

THE WEATHER:
MODERATE WINDS; FAIR.
TOMORROW—FAIR AND WARMER.

London Evening Advertiser

FOUR-PAGE ROTOGRAVURE
SECTION AND EIGHT COLORED COMICS
EVERY SATURDAY

52ND YEAR. NO. 24314

LONDON, ONTARIO, MONDAY, JUNE 29, 1925. —FOURTEEN PAGES.

THREE CENTS

FAIRBANK LEAVES \$375,000 Scores Believed Dead As Quake Rocks South California

TO APPEAL DECISION ON FARES

Instructions Issued by the City
Solicitor To Fight Rail
Board Ruling.

BECK ACT INVOKED

Ald. Douglass Believes 1922
Change in Franchise May
Have Been Illegal.

The fares fight is not over yet. An appeal was ordered this morning by City Solicitor T. G. Meredith, K.C., against the ruling of the Ontario railway and municipal board.

Following the adverse decision of Saturday, Mr. Meredith conferred with Ald. Frank McKay. Today instructions were issued to open an appeal against the board's ruling.

"We will appeal the case on a number of points," Mr. Meredith declared this afternoon. "I cannot give full particulars just yet."

Opinion of the five-member board concerning the five-cent fare ruling, Ald. L. H. Douglass, M.D., declared today that an appeal would be entered. Ald. Frank McKay believes other members of the council are unable to accept the judgment of the railway board as final.

Not only will an appeal be entered against the decision, but victory is claimed in the interpretation of the act of 1922.

May Use Beck Act.

There is a strong possibility of the Beck act of 1912 being brought into play in appealing the fares judgment. By means of the act of 1912, the council might seek to have the fares act of 1922 invalidated so as to destroy value of precedents quoted in the board's latest finding.

Upon the arrival in London of the railway board's judgment on Saturday, Ald. Frank McKay, chairman of No. 1 committee, conferred with the city solicitor in order to discuss chances of an appeal. Ald. L. H. Douglass will also confer with City Solicitor Meredith. A report from the solicitor will be brought before No. 1 committee at its meeting on Thursday.

Ald. Douglass points to the Beck act of 1912 as providing that many franchises in existence before March, 1909, could not be changed without a vote of the people. Therefore, the change in franchise effected by the act of 1922 was illegal, as no vote was taken in support of the change. He believes that the wrong light has been shed on the city's rights, and that proper interpretation of the act of 1912, as applicable to legislation since then, will profit the city. He is ready to support an appeal against the railway board's judgment.

Another Interpretation.

While believing that an appeal is possible, Ald. McKay states that, according to the letter of the law, the Beck act of 1912 applied only to extensions of lines, and not to fares or other franchise agreements. At least the act is interpreted as applying only to line extensions.

City Solicitor Meredith is of the opinion that the Beck act of 1912 is of the continued on page 3, column 6.

The Weather

FORECASTS.
Moderate winds,
fair today and
Tuesday; a little
warmer.

The pressure is
high on the At-
lantic and Pacific
coasts and over
the northwest
states, and rela-
tively low to the
northwest of the
St. Lawrence and from Alberta to Ariz-
ona.

The weather has been showery in
Alberta, Northern Ontario, Eastern
Quebec and the maritime provinces, and
mostly fair elsewhere.

Temperatures.

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

Station	High	Low	Weather
Victoria	59	50	Fair
Calgary	56	46	Cloudy
Winnipeg	56	46	Clear
Port Arthur	56	46	Clear
Toronto	56	46	Fair
Kingston	56	46	Fair
Ottawa	56	46	Fair
Montreal	56	46	Clear
Quebec	56	46	Fair
Father Point	56	46	Fair
St. John	56	46	Cloudy
Halifax	56	46	Cloudy

The highest and lowest temperatures
recorded in London during the 24 hours
previous to 8 o'clock last night were:
Highest, 71; lowest, 51.

The official temperatures for the 12
hours previous to 8 a.m. were: Highest,
67; lowest, 47.

Sun rises at 4:39 a.m., and sets at 8:02
p.m., standard time.

Barometric Readings.
Sunday—5 p.m., 29.27.
Today—8 a.m., 29.36.

ESTATE OF OIL MAGNATE INCLUDES LONDON CASH

Major Fairbank's Chief Property
Was California Oil Stock,
\$100,000.

\$5,000 FOR CHURCH

Total Estate Listed at \$374,109
in Document Filed
At Sarnia.

