LAST EDITION

London Advertiser

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LEGAL LUMINARIES OF LONDON ON FAMOUS SMITH WILL CASE

The Estate of R. P. Smith Furnishes Big Legal Battle.

CASE COMES UP AT NON-JURY SITTINGS

Well-Known Legal Firms Are Representing Very Many Clients.

The legal luminaries of this part of the country are in London today to take part in the trial of the now famous Smith will case of Strathroy, which is to be decided at the non-jury sessions of the high court, which commenced at the courthouse this afternoon before Mr. Justice Riddell.

Mr. John McEvoy is acting for Howie et al., the plaintiffs, while the 50 or more defendants are represented by almost as many solicitors, among the attorneys being engaged in the suit being the following: R. I. Towers, Blake, Lash, Anglin, & Cassels, McKillop & Murphy, Hannah, Le Sueur, and McKinley, Cassels, Brock, Kelly & Faleonbridge, Hoskin, Ogden & Bowlby, Fraser & Moore, and F. W. Harcourt.

Big Sums Involved.

The relatives, heirs and legatees of the late Richard Portingal Smith, of Strathroy, who disposed of nearly $200,000 in his wills, are engaged in the struggle, the plaintiffs seeking to have other testamentary papers than those already probated, admitted, as follows:

Mrs. Robert Howie, London	$ 5,000
John Winnerton, Strathroy, laborer	1,000
Benj. T. Garside, St. Thomas, fireman	5,000
Ann Caroline Frost, London spinster	15,000
William Frost, London, carpenter	5,000
Charles Frost, London Township, farmer	5,000
John Frost, Mitchell, in Perth, farmer	5,000
Fred George Frost, Sundridge, Muskoka, farmer	5,000
Josiah Henry Frost, Perth County, farmer	5,000
Reuben Frost, Seaforth, carpenter	5,000
Mrs. William Reid, Sundridge, Muskoka, widow	5,000
Mrs. Walter H. Washington, Seattle, Wash	5,000
Mrs. Thomas Garside, St. Thomas	5,000
Mrs. John Genro, London	5,009
Total	$76,000

Those who are interested in the case are:

Plaintiffs.

Mrs. Robert Howie, John Winterton, Benjamin T. Garside, Ann Caroline Frost, William Frost, Frederick George Frost, Josiah Henry Frost, Reuben Frost, Mrs. William Reid, Mrs. Walter H. Washington, Mrs. Thomas Garside and Mrs. John Genro.

Defendants.

John Cowan, Julia Ball, Olive Millar, William A. Vail, Matilda Vail, Heber Vail (an infant, under the age of 21 years), the Children's Aid Association of London, Ont.; the governing council of the Salvation Army in Canada (as owners of the Rescue Home of the Salvation Army in London, Ont.), the Woman's Christian Association of Strathroy, Ont.; Annie S. Stanley, Pauline Stanley, Charlotte Napper, Charles Napper, Richard Napper, David Napper, Albert Diprose, Marion Diprose, George Washington Portingall, the Presbyterian Church in Canada, Harold Doty, the Sarnia General Hospital, the London and Western Trusts Company, Limited, Capt. Le Niven, Alexander Henry Stewart, Jessie Maud Stewart, Thomas Smith, Elizabeth Price, Catherine Ann Smith and John Folinsbee.

Cases Postponed.

Two cases that had been entered on the list were postponed after the opening of court this afternon. That of the Krit Motor Car Company of Detroit against their former local agents, W. J. Reid & Sons, of his city, was allowed to stand, an order to that effect being made by Judge Macbeth.

Owing to the fact that the rider of the motorcycle that is alleged to have frightened the horse of Mr. Robert Colhoun, of Brooke Township, is now ill with appendicitis, and is therefore unable to attend, postponement of the suit of Colhoun vs. Munro, and the Township of Brooke, was necessary.

The List.

