

THE WEATHER:  
SOUTHERLY WINDS, CLOUDY.  
FRIDAY—MILDER.

61ST YEAR. NO. 23969

# London Evening Advertiser

LONDON, ONTARIO, THURSDAY, MAY 22, 1924. —TWENTY-TWO PAGES.

GOOD NEWS  
IN THE WANT ADS TODAY  
ON PAGE 20.

THREE CENTS.

## SMITH CASE SUPREME COURT UPHOLDS O.T.A.

### Ontario Hospital Inmate Found Unconscious On Track

#### A. MARION IS RUSHED TO SARNIA HOSPITAL

Ontario Hospital Inmate Found  
On Track in a Dying  
Condition.

BOLTED YESTERDAY

Out On Walking Party—  
Ready To Leave the  
Institution.

Special to The Advertiser  
By a Staff Correspondent.

Sarnia, May 22.—Achille Marion, 36, an escaped inmate of the Ontario Hospital for the Insane, London, is now lying in the General Hospital here in an extremely critical condition and is expected to die as the result of injuries received early this morning on the C. N. R. right-of-way a half-mile east of Watford.

It is presumed he was either struck by a train while walking along the tracks or was injured while endeavoring to board a moving train. He suffered many severe scalp wounds, several ribs are broken and it is feared his lungs were punctured.

Marion's home is in Ford City, and a letter was found on his person from his wife in that city.

He was discovered near the track by workmen and brought to Sarnia on a freight train and immediately rushed to the hospital.

Dr. W. J. Robinson, superintendent of the Ontario Hospital, stated this morning that Marion escaped yesterday morning while out with a walking party in the vicinity of the hospital. Without warning he bolted from the attendants and made off over the overhead bridge on the side-road.

The attendants in charge followed him on foot, but Marion outdistanced them, and soon was out of sight. They then searched for him in autos and followed, but were unsuccessful in locating him.

Dr. Robinson said Marion was almost completely recovered and that he (Dr. Robinson) had only yesterday prepared a letter to the man's wife, telling her she might come to London and take him home any time she was in our opinion, perfectly recovered.

"We considered him capable of looking after himself now. I cannot understand his action at all."

It is the theory that Marion wishing to return to Ford City boarded a westbound C. N. R. train somewhere in the East London yards, but that the train was bound for Sarnia and not Windsor. It is conjectured that Marion perceived he was not going in the direction of his home and either jumped from the train while moving and was hurt in this way or that he was struck while walking along the right-of-way. It is possible that owing to the intense cold early this morning, he became benumbed from riding and was forced to get out and walk to restore his circulation.

#### MOTOR THEFT DECREASE ATTRIBUTED TO LEAGUE

The decrease in the number of automobiles stolen in Ontario during the past couple of years, in proportion to the growing number of cars in operation, is attributed by C. E. Bernard, secretary of the London Motor Club, to the vigorous campaign waged by the O. M. L. to have the penalties made more severe.

The secretary draws attention to the fact that the league, through representation to the Dominion government, was instrumental in obtaining the provision of severe penalties (a minimum of one year's imprisonment) in cases of auto thefts. The new law has greatly dampened the aspirations of would-be motorists.

