

SOVEREIGN BANK DIRECTORS ARE HELD NOT TO BE LIABLE

Important Judgment Rendered in Interesting Case—Chancellor Boyd Says Bank Was Responsible for Actions of Manager Stewart.

[Special to The Advertiser.]

Toronto, Ont., May 23.—Chancellor Boyd this morning dismissed the action brought by W. E. Stovett, curator of the Sovereign Bank, to recover \$23,110 from Messrs. Donald McMillan and Donald B. McMillan, on promissory notes given by the defendants as ostensible consideration for stock in the Sovereign Bank. There are other notes totalling some \$400,000, similar to those sued on held by the curator, but the present action was in the nature of a test case.

The Judgment.

In giving judgment the chancellor says in part: "That which underlies and affects this whole litigation is the series of dealings by which the money of the Sovereign Bank was used in purchasing shares of its own stock to the extent of about \$400,000. The shares so acquired stood in the names of the various nominees of the bank, brokers, officers of the bank and others who undertook no personal responsibility, and whose names were in some cases used without their knowledge. The

whole transaction was managed by the then general manager, Stewart, and there is no doubt that the money was illegally withdrawn from the funds of the bank and used in violation of the charter of the bank. The plan was to keep up the price of the stock, and to make possible profits.

Illegal Trafficking. "This process amounted to an illegal trafficking in the shares; was ultra vires, and in disregard of the public policy forbidding banks to engage in such a line of business, and placed in jeopardy the charter of the bank. The lordship pointed out that not until the bank needed funds and applied to J. P. Morgan & Co., New York, was General Manager Stewart forced to disclose to the directors his operation with the bank's stock.

"The position of the directors," says the chancellor, "is that they were not aware of these illicit dealings and are not legally responsible for them, and that is an issue which has not been judicially determined, nor does it arise directly in the business action."

KING GEORGE TO THE COLONIES FOLLOW FATHER'S FOOTSTEPS

[Special to The Advertiser.]

London, May 23.—On the occasion of the anniversary of Empire Day, King George has issued two gracious messages to the colonies and India, somewhat similar in style to the message which he addressed yesterday to the nation.

In both he referred to his previous tours through the respective dominions,

promised to follow in his father's footsteps, uphold constitutional government, safeguard the liberties of the colonial empire and devote himself to the well-being of the Indian people. With reference to the rumors that it is the intention of the Queen Mother to visit the colonies, the king said in Denmark, a court circular announces that Alexandra will always look upon England as her home.

DESPONDENT GIRL FOUND BY POLICE

A Sister of Floyd Dresser Had Disappeared From Home in Detroit.

[Special to The Advertiser.]

Windsor, Ont., May 23.—Despondent because of the murder of her sister, Mrs. Floyd Dresser, at Leamington, and the suicide of her brother-in-law on the night of May 13, Mrs. Lottie Oliver, 22 years old, disappeared from her room, 208 Congress street, East, Detroit, last night.

Detectives on making a search for the young woman found her in Antine street and detained her at police headquarters.

U. S. Immigration Inspector Coe has learned that Mrs. Oliver came to Detroit after the murder of her sister to see her brother an electrician, who failed to meet her. Mr. Coe decided not to deport Mrs. Oliver and he has placed her in a charitable home until she can secure a position.

GRAND TRUNK HONORS MEMORY OF EDWARD VII.

All Way-Freights Are Cancelled for Victoria Day.

For the first time in its history and as a token of respect for the memory of King Edward, the Grand Trunk issued an order last night, cancelling all way-freights for today.

In addition, the order requests that all freight sheds be closed throughout the day and that no switch engines be used.

This will mean that several thousands of employees throughout the country will have a chance to observe a period of mourning for King Edward.

The local orders were issued last night, and as a result the freight sheds are shut tight, and no switch engines are in use in the local yards for the first time on May 24.

\$30,000,000 LOAN FOR CHINA RAILWAY

Great Britain, United States and Other Powers Interested.

London, May 23.—It is reported in financial circles that the Hankow Sze Chuen railway loan agreement was finally concluded in Paris today.

The loan of \$30,000,000 is to be devoted to the construction of a railroad from Hankow, China, to Canton and from Hankow West to Ichang with an extension of the line ultimately into Sze Chuen.