The cases now on the list in the order in which they are scheduled to be taken up follow:

1. Fidelity Trust Company vs. U. A. Buchner.
2. Bank of Commerce vs. F. A. Fitzgerald.
3. Toal vs. Ryan.
4. Mills vs. Freel.
5. Ross vs. board of health of London Township.
6. Garthorne vs. Wickerson.
7. Williamson vs. Hodgins.
8. Krit vs. Reid, postponed.
9. Calhoun vs. Brooke Township, postponed.
10. Howie vs. Cowan (Smith will case).
11. Morgan vs. Morgan, alimony.
12. Walters vs. Armstrong.

FIRST CLASS LIST HAVE BEST CHANCE

Sixty-Three Per Cent of Titanic's Saloon Passengers Saved.

[Canadian Press.]

New York, April 29.—In a summary of the lessons of the Titanic disaster, Lawrence Beasley, a University of Cambridge man, who was among the survivors, asks: "What was the relative chance of escape for a first-class passenger and a steerage passenger?"

His answer is as follows: "I have worked out the percentage of the saved of the four classes, and find it as follows:

"First-class, 63.6 per cent; second-class, 39 per cent; steerage, 26.7 per cent; officers and crew, 22.3 per cent. They are instructive, those figures. The payment of about $75 excess of first over third, gives you more than twice the chance of your life being saved."

TITANIC PROBERS WEARY OF SMITH

Say That Chairman Is Putting Them In False and Ridiculous Position.

MARCONI ON THE STAND

The Wireless Wizard Tells of Sending a Message to the Carpathia.

[Canadian Press.]

New York, April 29.—A Washington dispatch to the New York Times says:

It became known today that the Titanic investigation committee's dissatisfaction with its chairman, Senator Smith, has risen to such a point that yesterday several members discussed offering their resignations from the committee.

This plan was broached because the discontented members feel that Senator Smith is putting them in a false and ridiculous position before the world. It was first discussed among them on Friday. They decided that they would wait until the week was over, and that today, if there had been no improvement in Senator Smith's methods, they would visit him in a body and resign, telling him exactly why they were doing it.

The discontented senators who participated in this discussion are Burton, of Ohio; Bourne, of Oregon, and Fletcher, of Florida. None of the other senators, however, is at all pleased with the chairman's course, and the senators believe that their resignations would be followed by that of others.

Marconi Recalled.

Washington, D. C., April 29.—Guglielmio Marconi, head of the Marconi Company, was recalled to the witness-stand when the senatorial inquiry into the Titanic disaster was resumed today.

F. M. Sammis, chief engineer of the American Marconi Company, Operator Bride, of the Titanic, and John W. Griggs, former attorney-general counsel for the Marconi Company, were present at the hearing.

Vice-President Franklin, of the International Mercantile Marine, who returned Saturday to New York to look after the press of business that had piled up in his office since the isquiry enforced his absence from his desk, and J. Bruce Ismay, managing director of the Mercantile Marine, were on hand early.

When Mr. Marconi was on the stand last week, Chairman Smith asked him if he had sent any messages to the Carpathia and he had said no.

Sent One Message.

"I would like to correct the statement that I had not sent any messages to the Carpathia," said Mr. Marconi today. "On my return to New York I found I had sent one message. I immediately wrote a letter to you senator, inclosing the message."

"The message follows:

"April 18, '12—1 a.m.: To Calvin, wireless Marconi station, Siasconset Mass. Send the following immediately, advise us delivery: 'Wire news dispatches immediately to Siasconset or to naval boats. If this impossible ask captain give reason why no news allowed to be transmitted.'

"(Signed) Guglielmio Marconi."

Mr. Marconi also read a copy of the message as it was actually transmitted to the Carpathia on April 18 from Siasconset.

Mr. Marconi said he got no answer to this. He said he had talked with Bride, the Titanic operator, on board the Carpathia, and that the latter said he had received the message.