Special to The Advertiser by a Staff Reporter.

Sarnia, June 29.—The will of the
late Major C. O. Fairbank, Petrolia,
filed for probate here in the Surro-
gate court, shows the amount of the
entire estate to be \$374,109. Christ
church, Petrolia receives \$5,000, while
a sister of the Petrolia oil magnate
received \$1,000 a year for life.

Mrs. Fairbanks is bequeathed the
Petrolia home and half the income
from the balance of the estate, which
at her death is to be divided equally
among four sons, Charles, Henry,
Robert and John, who will receive
the income from the other half of
the residue.

Major Fairbanks stipulated in his
will that each of his sons could be
given one-eighth of his share on at-
taining the age of 30 years, at the
discretion of Mrs. Fairbanks.

Victory bonds are listed at \$143,-
464; household goods, \$10,000; Im-
perial Bank stock, \$40,000; cash in
the Bank of Montreal, London, Ont.,
\$22,876; interest in the J. H. Fair-
bank estate, \$100,312; real estate in
Ontario, \$12,600; Ontario oil stocks,
\$28,000; California oil property,
\$100,000; International Petroleum
Co. stock, \$20,000; English oil in-
vestments, \$16,000.

The will was probated by Pardee,
Gurd, Fuller & Taylor, Sarnia solici-
tors.

Major Fairbank died in California
on February 24 last.

AGED MAN IS KILLED WHEN HIT BY CAR

Canadian Press Despatch.
Aurora, June 28.—Coming from
decorating his first wife's grave, Wil-
liam T. Andrews was struck by a
radial car on Saturday and instantly
killed. Mrs. Andrews, who was with
him, narrowly escaped sharing his fate.

The will was probated by Pardee,
Gurd, Fuller & Taylor, Sarnia solici-
tors.

WOMAN SERIOUSLY HURT IN AUTOMOBILE ACCIDENT

Canadian Press Despatch.
Oshawa, June 28.—Dragged behind
an automobile which overturned and
then righted itself, Mrs. C. Gish-
man of Peterboro was so severely
injured here this evening that her
little hope is held out for her re-
covery. Her husband and five-year-
old daughter were also injured.

LONDON ROLLING MILLS TO BE BIG POWER USERS

Block of 4,000 Horsepower of
Hydro Needed for Smelt-
ing Furnaces.

BIGGEST CITY USER

Will Mean Substantial Increase
in Surplus Revenue of
P. U. C.

Decision of the management of the
London Rolling Mills company to in-
stall electric smelters in the big new
steel plant soon to be erected in con-
junction with the mills at the foot of
William street, will give the local
hydro department a new customer of
first importance.

The company, it is understood, will
utilize electricity exclusively for the
smelting of steel and will provide for
a plant with an eventual consumption
of nearly 4,000 horsepower. This
amount is far in excess of the amount
required by those at present rated
as the city's best consumers, namely:
The Corn Flakes, McClary company,
car shops, Empire Brass, London and
Port Stanley railway, and London
street railway.

The use of this block of power will
necessitate the provision of great
substation capacity in the south end
industrial area, but will yield a sub-
stantial increase in surplus revenues
to the public utilities commission. As
recently announced in The Advertiser,
the Rolling Mills company, of which
Mr. J. Frank White, Conservative M.
P. for London, is a part owner and
official, intends as soon as possible
to embark upon the manufacture of
steel in addition to the present lines
of rolled iron.

This enterprise will be a matter of
much importance to London and, it is
expected, will mean the employment
of an increased staff.

MAY DIE AS QUAKE HITS SOUTH

Santa Barbara and Other Cali-
fornia Cities Suffer
Heavily.

TIDAL WAVE FOLLOWS

Guests of Hotel Buried in Ruins
As Building Falls.

Associated Press Despatch.
San Francisco, June 29.—The
Southern Pacific Railway Compa-
ny reports 65 dead at Santa
Barbara as a result of the earth-
quake.

The American Red Cross head-
quarters here are negotiating for
all available army aeroplanes
here to rush a fully equipped re-
lief force to Santa Barbara.

The Santa Barbara exchange of
the Pacific Telephone and Tele-
graph Company was demolished by
the earthquake, information
to company headquarters at San
Francisco over a crippled wire
said shortly before 9 a.m.

Associated Press Despatch.

