpox patients now under treatment.

In fact, Dr. Downham says as well as Dr. Downham visited the woman who died a few days ago from sleeping sickness or "encephalitis lethargica," as it is known in medical parlance, and their diagnosis was as stated, not smallpox. Dr. Downham gives a flat and official denial to the reports that there are many cases of smallpox.

"We have three cases, two of which will soon be overcome, being of three and two weeks' duration," he explained. "It would be worth while, however, if everyone were vaccinated as a precautionary measure during the next seven years."

In fact, Dr. Downham reports that the local health authorities are considering the advisability of a general order, to include adults as well as children, for the compulsory vaccination of applicants, while the private physicians report considerable activity in the same direction.

ON AGAIN, OFF AGAIN, RELIEF PROBE DELAYED

Douglass Sees No Finance Committee Meeting Before Wednesday.

On again, off again.

A special session of the finance committee called for this afternoon to investigate the city relief department and to complete the estimates, has been cancelled by Chairman Douglass. He expects that no special gathering will be held before the regular meeting of the committee on Monday night for Toronto upon various matters of civic interest.

Mayor Wenigse sees no hope of a special session of the council to consider all estimates, including the school proposals, before Thursday next, at the earliest.

MOTOR CLUB PLANS FOR ANNUAL MEETING

Report of Activities To Be Given at Session On Friday.

The annual meeting of the London Motor Club will be held in the Teacup House Friday evening. A report of the activities and financial statement for 1923 will be submitted. Twelve directors are to be elected from a list of candidates.

Following the business, members will hear an address from W. G. Robertson and Gordon Neilson, secretary and president of the Ontario Motor League, respectively. All motorists, whether members of the club or not, are invited to attend.

LAMBETH FARMER FINED FOR CRUELTY TO HORSE

W. Hicks, a farmer residing near Lambeth, was fined \$25 and costs before Magistrate Hawshaw at Lucan yesterday for leaving his horse to starve on the public highway. He was hauled to court by Humane Society Inspector George Tustin, who found the animal in such a condition that it was necessary to destroy it.

MARX AND STRESEMANN RETURN VIENNA VISIT

Associated Press Despatch.  
Vienna, March 20.—Chancellor Marx and Foreign Minister Stresemann of Germany have arrived here to return the visit made by Chancellor Seipel to Berlin in 1922. They declare their visit has no political object. They are staying at the German embassy, and after the usual exchange of banquets, will leave for home tomorrow.

Newsy Bits From Today's Classified Ads.

Dairy farm and equipment for sale.

Salesman wanted.

Store to let.

Milk wagon wanted.

Yellow collie dog lost.

### Stray Cats In For Drubbing As Mayor Plans For Action To Round-Up Battalions

Tax Found To Be Impractical Without Any Special Legislation.

OFFER SMALL BOUNTY

Alderman Douglass Suggests Bells Might Be Provided For "Tabbies."

Get out the sling-shots and polish up ye olde trusty air rifle. Formal declaration of war upon the stray cat battalions is expected at any moment from the city hall.

Mayor Wenigse has interested himself in this question, stating this afternoon that he would seek the opinion of the city health department.

"Are stray cats a menace as well as a nuisance to society," is a problem and when Humane Officer Geo. Tustin discussed the matter with the mayor today, his worship thought that something ought to be done, if such was the case.

Inspector Tustin pointed out that it would be out of order for the city to capture a cat whose identity could be established as someone's property. Then a cat tax was suggested, as is the case with dogs when the owner must secure the tag. But this was found to be impractical without special legislation from the government.

City Clerk Baker explaining that the municipality has no power to levy.

"It's a question for the board of health to deal with, if there is any need for action," Mayor Wenigse concluded. "I'll get after them. It does seem that there are far too many stray cats."

Ald. Douglass, member of the board of health doesn't see what action that department could take but is willing to have the question debated if the mayor introduces it.

"I will be an object," he stated. "We might arrange to put bells on the cats."

Ald. Gordon Drake admits that there are a few strays in the city, but he end of the city but he is also at a loss for a solution unless the medical students are turned loose to gather them in, he stated.

Another city official suggests a bounty on each cat; say 25 cents.

"We have three cases, two of which will soon be overcome, being of three and two weeks' duration," he explained. "It would be worth while, however, if everyone were vaccinated as a precautionary measure during the next seven years."