"Did he give, or did you ask his reasons for not answering?" asked Senator Smith.

"No, sir," answered the witness.

"The difference in the code used by the Marconi operators and that employed by the United States cruiser Chester," said Mr. Marconi, "rendered almost impossible the transmission of messages between the Carpathia and the warship." He said his company used the international code, while the United States navy had a code of its own.

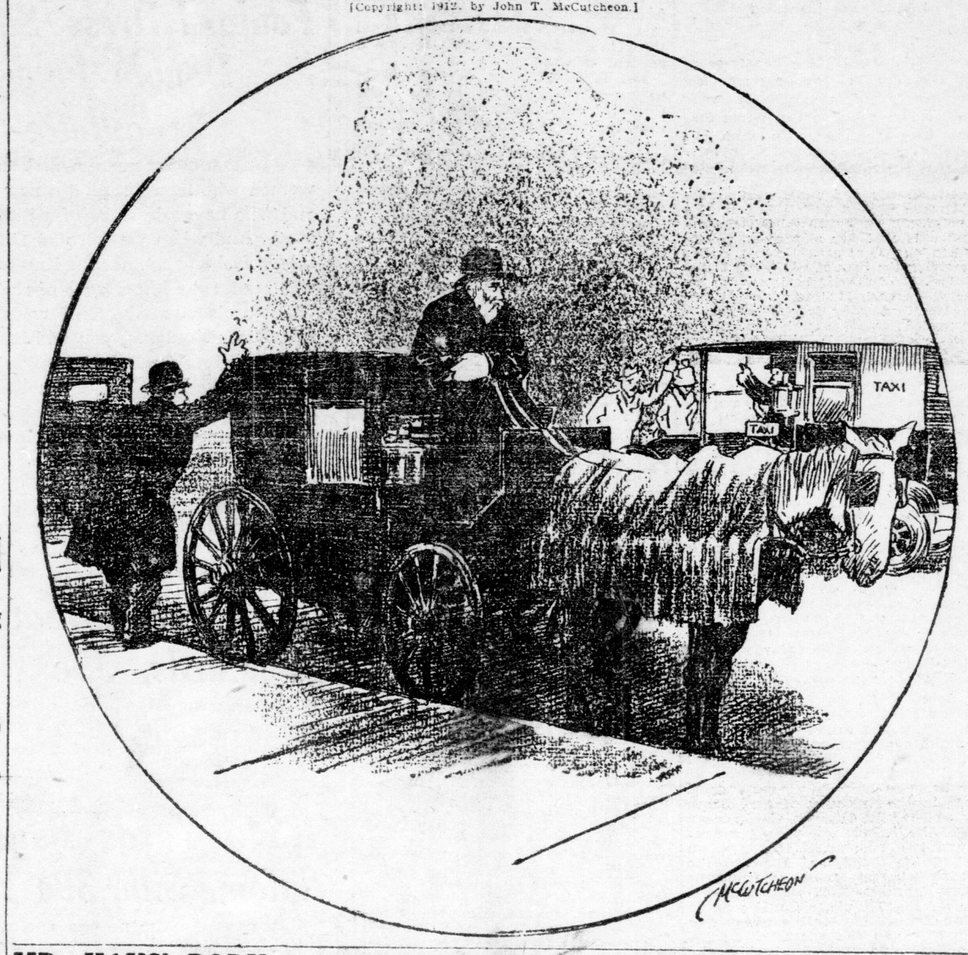
Mr. Marconi was excused by the committe in order that he might sail tomorrow for England. Chairman Smith thanked him for the aid he had given.

F. M. Sammis, chief engineer of the American Marconi Company, also testified explaining what had actuated him in sending messages to Operators Bride and Cottam, on the Carpathia to hold their stories or "four figures." He said he had made an arrangement with a New York paper for them to sell their personal stories, and had sent the messages to the "boys" informing them of that fact.