Santa Barbara, Cal., June 29.—
All the brick buildings in Santa
Barbara were demolished this morn-
ing, including the Arlington hotel, by
the earthquake, which swept the
state, and it seems to have centered
its ferocity on this city. Water
mains and river reservoirs were
broken and the city was partly
flooded.

Two fires started in the city, but
so far little damage has been re-
ported due to fire.

It is feared that there may be
considerable loss of life, particularly
in the ruins of the Arlington hotel,
one of whose walls collapsed like an
eggshell.

The main street of the city up-
heaved and buckled under the tremor,
and as the water mains parted, gen-
eral shooting through the pavement.
Accompanying the quake were re-
ported on page 5, column 2.

Associated Press Despatch.

Many of the Indians favored the
elective council as against the old
council of hereditary chiefs, and are
for wider education to enable the
Indian to stand side by side with
the white as his equal. The cause of
the "nationalists" has suffered its
greatest possible loss in Levi Gen-
eral's death.

INDIANS' INDEPENDENT MOVEMENT Liable To Collapse As Result.

Canadian Press Despatch.
Brantford, June 29.—It is believed
in circles here in touch with the Six
Nations that the death of Buffalo
Chief Levi General will prove a
knockout blow to the independent
faction which viewed him as leader.
General was undoubtedly the brains
of the movement, which demanded
through the league of nations that
the sovereignty and independence of
the Six Nations be recognized, a move
which failed.

Otherwise, however, the movement,
restricted in its nature, may proceed,
although the remaining leaders will
not talk. These were undoubtedly
grievances, but some of them have
been redressed and with regard to
the actual observance of the letter
of agreements with the Six Nations
Indians, many of the later day gen-
eration believe in fewer rather than
more restrictions.

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greatest possible loss in Levi Gen-
eral's death.

Associated Press Despatch.

Los Angeles, June 29.—A severe
earthquake shock rocked Los An-
geles at 6:43 o'clock this morning.
The best dressed lodge file and drum
bands, and numerous foot races and
other sports.

Associated Press Despatch.

The only other celebrations in
Ontario west of Hamilton this year
will be those at Brussels, Kitchener,
and London, and thus it is
expected that 100 or more lodges will
participate in the Orange walk here.

Associated Press Despatch.

Buffalo, N. Y., June 29.—Mrs. Eliza-
beth V. Higgins, wife of William Hig-
gins, sister of Michael Kelleher of
London, Ont., died suddenly
Thursday night at her home here, No.
327 Hoyt street. Mrs. Higgins is also
survived by one daughter, Dorothy
E. Higgins, another brother, Richard
Kelleher of Hastings Ont., and by
four sisters, Mrs. Alex Kirkcaldy and
Mrs. M. Lonerger both of Peterboro,
Ont., Mrs. Earl F. Day of Gile, N. Y.,
and Mrs. Peter Butler of Livingston,
Montana. Funeral services were held
on Saturday morning in the Annun-
ciation church here at 9 o'clock and
interment was made in Holy Cross
cemetery.

Associated Press Despatch.

Whitby, June 28.—T. A. McGil-
livray, senior judge for Ontario
county, died here today, aged 68
years, after a short illness. He was
born in Whitby and received his ap-
pointment to the bench in 1912 as
registrar of the surrogate court of
Ontario county. His wife, two sons
and a daughter survive.

MAY SHARE COSTS AT HARBOR

London and St. Thomas Bodies
Move To Prevent
Closing.

EXPENSE OF \$800

Action Being Taken Today May
Result in Temporary
Solution.

Strenuous efforts being made by
the local chamber of commerce and
city council, and by analogous bodies
in St. Thomas, may result in the
finding today of a temporary solu-
tion of the problem which has arisen
at Port Stanley owing to an attempt
to have the harbor there closed for
the remainder of the season until
dredging operations are completed.

A meeting is taking place here this
afternoon between officials of the
Western Reserve Navigation Compa-
ny, which operates the Cleveland
steamer St. Ignace; R. H. Dowler,
president of the chamber of com-
merce; Mayor Wenige, H. B. R.
Craig, district engineer of the de-
partment of public works; J. E.
Richards, general manager of the L.
and P. S. Railway, and other inter-
ested citizens in an effort to iron
out the difficulties so that the dredg-
ing of the harbor may continue
without interruption to the schedule
of the Cleveland boat. Following the
meeting the whole party intends vi-
siting Port Stanley to look into the
situation on the spot. Arrangements
are being made to meet the mayor of
St. Thomas and members of the St.
Thomas chamber of commerce and
have them accompany the party.