#### DRIVE WILL BE STARTED FOR NEW PARISH HOUSE

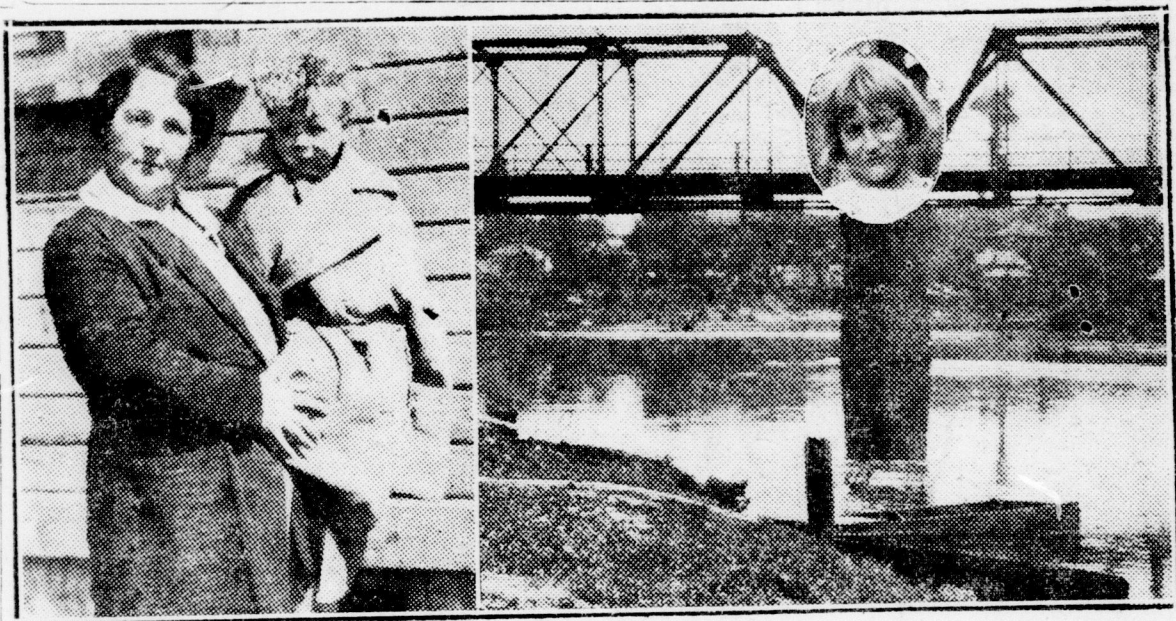
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Toronto, May 22.—Today Marion Miller O'Neil, aged 18, who on Monday night was married to Jack O'Neil, aged 20, the latter having been kidnapped by her brothers and taken to the minister's house, gave birth to a son in a private hospital here. "Both are doing well," is the hospital report.

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WHERE HEROIC WOMAN SAVED BABY'S LIFE.

3-ool cut—FRONT DLUU  
Above an Advertiser staff photographer shows (left) Mrs. M. E. Fortner holding in her arms three-year-old Gordon Jarvis, whose life she saved last night. At the right is shown the spot near the Wharncliffe road bridge where Mrs. Fortner entered the icy Thames and brought the baby to shore. Lisset is Emily Rulion, 14 years old, who aided Mrs. Fortner in the rescue work. Baby Gordon is up and around today, suffering no ill-effects following his perilous fall into the Thames.

#### TRUCK DRIVER'S BAIL IS RENEWED

Expected Crown Will Take  
No Further Action On  
Matter.

That there will be no further proceedings on the part of the crown in connection with the manslaughter charge against George Hammond was intimated today in police court by Crown Attorney Albert M. Judd.

"I would like it possible to have the case adjourned a week," said Mr. Judd. "I don't propose to proceed on the criminal charge. I have written the attorney-general notifying him of the finding of the coroner's jury Monday night in which Mr. Hammond was absolved from negligence in the matter."

"Very well," replied Mr. Graydon. "I will adjourn it a week and have bail renewed."

Hammond was the driver of a motor truck which fatally injured little Tommy Carew of the Hamilton road on Rectory street last Thursday afternoon. The child died early Saturday morning. A coroner's jury absolved Mr. Hammond from blame at the inquest held in the police station Monday night.

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#### Crusoe's Musket Sold At Auction

Associated Press Despatch.

London, May 22.—Robinson Crusoe's old flintlock musket, believed to be the authentic weapon carried by Alexander Selkirk during his four-year exile on Juan Fernandez Island, which inspired Deane's celebrated story, was sold at auction yesterday for £250.

The gun bears in rough carving the inscription: "Alexander Selkirk, Largo, 1701." Largo, Mifeshire, was Selkirk's birthplace.

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#### CRIME WAVE AGAIN STRIKES NEW YORK

Bandits Create Reign of Terror  
in Many Parts of the  
Metropolis.