A VICTIM OF PROGRESS.

By John T. McCutcheon.

[Copyright: 1912, by John T. McCutcheon.]



MR. HAYS' BODY IS ON THE MINIA

Not Likely to Reach Halifax Before the End of the Week.

GALE SCATTERS CORPSES

Distant Relation of Spanish Royalty Among Those Who Perished on the Titanic.

[Canadian Press.]

Halifax, April 29.—Yesterday a message was received from Captain Carteret, of the Minia, which seemed to clear up the doubt which had existed as to whether the body of Mr. Charles M. Hays was being brought in on the Mackay-Bennett or not. Captain Carteret sent an aerogram confirming the previous report that his men had picked up the body of the president of the Grand Trunk. Mr. Howard G. Kelly, who is one of the party here to claim Mr. Hays' remains, stated that he would wait here until the Minia arrived. In the meantime a special car is being appropriately draped. This car will carry back to Montreal the bodies of Mr. Hays and Mr. J. Allison, and those of Messrs. Quigley Baxter, Thornton Davidson and Victor Payne, if they are recovered.

May Be Ross' Body.

Captain Carteret's message mentioned that he had picked up the body of a gentleman in evening dress. His clothes were marked with the initials "H. R.," while gold cuff links that were found in the shirt were inscribed with "S. G." Speculation began at once upon receipt of the information as to who these initials will fit. The Canadians at once suggested Hugo Ross, of Winnipeg, and a wireless was sent to the Minia asking for details of marks on the body.

A Mrs. H. R. Rood, who has just reached the Halifax Hotel, claimed the body as that of her husband, a Seattle lumber merchant, with large limits in British

(Continued on Page Four.)

DEAD AT WALKERTON.

[Special to The Advertiser.]

Walkerton, April 29. — The wife of Mayor Henderson died today. She had been ill for three months with cancer of the stomach. Besides her husband, she leaves three grown-up sons and one daughter.

THE WEATHER.

TOMORROW—WARMER.

Forecasts.

Toronto, April 29—8 a.m.

Today—Northeast and east winds, cool and showery.

Tuesday—Northerly winds, clearing, with a little higher temperature.

Temperature.

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

Stations.	High.	Low.	Weather.
LONDON	47.5	26.5	Rain
Victoria	60	48	Rain
Calgary	62	32	Clear
Winnipeg	48	26	Fair
Port Arthur	38	28	Clear
Parry Sound	38	32	Fair
Toronto	42	36	Cloudy
Ottawa	48	30	Fair
Montreal	44	32	Fair
Quebec	44	24	Clear
Father Point	34	26	Fair

Weather Notes.

The highest and lowest temperatures in London on Sunday were 56.5 above and 34.5 above.

A low area, which was in the extreme Northwestern States on Saturday, is now passing eastward across the Middle States.

The weather is unseasonably cold from Ontario to the Maritime Provinces, and comparatively warm in the Western Provinces. Rain is falling in Northwestern Ontario. Cautionary signals are displayed on the Lower Lakes.

GREAT DAMASCUS BAZAAR WAS WIPED OUT BY A FIRE

Ten Million Damage Done to the Holy City of the Mohammedans.

[Canadian Press.]

Constantinople, April 29.—The great bazaar quarters in Damascus have been destroyed by fire. Several persons were killed and many injured, and the damage is estimated at $10,000,000. The fire began at midnight Friday, and lasted until late Saturday night.

Damascus, one of the holy cities of the Mohammedans, capital of the Vilayet of Syria, is noted among other things for its numerous bazaars. These are designated by the name of some particular trade or commodity. The bazaar quarters comprise long streets covered in with high woodenwork and lined with shops, stalls, warehouses and cafes. The Greek bazaar, one of the largest, was rebuilt after its destruction by fire in 1893. In the midst of the bazaars stands the house of Asad Pasha, one of the handsomest of Damascus. There are many of these bazaars, all of which are luxuriously fitted up.