Must Have Open Harbor.

Both cities have vital interests at
stake in the maintenance of the boat
service in and out of Port Stanley,
and the proposal to close the har-
bor is viewed by London businessmen
with something approaching consternation. President Dowler of the
chamber of commerce spent a large
part of Sunday in an effort to get
the tangle straightened out.

Meanwhile London faces the pos-
sibility of losing the Cleveland traf-
fic altogether as it is understood
that the C. P. R. have made a very
service Navigation Company, whereby
the harbor at Port Burwell would be
the Canadian port of call for its
vessels, which would mean that the
freight and passenger traffic
which is now handled by the London
and Port Stanley railway would go
through Tillsonburg.

P. G. Petersen, president and gen-
eral manager of the Western Reserve
Navigation Company, is in the city
today and is remaining over this
afternoon to discuss the situation
with local businessmen and officials.

Delay is Costly.

Existing difficulties in connection
with the navigation of the big steam-
er in and out of Port Stanley harbor
do not seem so great as to be incapa-
ble of solution at comparatively
small cost. The present trouble has
arisen, because when the St. Ignace
is at her slip the channel is so narrow
that it is impossible to tow out the
scows no disposition to depart from
the floor of the harbor. The delay
thus occasioned is said to cost the
dredging contractor large sums of
money for which no provision was
made in the contract with the do-
minion government. But if a tempo-
rary arrangement can be arrived
at for the next two weeks it is ex-
pected that the first twelve-foot strip
of the widening of the channel will
be completed, and this particular
angle of the problem will disappear.

But there is a danger, both to the
boat and to the pier, owing to the
size and weight of the vessel. There
are no fender piles alongside the
slip where the vessel docks, and the
result is that each time she ties up
there is considerable damage done to
the pier and also to the paddle boxes
of the steamer, which is a side-
wheeler.

The marine insurance companies
have refused to make good damage
to the vessel or cargo. It was
one reason why the Western Re-
served on page 6, column 4.

Associated Press Despatch.

Ottawa, June 28.—A total of 39
bankruptcies throughout the do-
minion during the past week is posted
in this week's Canada Gazette.

HOME GIVEN TO DIOCESE.

Hamilton, June 28.—One of Ham-
ilton's most beautiful homes, owned
by Harry B. Witton and located at
7 Ravenscliffe avenue, has been de-
voted to the diocese of Niagara as a
separate house for his lordship Bishop
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ALFRED GUNTHER
DIES SUDDENLY

Head of City Wholesale Firm
Succumbs At His
Office.

Alfred Gunther, head of the firm
of A. Gunther & Co., and exception-
ally well known in London as a com-
mercial traveller, dropped dead at his
office, 130 Carling street, shortly
before 10 o'clock this morning. He
had apparently been in excellent
health, but stricken with a sudden
heart attack, he was found dead by
his son, Arthur Gunther, before
medical aid could be given.

Mr. Gunther, who lived in London
for the greater part of his life, was
for many years a commercial trav-
eller for the district. He was born
in Germany 55 years ago, but came
to Canada with his parents when a
young boy. He commenced as a
traveller when 18 years of age and in
successive years acquired a host of
friends who looked upon him as a
true citizen, popularized through his
genial personality and irreproach-
able business methods.

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elective council as against the old
council of hereditary chiefs, and are
for wider education to enable the
Indian to stand side by side with
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eral's death.

Mr. Gunther was a prominent mem-
ber of Kilwinning lodge, A. F. & A.
M. He was an active member of the
London Bowling club, and an en-
thusiastic bowler and member of the
city's team. He belonged to Knox
church.

More than two years ago he com-
menced business for himself with his
son, Arthur, as his partner. The
firm was established as wholesale
agents for hats and caps.

Besides his wife, five sons, Roy of
Kitchener, Claude of Toronto, and
Theodore of London, and William,
home 75 Byron avenue, one brother,
Fred Gunther of Detroit, and three
sisters, Mrs. Adam Hendrick of Lis-
towel, Mrs. Martin Berger of Milver-
ton, and Mrs. Joseph Burns of Win-
nipeg are the survivors.

Dr. Cameron Wilson was called
soon after Mr. Gunther was found.
Death was due to an acute heart
attack, he said. An inquest was un-
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