In fact, Dr. Downham reports that the local health authorities are considering the advisability of a general order, to include adults as well as children, for the compulsory vaccination of applicants, while the private physicians report considerable activity in the same direction.

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### M'BRIEN BILL FOR HIGHER EXEMPTIONS GIVEN HOIST

Proposed Measure Referred to Special Committee For Further Action.

CITIES PROTEST

St. Thomas Representative Is Only One To Support an Increased Exemption.

Canadian Press Despatch.  
Toronto, March 20.—Nearly all the cities in Ontario were represented, before the municipal committee of the legislature this morning and opposed the bill introduced by F. C. Mc'Brien (Southeast Toronto) increasing the exemption on municipal income tax assessments for householders from \$2,000 to \$2,500 and for non-householders from \$1,000 to \$1,250.

The St. Thomas city council representative was the only one who said he had been instructed to support the bill. St. Thomas council would exempt personal earnings up to \$2,500. The Mc'Brien bill does not distinguish between personal and other earnings.

G. B. Hastings, Guelph, said it would mean a difference of half a mill to that city. Controller Morrison of Hamilton said that Hamilton would lose \$87,000 in taxes. C. H. Higgins, representing the Hamilton Chamber of Commerce, spoke in favor of the bill.

Bennett Opposes Bill.

Assessment Commissioner Huenergard of Kitchener said that the assessment in that city would be reduced by \$7,000 and \$2,000 taxes lost if the bill went through.

Harry Bennett, assessment commissioner of London, said that London would be obliged to raise its rate on property if the bill went through. "We will have to make the homes of the workingmen carry the loss," he said. W. J. Henderson, city solicitor for Brantford, said his city would lose \$26,000 revenue and if passed a new tax rate would be necessary there.

W. B. Doherty, assessment commissioner in St. Thomas, said he had been instructed to support the bill. He to be more exact the bill proposed by Hon. Findlay MacDiarmid, exempting personal earnings up to \$5,000.

Referred to Committee.

F. W. Wilson (Windsor), said he had been asked by the city council to support the bill, and by the assessment commissioner to oppose it. Assessment Commissioner Farnham of Toronto also opposed the bill on behalf of the city council.

All those who spoke were in favor of the bill. The Mc'Brien bill increasing the exemption for each child from \$200 to \$300.

The committee, by a vote of 21 to 14, referred the bill to the special committee which is to consolidate and bring the assessment and municipal acts up-to-date.

The decision of the committee means the bill will not be altered within a year at least.

EARLY MORNING FIRE CAUSES \$500 DAMAGE

Blaze Originates in Back Room of Mrs. S. Paddock's Store.

Fire of unknown origin starting in a back room of the second-hand store of Mrs. S. Paddock, 553 Richmond street, at 3 o'clock this morning, caused damage estimated at \$500.

When the firemen arrived they found the store filling quickly with smoke, but the front of the store untouched by the flames. A line of hose was laid, and with the aid of chemicals the fire was extinguished before the whole building was threatened. Smoke and water accounted for a large share of the loss.

No insurance was carried.

PAINTING SEASON HITS LONDON POSTOFFICE

Lobby Will Boast of Dark Buff-Colored Walls in Near Future.

The springlike odor of new paint and paint tins greeted those who went to the post office this morning. For some days past a gang of three men has been busy freshening up the regular morning building in the post departments upstairs and down.

Today the decorators are working in the postoffice proper, and are making a splendid job of cleaning and painting.

The side walls will be cleaned and given two coats of paint and will be finished in a dark buff tone. The window frames and old woodwork will be grained and finished in oak. The middle of next week will likely see the work completed.

DIXMUDE LOSS CAUSES FRANCE TO MODIFY PLAN

Associated Press Despatch.  
Paris, March 20.—The loss of the dirigible Dixmude has caused the French government to modify its plans for a commercial air service between France and Dakar so as to use hydro-aeroplanes instead of lighter than air craft.

The conclusion was reached that "dirigibles are unfit for service such as demanded by establishment of the Dakar-Paris air lines."

WELFARE FUND PRIZES

Three prizes every day for the best answers to the question: "Why give to the London United Welfare Fund?"

Beginning on Monday, March 24, and continuing until the following Saturday, March 29, The Advertiser will give three prizes every day for the best answers to the question stated above: "Why give to the London United Welfare Fund?"

The prizes will each be two seats in Loew's Theatre, and each day will end at noon, the following day commencing at once.

The contest is open to all citizens of London. Answers are limited to 150 words. Brevity is an advantage.

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