EAST LONDON LADY FEARS BROTHER LOST ON TITANIC

One of Victims Bears the Same Name as Relative of Mrs. D. J. Arnott.

Believing that Arthur Lawrance, one of the victims of the Titanic disaster, is her brother, Mrs. David J. Arnott, of 512 Simcoe street, is awaiting anxiously the complete identification of the body when it arrives at Halifax on the "death ship" Mackay-Bennett.

For the past two years Mrs. Arnott has not heard a line from her brother, and although she has no reason to believe that he was on the Titanic, she is afraid that the body of A Lawrance picked up by the Mackay-Bennett is that of her relative.

Last Heard of in Reno.

Arthur Lawrance is a jockey, and Mr. Arnott told The Advertiser this morning that he was last heard from in Reno, where he attended the Jeffries-Johnson fight. Since then his whereabouts have been unknown, and although Mrs. Arnott and other members of her family have been making inquiries for the past two years they have failed to locate him.

Fears the Worst.

"He was always a great boy to roam to The Advertiser, "and I fear that he has met death on the Titanic. He was located in Syracuse for some time, and after he left there we heard little about him. As he was a great fellow for horses, it is not unlikely that he had gone over to England with a load of horses and was returning on the Titanic. I was reading the list of names of the bodies that had been picked up by the Mackay-Bennett, when I noticed the name of A. Lawrance. I pointed it out to Mrs. Arnott, and we have both been of the opinion that it is her brother. However, there is a big chance that it may not be he, but then the similiarity of names has made us very anxious. My wife has written to Halifax for information, and we will be informed as soon as the ship arrives with the bodies."

Born in Collingwood.

Arthur Lawrance is about 27 years of age. He was born in Collingwood Ont., and later removed to Toronto. He became a jockey, and had ridden horses at all the big tracks.

VERY SUDDEN DEATH OF YOUNG ENGLISHMAN

Alfred Webster Succumbed to Heart Disease In Victoria Hospital.

Alfred Webster, a young man whose home was in Bermondsey, London, England, and whose health was impaired during the South African campaign, in which he took part, died very suddenly shortly before midnight on Sunday at Victoria Hospital, a few hours after his removal to that institution. Death was due to heart disease.

Webster, who had been employed as engineer at the cold storage plant, was compelled to cease work a few days ago, and had since been in ill-health at his boarding-house, 91 Bathurst street. He was removed to Victoria Hospital yesterday afternoon, and succumbed a few hours afterwards. The cause of his death was at first unknown to his medical attendants, but heart disease was later learned to be the trouble.

As Webster had no relatives in this city, the funeral arrangements were taken charge of by his fellow-employees at the storage. Rev. Mr. Doherty will officiate at the services at Griffith & Willsie's undertaking parlors on Wednesday afternoon and interment will be made at Mount Pleasant Cemetery.

FARMER WAS THROWN UNDER BIG ROLLER

Thomas Gibbings, of Clinton, Had Close Call From Being Killed.

[Special to The Advertiser.]

Clinton, April 29.—Thomas Gibbings, a farmer living near Clinton, was badly injured when as he was out on the land operating a big roller, the seat broke, and falling backwards pulled the horses back. Only the seat raising up one side of the roller saved him from being killed. As it was the doctor had to put fifteen stitches in his forehead. Gibbings was also hurt about the ribs, though none were broken. He got up and rode the horses half a mile to the stable and then walked to his brother's house to telephone for the doctor. Mr. Gibbings is 67 years of age. If no complications set in he will be around in a short time.

FAILED TO APPEAR.

London, April 29.—Charles Henry Unverzagt, of New York, who said he was a wealthy British Columbia mine owner, and who was arrested on March 25 in London on the charge of sending a libellous postcard to Miss Winnifred Smith, failed to appear today when his case was called at the Old Bailey sessions.