Great Britain, Germany, France and the United States participate in the financing of the enterprise.

LET HIM IN AT LAST

Philadelphia Immigration Officers Took Down the Bars for Indian.

[Special to The Advertiser.]

Philadelphia, May 23.—It took the immigration officers at Philadelphia ports ever since yesterday to decide whether John Gensh, a Penobscot Indian of pure blood, should be admitted to the United States. They finally allowed him to land and now he is on his way to New England where his forefathers were lords of all they surveyed before the coming of the white man. The Indian arrived in port as a stowaway in a British steamship.

The Day in London

Miss Billie Burke, matinee and night, at the Grand Opera House.
Baseball at Tecumseh Park, 10 a.m. and 3 p.m.
Excursions on London and Lake Erie and Pere Marquette to Port Stanley.
Opening of the roller rink at the Port.
Summer schedule to Spring-bank.
Opening of playgrounds, on Park's Flats.

ROYAL SPEECHES ARE CENSORED

The Private Secretary Plays No Part Minor in Their Composition.

[Special to The Advertiser.]

London, May 23.—Until a curb was placed upon his tongue, the Kaiser enjoyed a freedom of speech that caused more than one crisis; but in most sovereign countries has been the custom of the governments to take precautions that their monarchs shall not in their public utterances be guilty of any indiscretion likely to cause trouble.

Many of King Edward's speeches were prepared for him, or at least submitted to the government department concerned in the matter with which the speech dealt. It would be asking too much to expect the King to have a full acquaintance with all the questions at home and abroad upon which his words might have influence.

Royal speeches at state banquets are subjected to closer scrutiny than other royal orations. The proposed speech is invariably considered at the foreign office. Then if it is the toast of a royal foreign visitor to England, a copy of the speech is sent to the ambassador of the foreign power, who forwards it to his foreign office. The speech is then due course submitted to the monarch about to enjoy England's hospitality.

The visiting king's reply is treated in like manner.

King George V. has not hitherto left the preparation of his speeches to others. On his visits to the British colonies and dependencies he delivered many speeches, and they were all remarkable for knowledge and sound sense as well as for eloquent delivery.

Although the addresses were submitted for official approval to the representatives of the colonial office and to the responsible members of his staff, they were in every essential the speeches of the prince himself.

His best remembered speech is the address he delivered on his return from the tour of the Empire which he and the Princess made in 1901, the "Wake Up, England!" speech at the Guildhall. His words astonished the country, and made it aware that its future sovereignty was a keen observer and critic who realized the need for constant effort toward progress. He said:

"To the distinguished representatives of the commonwealth of the Empire whom I have the pleasure of seeing today, I venture to allude to the impression which seemed generally to prevail among the brethren across the seas that the country must wake up if she intends to maintain her old position of pre-eminence in her colonial trade against foreign competitors."

Private secretaries play a considerable part in the composition of the speeches of most royal personages, but the private secretary of King George, the Prince of Wales, as he was then, knew nothing about the famous "Wake Up, England!" speech until he heard it in the Guildhall.

Technically, the speeches delivered at state dinners at Buckingham Palace are circulated through the medium of the court circle. In practice copies of the speech are handed to the palace to the representatives of four or five of the big news agencies. Newspaper reporters are not admitted to state banquets, and they have before now been reduced to the necessity of piecing together a royal speech from the somewhat vague recollections of a friendly guest at the palace. This resulted not so long ago in the appearance of at least three versions of an important royal speech and in much annoyance at the palace.

King Edward was very particular with regard to his own speeches, and would not allow the newspapers to be supplied with copies of them in advance. They had to wait until not only the speech was given, but until he had leisure to go through the typewritten copies and make any slight alteration in the form of it as really delivered by him.

30 PERSONS HURT IN TRAIN SMASH

Three May Die—Officials Deny That Anyone Was Killed.

Rogers, Ark., May 23.—St. Louis and San Francisco passenger train No. 4, the fast express from Texas to St. Louis, was wrecked two miles south of Rogers today. Thirty-five persons were injured, three probably fatally. Officials at headquarters deny that anyone was killed outright.

Another Story. A Fort Smith, Ark., dispatch says: A St. Louis and San Francisco passenger train is reported wrecked at Rogers, Ark. Three coaches are said to have been demolished, one person killed and several injured.