Associated Press Despatch.  
New York, May 22.—More crime was experienced here the past 24 hours than in any other similar period in several months, according to the police records.

The first occurrence was a hold-up yesterday morning, in which one of two bandits was shot and killed by a policeman. The last was early today when four ticket offices of the elevated and subway transportation lines, and an East Side store were robbed almost simultaneously. Five armed men took part in one of these holdups. Two other robberies occurred during the day. Axel Johnson and Albert Lake, two payroll guards, were shot and \$2,000 taken from them in Brooklyn.

Another holdup, a half hour later, was by a young woman, who entered the store of a dealer in picture frames, stayed with him over some work, and suddenly took two runs from her handbag to clutch her argument. She robbed him of \$50, but returned \$5 when he told her it was all the money he had, and that he had a family in Russia to support.

Yegmen entered a retail paint store on the Bowery, opposite one of the elevated stations which had been robbed early this morning, and broke open two safes, escaping with \$600.

"He has no place to stay," said Chief Birrell. "He was found sleeping in an automobile. I would ask for a remand for a few days until I can get in touch with some Danish people."

"It's a respectable boy," remarked Mr. Graydon. "I don't want to send him to jail. If you can get in touch with friends, I will have him brought any time and he could be let go."

"Danish man," submitted Jensen when the charge was read to him by the court.

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#### NEW CHARGES LAID TODAY IN CASES OF 3 BROKERS

Aemilius Jarvis Senior and Junior  
and Harry Pepall Bailed  
Until Tomorrow.

PETER SMITH CALLED

Former Provincial Treasurer Is  
Placed on Trial at Toronto  
Today.

Canadian Press Despatch.

Toronto, May 22.—Two additional charges of conspiracy, making three in all, have been laid against Aemilius Jarvis, Sen. and Jun., and Harry Pepall in connection with the sale of provincial succession duty free bonds.

When the Jarvisses and Pepall, along with Peter Smith, former treasurer in the U. F. O. government, appeared in the police court this afternoon for their preliminary hearing the two new charges were read to them.

To date there are eleven charges facing Peter Smith and three against the Jarvisses and Pepall.

When Aemilius Jarvis and his son and Harry G. Pepall appeared in police court this afternoon bail was renewed until tomorrow morning.

Magistrate Edmund Jones deciding that it would be impossible to re-hear the case this afternoon as the preliminary hearing of Peter Smith, former provincial treasurer, on May 22, was proceeded with first.

The Smith hearing was held up for a short time, as H. H. Dewar, K.C., defence counsel, was arguing a motion in another court at the hour the case was scheduled to commence.

#### GIRL VAGRANT SENT TO MERCER REFORMATORY

Tells Magistrate She Is Not  
Able To Work—Pleads  
Guilty.

A young girl who was allowed to go on suspended sentence a few weeks ago, after being found guilty of disorderly conduct, was brought before Magistrate Graydon on a charge of vagrancy this morning.

"Are you working?" asked the court. "I'm not able to work," was the reply; "but I'll plead guilty."

"You haven't responded to the kind treatment of people who took an interest in you," said the magistrate. "I'll commit you to the Mercer reformatory for an indeterminate period."

"Y" BOYS TO HOLD FINAL  
BANQUET ON MAY 29

The closing banquet of the "Y" will be held on May 29. The function will mark the closing of the indoor activities for the summer. The program will take the form of musical numbers by the boys, and it is possible that a short list of town speakers will be the guests of honor.

During the evening the Hexachord ribbons will be presented to the winners, and the prizes for the membership drive will be distributed.

SENTENCED TO DEATH.

Associated Press Despatch.  
Omsk, Russia, May 22.—Engineer Jacobson, chief of the Atbasarsky copper mines, has been sentenced to death for giving information to the Germans during the war. He was a member of the property residing in England.

Justice Idington's Opinion.

There was no dissent from the dismissal of the appeal. Mr. Justice Idington, however, took the ground that the law is still a law.