The presiding judge said he had reason to believe that Unverzagt had left the country. He issued a warrant for his arrest, and estreated the bail of $1,000. The judge, however, gave the sureties until May 6 in order to try and find Unverzagt.

STREET RY. TO ASK INJUNCTION TO RESTRAIN CITY OF LONDON

City Has Men Watching the Schedule and Will Know Exactly How Cars Are Being Run—Company Still Say They Will Fight to a Finish Any Attempt to Take Over the Road.

THE SITUATION.

The city council has given the London Street Railway Company ten days in which to provide the service, which is specified in bylaw 916. This means more cars, and better equipment. Under the agreement the city may take over the line after ten days, provided the service guaranteed is not maintained. The company say that what the council asks is a physical impossibility, and they will fight the city to a finish. Men have been named by the city engineer to time all cars, so that the exact service now being given the people may be known. The company will apply for an injunction to restrain the city if an attempt is made to annul the franchise.

That the city council evidently mean to keep the London Street Railway Company to its agreement with the city was evidenced today, when ten men were named by City Engineer Wright to time the cars on the various routes throughout the city. They commenced work at 6 o'clock in the morning, timing the first cars, and will remain on duty until the last car is in the barns tonight. Of course, the men will work in shifts, these details having been carefully arranged by City Engineer Wright.

This will be kept up for ten days, the time limit set by the bylaw. The results of the investigation will be presented in the form of a report by City Engineer Wright, and will then be considered by the council. This document will determine largely what action the aldermen will take against the company. If the schedule is not maintained, there is every indication that they will annul the franchise of the company. The Advertiser was informed that it is the intention of the company to secure an injunction to restrain the city if any attempt is made to take over the road, except at the company's own valuation. No arbitration will be considered.

The Schedule.

Sufficient data to give an idea as to how the cars were running were not available for Mr. Wright this afternoon. It is understood, however, that some of the cars were running behind the schedule set down by the city engineer in 1905. The Belt Line is running fairly close to time, but the others are not making the schedule.

"I have not received any reports from the men," said City Engineer Wright. "They will furnish their information to me at the completion of their shift. The men who relieve them will also report, and by that means we can figure out how each car ran. The company could tell quite readily whether or not the cars are running behind time, but we have to figure it out by the timetable and then compare. It will mean a very great deal of work, but I have instructed the men to be absolutely correct as to time, and then there will be no possibility whatever of disputing our figures. Unless a decided improvement has been made since the last report I made, it will be found that practically every line is running behind time."

Buying the Franchise.

An interesting phase of the dispute concerns the efforts recently made to purchase the franchise on behalf of the city. It will be remembered that some time ago, an option was taken on the holdings of the company for a certain time at $150 a share. This option was renewed in February for two months, expiring on April 15. It was not renewed, nor would the company takes less for its stock.

The City Acts.

The next step was to discover what was the best action to take to make the company live up to their agrement. The schedule was looked into, and it was found that the company were not keeping up to it. It was determined that the company should live up to the letter of the agreement, that more cars should be put on, equipped with air-brakes, and official notice has been served on the officials.

The object, it has been stated, was to bring the stock of the company down to a reasonable price, and then an offer to purchase the company's plant would be made. It could not be learned definitely what price was to be the low-water mark.

Of course, the company are expected to fight the scheme. It was hinted by Manager King on Saturday that the matter had passed the stage where it was a question of operation—it has now become a question of law.

Apply for Injunction.

Mr. C. H. Ivey, solicitor for the street railway, stated to The Advertiser that he did not know what action the company would take.

It is understood, however, that the company live up to their agreement, restrain the city from cancelling the franchise, on the ground that it is a physical impossibility to maintain the schedule drafted by the city engineer. That will take the whole matter into the courts, and a long litigation will probably follow. A director of the company stated today that they would not be coerced.