RAISING THE RATE ON CALL LOANS

Provincial Bank Follows Lead of the Traders and Dominion.

[Special to The Advertiser.]

Montreal, Que., May 23.—The first of the local banks to increase the rate of call loans is the Provincial Bank, making the third bank to raise the money rate on stockbrokers to 5 1/2 per cent.

It is now regarded as likely the higher rate will become general. The banks which previously raised the rate were the Traders' and the Dominion.

ANNEXATION TALK IN AIR SEVERAL SECTIONS AFFECTED

Scheme to Bring in the Suburbs and Avoid Trouble With the Street Railway—East End People and Broughdale May Also Join With City.

The question of annexing certain sections lying outside the city limits was given an added impetus yesterday by the suggestion of Commissioner Philip Pocock that Springbank Park be annexed to the city.

According to experts the annexation of Springbank Park would serve many purposes. It would bring the street railway under direct control in that section, and would solve the tangles arising continuously regarding the fares and the amusement privileges. For years these questions have been vexed, and have resulted in much discussion, and a great deal of difficulty.

Annexation would add practically nothing to the expense of the city; in fact, it might lessen it, as police protection then would be a city expense to the general fund, and there would be less expense in the arrangements.

More Factory Sites. With the demand for factory sites the city has been unable to keep

pace. The annexation of this section would give the city a very great deal of land available for that purpose. For certain kinds of factories this land would be ideal, and would give the city more direct control of the industrial situation.

The solution of a baseball grounds and amusement park might be solved in this manner, as it would be possible to erect a ball park of good dimensions in that quarter.

However, that is not the only section considering annexation. In the east end there is a large tract with many fine houses and graded streets, seeking annexation. The only difficulty the people there have to contend with at this time is lack of school accommodation, which the city can furnish to them. The expense in this connection would not be very great, and the benefits accruing would be many.

Broughdale is practically in the same position. They need school accommodation and that badly.

SCOTT FAMILY CAME BIG GRAIN FIRM FROM SEAFORTH GOES TO THE WALL

Principals in the Kidnapping Case Well Known in This City.

LAD HERE IN JANUARY WHERE DID MONEY GO?

Visited With His Mother at an East End Residence for Some Weeks.

The Advertiser has learned that Leroy Scott, who figured in the recent alleged abduction of his 3-year-old son from the mother, who is divorced and living in Windsor, never resided in this city.

Scott and his wife are, however, well known in London, and Mrs. Scott, who was a visitor in this city at a Hamilton road residence for some weeks in January last.

Leroy Scott is a son of Dr. Scott, of Seaforth. His wife was formerly Miss Margaret Wilson, whose father was also a prominent resident of Seaforth.

It is alleged that the husband did not treat his wife properly, and was engaged in securing a divorce from him.

Her father, it is said, is worth about \$100,000, and on one occasion he started his son-in-law in a piano business.

MAY 24 A HOLIDAY DEAR TO ALL HEARTS

Oldest and Youngest Revere the Occasion and the Memory of Victoria.

For nearly three-quarters of a century, the 24th of May has been a holiday—one of the pleasant holidays of the year.

The birthday of Victoria the Good has been so oftentimes celebrated that it has become an institution in particular, Custom has so hallowed it that any change would be in the nature of a revolution.

The oldest inhabitant can remember as a boy, he shouted: "The 24th of May is the Queen's birthday; if you don't give us a holiday, we will all run away."

For generations this has been the song of childhood at this particular season of the year, and it was in evidence yesterday. There was no doubt of the fact that the holiday was forthcoming, but the song had been handed down from generation to generation, and it must needs be sung.

A Quiet Holiday. There is little of the noise and fireworks of other days. May 24 is a quiet holiday of late years. There are few deadly fire crackers, with their attendant burned and mutilated hands and burning buildings. The noisy demonstrations have given place to a quieter and more enjoyable day, and today will be celebrated with that quiet dignity and domestic enjoyment so suitable to the holiday.

True, there is much travel. Thousands left the city to spend the day with friends and relatives in other cities. Thousands came to London to visit and enjoy the hospitality of the Forest City.

The balance may not be equal, but it is nearly so, and in the city as elsewhere there will be many happy and pleasant reunions.