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#### Decision of Supreme Court Establishes Ontario Right To Prevent Liquor Imports

Appeal of John T. Smith Is Dismissed After Two-Year Fight  
Inaugurated To Establish the Right To Import  
Into Province.

NATIVE WINES QUESTION IS SETTLED

Canadian Press Despatch.

Ottawa, May 22.—The supreme court this morning dismissed the appeal in the case of Smith vs. the Ontario attorney-general. The Ontario temperance act is therefore upheld by the court.

The basis of the action taken by the appellant, John T. Smith, was that the O. T. A. before the provisions of the Canada temperance act were applied to prohibit the importation of liquor into Ontario, was not an act prohibiting the sale of liquor for beverage purposes as it allowed the general sale of native wines and the importation and exportation of all liquors. The attorney-general for Ontario argued that the act need not be an absolute prohibition, but one prohibiting sale generally would suffice.

SOUGHT LEGAL DECLARATION.

Smith is a resident of Toronto. He ordered a case of whiskey, some beer and lager from a dealer in Montreal and the dealer declined to fill the order on the ground that he could not do so under the terms of the O. T. A.

Smith brought action asking for a judicial declaration whether part IV of the Canada temperance act had the force of law in Ontario. The attorney-general for Ontario had no interest enabling him to bring a declaratory action but that he should be liable to prosecution.

Orde Dismissed Case.

The trial judge, Mr. Justice Orde, dismissed the action on the ground that the attorney-general of Ontario was not the proper defendant as it should have been against the attorney-general of Canada. The appellate division affirmed the judgment as to parties, but gave no opinion on the merits.

Smith then appealed to the supreme court of Canada.

Mr. Justice Duff this morning gave the opinion of the court in an extended judgment. Referring to the question of native wines, he said that the intention of the section of the O. T. A. referring thereto was to exempt from the prohibition that if the law is not changed this growth will be much greater still; and on behalf of the appellant it is argued and by no means without force that a law protecting and encouraging such an industry and traffic cannot be properly regarded as a law prohibiting the sale of alcoholic liquor for beverage purposes.

"We have," Mr. Justice Duff continued, "come to the conclusion that counsel for the attorney-general has made good his contention."

Falls Within Act.

1. That notwithstanding this provision of the O. T. A. when viewed as a whole falls within the description in section 132 of the Canada temperance act rightly understood and.

2. That part IV of the Canada temperance act does not prohibit the sale of alcoholic liquor for beverage purposes.

Mr. Justice Duff continued that the prohibition as applied to legislation in Canada had but a law protecting and encouraging such an industry and traffic cannot be properly regarded as a law prohibiting the sale of alcoholic liquor for beverage purposes.

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#### LESS POWER FOR BANK DIRECTORS IS URGED

J. J. Hughes, Liberal, Intro-  
duces Motion in Banking and  
Commerce Committee.

EXPERT TESTIFIES

J. W. Pole Considers Present  
Audit System Adequate  
If Enforced.

Canadian Press Despatch.

Ottawa, May 22.—A motion to limit the powers of bank directors and executives to sell bank stocks was made by J. J. Hughes (Liberal, Prince Edward Island) at the opening of the commons banking and commerce committee this morning.

The committee this morning, under the proposal a director or executive officer who transfers stock of his bank within a year of its failure will continue liable for double liability. Such liability is now limited to 60 days after the stock is sold.

J. W. Pole, chief national bank examiner of the United States, told the committee that the existing system of audit in Canada would seem to be adequate, except that the scope of the audit should be extended to embrace an exhaustive analysis of assets and loans.

"Do you see any advantage for Canada in adopting a system akin to the federal reserve system?" asked H. Marler of Montreal.

"Assuming the proper functioning of the finance act, was the reply, 'I see no particular advantage. Do you think that those administering the finance act should have information as to the condition of a bank making application for an advance?'" asked W. C. Good of Brant.

"I should regard that as essential," was Mr. Pole's reply. "I think it would be extremely desirable that a banking board or bureau should be established if that has not already been done."

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