Manager King maintained that it was physically impossible for the company to maintain the schedule under present conditions, and so long as the company were endeavoring to do their best, they were not liable for anything further. If the city will allow the company mileage for double tracking, the company say a proper service can be maintained.

MUCKLE SNUFFLE AT THIS PARTY

Odoriferous Rags Were Set on Fire and Soon Smoked Out the Guests.

CASE IN POLICE COURT

Evidence of Some of the Sufferers Was Highly Original, and Was Not Without Some Humor.

Miss Susie Woodbridge, an English lady, who made her home in apartments above Ross' livery stable, at 672 Dundas street, conducted a farewell reception, prior to her departure for the west, under difficulties, on Friday night and early Saturday morning, as a result of which three young men—Henry McCandless, Charles Kennedy, and James Leonard—were brought before Police Magistrate Judd this morning to answer charges of disorderly conduct.

Kennedy achieved a reputation as a pot-walloper at the county jail, when he slugged Gordon LaMotte, of Strathroy, on the head, as he attempted jail delivery, together with Pat Doyle, who was afterwards sentenced to 20 years for hold-ups in this city. Kennedy was a trusty prisoner at the jail at the time, and frustrated the plans of the thugs by wielding a water-pail, with telling effect. His sentence was afterwards reduced by a couple of months for his services, the matter having been taken up with the Attorney-General's department by Sheriff Cameron.

Rather Humorous.

The evidence submitted by the police, through half a dozen witnesses, made it apparent that the affair in East London was not devoid of humor, although the city firemen did not appreciate the situation when they were calle dout at 2 a.m. for no reason.

Philip McLaughlin, a young Scotchman, one of the guests, shed much light on the situation, although Chief Williams' palate was coated with tastes of porridge and haggis when he concluded the examination of the witness.

A Celebration.

The celebration, which was attended by various young men and ladies, practically all from the old country, proceeded as such social gathering should until after midnight.

Every person was happy and while

(Continued on Page Eleven)

AUTO VICTIM STILL IN BAD CONDITION

Miss Hattie Rooney Is Not Improving as Rapidly as Is Desired.

The condition of Miss Hattie Rooney, of the Conservatory of Music staff, who was painfully injured on Monday evening last near Ailsa Craig, when an automobile carrying the Conservatory Dramatic Club back to the city was overturned, is not showing much improvement. She is suffering from nervous shock. There are no bones broken or other injuries, but the narrow escape has affected her nerves greatly.

Her position at the time of the accident was extremely perilous. When the machine overturned she was under the gasoline tank, and her clothing was saturated with gasoline. A lamp at the rear of the machine exploded, scattering fire in all directions.

Miss Rooney was dripping with gasoline, and only the quickest action on the part of the company prevented the young lady's clothes from catching and burning her to death. Coats were thrown over the fire, but it still continued to spread. Then mud and sand were piled about her until the blaze was extinguished. She was under the machine about half an hour.

Miss Westland and Miss Graham, injured in the wreck, are improving, and are able to be about.

MR. GEORGE BLACK DIED IN STRATFORD

Well-Known Railwayman Was Formerly a Resident of London.

Mr. George Black, road foreman of the Grand Trunk at Stratford, dropped dead in that city on Saturday, shortly before he was to undergo an operation. His sudden demise came as a great shock to his many friends in London. Four or five years ago he ran out of London as an engineer, later being promoted to the road foremanship at Stratford.

The funeral will be held in Stratford on Tuesday at 2:30 p.m. Assistant Superintendent Davidson and Mr. J. C. Crombie, master of transportation, will attend the funeral. Several handsome floral tributes have been sent by the Grand Trunk trainmen of this city.

FATAL AUTO ACCIDENT.

Albany, N. Y., April 29.—Hinsdale Parsons, vice-president and general counsel of the General Electric Company of Schenectady, was killed in an automobile accident Sunday afternoon on the Pittsfield road, a few miles east of this city. The chauffeur was badly injured.