Death of the King. The holiday will not be celebrated with such brilliant ceremony as was intended. In many places, London in particular, military manoeuvres of impressive character were planned, and would have been carried to a successful conclusion had it not been for the untimely death of King Edward VII.

As a result of the King's demise these demonstrations were cancelled. However, there were many outside attractions. Hundreds went to Toronto and the Woodbine to view the running of the great Canadian turf classic, the King's Plate. Many went to Detroit. The summer resorts opened for the first time drew many others.

With fine weather the day should be quiet but enjoyable in London.

First Communion. A large class of school children are being prepared for their first holy communion which they will receive at St. Mary's Church Sunday morning.

Sunday is the feast of Corpus Christi, and the sacrament will be carried in a procession around the church grounds, if the weather permits.

elts of Durant & Elmore, of Albany, Said to Total \$500,000.

This is the Question That Is Agitating Financial Circles—Investigation Into Books Now On.

[Special to The Advertiser.]

Albany, N. Y., May 23.—The firm of Durant & Elmore, grain merchants, with offices in Albany, Chicago, Buffalo and Boston, is practically in the hands of the officials of the National Commercial and First National Banks, of this city, who are its creditors to the extent of nearly \$500,000.

By the alleged manipulation of bills of lading the company is alleged to have been able to borrow hundreds of thousands of dollars from banks in other cities.

The total amount involved has not been ascertained. It is understood, however, that the firm has outstanding paper aggregated between \$500,000 and \$600,000, but just what proportion of it is secured probably will not be known for several days.

Representatives of the banks were busy today examining the company's books and papers, and questioning its employees in an endeavor to get at the truth of the allegations.

Where Did Money Go? Just where the money went has not been told, but it is said the firm was dealing heavily in the grain market.

It has had considerable paper out, but that was nothing unusual. What came to this city from Boston recently to the effect that some of its paper had been refused in that city, and immediately representatives of the National Commercial and the First National Banks visited the offices of Durant & Elmore, and asked for an explanation.

Mr. Oliver, the treasurer and general manager, was in New York City.

The officials examined the books, but were unable to get any satisfactory explanation of the situation. Mr. Oliver did not return until Saturday, and since the time the bank officials have been busy delving into the firm's affairs.

Says He's Innocent. Henry C. Palmer, who was freight agent of the Delaware, Hudson Company here until about eight weeks ago, and whose name has been mentioned in connection with the matter, returned from Chicago today and engaged an attorney to look after his interests.

"I am innocent of any wrongdoing," said Mr. Palmer tonight, "and do not fear the result of any investigation." Mr. Oliver could not be located, but his attorney, N. F. Towner, said today that the treasurer of the firm would be on hand when his presence is desired.

E. A. Durant, of Albany, is president of the corporation.

The Capitalization. The company is capitalized at \$75,000.

Mr. Durant has not taken an active part in the management of the company's affairs for some time. Mr. Elmore looked after the Chicago end of the business, while Mr. Oliver was the executive officer of the concern.

The banks which are creditors of the firm and which suffered from the use of the bills of lading, it is said, will look to the railway companies for reimbursements. The Delaware and Hudson Company is understood to have already taken up the matter, but as Vice-President Sims and L. E. Carr, counsel for the company, were not here today no information was obtainable.

STRIKE SETTLED

Paper Mill Operatives at Glens Falls Go Back to Work.

[Special to The Advertiser.]

Glens Falls, N. Y., May 23.—As a result of the settlement of the strike at the mills of the International Paper Company, many of the union men returned to work today, and others were informed that positions would be given them as soon as there are any vacancies.

The military guard has been removed from the mills at Fort Edward and Corinth.

EARTHQUAKE IN FRANCE. Agde, France, May 23.—An earthquake was felt here at dawn. The movement continued for two seconds.

CAR CRASHED INTO A BUS ANOTHER WELLINGTON ST. SMASH

Vehicle Used by the Sisters of Mount St. Joseph Broken Up in a Collision With a Trolley—Was Empty at the Time Or Terrible Affair Might Have Resulted—Driver Escaped.

The third street car accident to happen at the crossing of Wellington and Grey streets within a few weeks occurred shortly after 4 o'clock yesterday afternoon, when Outaway car No. 58, going south, in charge of Motorman McFadden, collided in the bus used by the Sisters of Mount St. Joseph, hurled it on its side, smashing two of the wheels, ripping the tongue off, and throwing the driver, John Beaton, out into the road.

Driver Escaped. Fortunately there were no sisters in the bus, and the driver escaped with a few cuts and bruises, none of which are serious.

Both the car and the bus were going in a southerly direction, and as the rain curtains on the side of the driver's seat were down, he did not hear the car approaching, when he started to turn around. The bus was struck it, and Motorman McFadden, who had partially slowed down when he saw the driver turn towards the track, stopped quickly.

The bus rolled over on its side and was carried some distance by the car. The sisters had only got out of the bus a few minutes before, and had anyone been inside they would beyond question have been seriously injured.

Runaway Prevented. Driver Beaton, though thrown out, retained control of the lines, and prevented the horses, which were running wildly, from running away. Two panes of glass in the front of the car were smashed, but beyond that no injury was done. Motorman McFadden escaped unhurt.

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CANADIAN RETAIL COAL DEALERS ARE COMING HERE

The Canadian Retail Coal Dealers' Association will hold their annual convention in London on June 21 and 22.

There are over 400 members of the association in Canada, and it is expected that from 25 to 300 dealers will be in the city during the week.

Last year the convention was held in Buffalo, and was a great success. London has been selected for this year's meeting, and it is expected to be one of the best yet.

The association may also take a trip to the anthracite mines during the summer. No date for this excursion has as yet been set, but it will probably be announced later.

London bank clearings showed one of the largest increases last week that has been noted here for some time. The western cities show tremendous increases.

Vancouver and Calgary showed big increases in clearings this week, and again led America in that respect, the figures for the big cities being as follows:

New York ... \$1,729,946,000 Inc. \$11.9
Chicago ... 275,057,000 2.1
Boston ... 149,750,000 5.3
Philadelphia ... 142,665,000 7.0
St. Louis ... 79,075,000 18.5
Kansas City ... 49,504,000 14.5
Pittsburgh ... 48,289,000 15.2
Montreal ... 45,478,000 21.4
Toronto ... 28,811,000 5.3
Winnipeg ... 16,180,000 31.4
Vancouver ... 8,258,000 65.2
Ottawa ... 4,589,000 22.6
Quebec ... 2,335,000 30.9
Calgary ... 2,888,000 78.7
Halifax ... 1,921,000 18.3
Hamilton ... 1,830,000 13.5
St. John ... 1,435,000 1.3
Victoria ... 2,127,000 52.8
London ... 1,343,000 15.5
Edmonton ... 1,447,000 68.4
Regina ... 774,000 ...

VERY LARGE GATHERING IN BANK CLEARING

Th Lowest Figures for the Past Week Are Very Satisfactory.

[Special to The Advertiser.]

Toronto, Ont., May 23.—General French, speaking to the boys after the parade, made a brief allusion to the death of King Edward, using his references to point out the extent of the empire which mourned the loss of the King. He reminded the boys that upon them the future and safety of the empire depended.

In an interview with the newspapermen afterwards, General French frankly and quite emphatically stated that the parade and evolutions he had witnessed today were surprising to him, and he became quite enthusiastic in speaking of it.

"It was a spectacle," he said, "I should have liked everybody in Britain to witness."

POLICE PASS THE EXAMS

First Aid Tests Are Mastered by Local Constables.

At the recent examination for first aid work conducted by Mr. A. V. Becker, the following police constables passed successfully: P. C's Verner, Handysides, Roberts, Noonan, Montiel, Attenboro, Snyder, McRae, Graham, Walker and Holden.

The constables were very well up in their work and took high standing," said Dr. Becker to The Advertiser.

Chief Williams is a very strong advocate of first aid work for policemen, and impresses all his men with the importance of taking the course. Quite a large number of citizens have been interested in the work and are preparing for the examinations.

PASSENGERS REBEL

Enforcement of Immigration Law Cause Trouble on Steamer.

[Special to The Advertiser.]

Montreal, Que., May 23.—During the passage of the White Star steamship Megantic to this port from Liverpool the third-class passengers rebelled against the enforcement of the immigration laws, which require the immigration officer to ask for certain information from the passengers.

There was a small mutiny for a time, but the captain finally pacified the indignant passengers.