

THE WEATHER:
MODERATE WINDS; FAIR.
SUNDAY—FAIR, MODERATE.

London Evening Advertiser

FOUR-PAGE ROTOGRAVURE
SECTION AND EIGHT COLORED COMICS
EVERY SATURDAY

62ND YEAR. NO. 24313

LONDON, ONTARIO, SATURDAY, JUNE 27, 1925.—THIRTY-TWO PAGES.

THREE CENTS.

BUY BEATEN ON FARES APPEAL

Convictions Against Five Home Bank Directors Quashed

FIVE-CENT FARE IS LEGAL FOR ENTIRE FRANCHISE PERIOD

Railway Board Holds That This Means Not Only Up Till March 8, 1925, But For Five-Year Period Thereafter.

JUDGMENT ENTIRELY ON LEGAL ASPECT

Fares in Bylaw 916 Repealed in 1922; Therefore, Law Which Revoked the Act of 1922 Could Not Restore Bylaw Rates, Board Finds.

Five-cent fares on city lines of the London Street Railway Company are legal. The company has the legal right to charge this existing rate of fare, not only now, but for another five years. Judgment handed down today by the Ontario railway and municipal board authorizes this rate. Action of the corporation of the city of London against the London Street Railway Company, charging breach of franchise agreement in failure to supply limited tickets at a rate of seven and nine for a quarter, is dismissed without costs, except that the city shall pay \$15 costs for law stamps. No law exists to force the railway company back to the old rate of fares. Interpretation of the Beck act shows the railway board to be of the opinion that this act, followed by the short city of London act of 1924, wiped out the books for all time the old agreement for seven and nine fares for a quarter.

Strictly Legal Finding.

A strictly legal interpretation of the law has been handed down. The city fought its case on legal grounds. The company argued legal precedent to justify charging five-cent fares. Moral rights of the city or company were scarcely touched on during the currency of the case. The whole fight hinged upon legal interpretation of the Beck act. The railway board has made a strictly legal finding.

Precedents cited by street railway counsel at the hearing by the railway court are given credence by the board's judgment. The interpretation act of 1914 showed "where an act is repealed, such repeal or revocation shall not save as in this section otherwise provided (a) revive any act, enactment, regulation or thing not in force or existing at the time at which revocation takes effect." The board supports this opinion.

Lord Reading Cited.

Judgment of Chief Justice Lord Reading is also cited and supported. The board holds in conclusion that there is no obligation whatever on the company to sell or keep for sale tickets as originally provided in bylaw No. 916, and that the company is not guilty of a breach of its agreement, and that the application must be dismissed.

The board's judgment came quickly, less than ten days after hearing of evidence at the county courthouse in London. Seven long pages of typewritten copy show the thoroughness with which the commissioners have considered every phase of the case cited during the hearing.

A new angle in the whole case question is the board's finding that cash fares of five cents may be charged by the company on March 8, 1925, and for such five-year increments thereafter, contingent on the city's not giving notice to take over the road one year before the expiry of any one of these five-year periods.

According to the board, the city lost its opportunity to secure reversion to a lower rate of fares because of flaws in the Beck act and subsequent failure to notify the company of intention to take over the road.

The Weather

FORECASTS.

Moderate winds; fair today, probably a few light scattered showers.

There are no important disturbances on the weather chart this morning.

Scattered showers have occurred from Manitoba to the maritime provinces, while in Saskatchewan and Alberta it has been fair and warm.

Temperatures.

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

Stations	High	Low	Weather
Victoria	75	50	Clear
Calgary	50	30	Clear
Winnipeg	60	42	Clear
Port Arthur	58	34	Fair
Perry Sound	62	40	Fair
Toronto	71	52	Fair
Kingston	66	52	Fair
Ottawa	70	50	Fair
Montreal	72	58	Fair
Quebec	72	58	Cloudy
Thunder Point	58	44	Cloudy
St. John's	62	46	Cloudy
Halifax	74	50	Cloudy

The highest and lowest temperatures recorded in London during the 24 hours previous to 8 o'clock last night were:

Highest, 63; lowest, 47.

The official temperatures for the 12 hours previous to 8 a.m. today were:

Highest, 63; lowest, 47.

Sun rises at 4:38 a.m., and sets at 8:04 p.m., standard time.

Barometric Readings.

Friday—8 p.m., 29.13.

Today—8 a.m., 29.18.

Finding In Full of City's Appeal

The complete judgment in the appeal of the city of London before the Ontario Railway Board to compel the London Street Railway Company to sell seven regular and nine limited tickets for a quarter is as follows:

This is an application by the city of London for an order requiring the London Street Railway Company to comply with requirements of the regulations lettered (D) and (R) of paragraph 25 of bylaw No. 916. This bylaw, which is virtually the agreement defining the contractual relations of the above city company, is set out at length in schedule A to the Ontario statutes of 1896, chapter 105—which enactment confirms the bylaw to the city of London and is effective in all respects.

Subsection D of section 25 of the bylaw provides (so far as it is necessary to recite for the purposes of this application) that the company may charge and collect from every person on the cars of the company a continuous journey, etc., a sum not exceeding five cents, a sum not exceeding five cents, a sum not exceeding five cents, etc., at the price of 25 cents for seven tickets, each ticket to entitle the holder to one continuous journey not exceeding five miles, and shall continue on Page 3 Column 4.

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Encouraging Tourist Traffic



WINDSOR-NIAGARA TOURIST ASSOCIATION MEETS IN LONDON.

Enthusiasm and action marked the fifth session of the Windsor-Niagara Falls Tourist Association, held at the London chamber of commerce rooms yesterday. Businessmen from all along the 251-mile concrete highway

came with optimism and ideas to support the new organization. Pictured above are some of the officers and members of the association that will boost scenic beauty and excellent tourist facilities of Southwestern Ontario and the Niagara peninsula.

The big, broad-shouldered chap in the center is Russell Kelly, Hamilton, honorary president. At his left, is Reeve J. D. McCamus of Paris. Secretary Wood of the London chamber of commerce and Mayor Wenige are shown just behind Mr. Kelly.

SOLDIER SETTLERS ARE DOING WELL

Bert Foyston Finds Majority of Men Are Well Satisfied.

Soldier settlers numbering 150 in the counties of Middlesex, Perth, Huron and Bruce all expect to do well on their farms this year, Bert Foyston, soldier settlement board supervisor, states. The boys all seem quite satisfied with the outlook this year, and expect to make some money.

Six of the seven immigrant families placed on farms given up by soldier settlers hail from Scotland, and are all making good, Mr. Foyston declared.

"There is one family of eleven on a farm near Walkerton who like Canada very much. All the families are happy, and feel sure that Ontario is the province of opportunity," said Mr. Foyston. "There is an average of seven to each family that we have settled in the four counties."

LONDONER ONE OF VICTIMS IN HAMILTON TRIPLE MURDER

Son Identifies Third Body As That of Samuel Chapman.

HERE 4 YEARS AGO

Woman Finds Guessem Sight When She Enters Apartment Room.

Samuel Chapman, 43 years old, formerly of London, has been identified as the third victim of a triple murder, which mystified Hamilton yesterday.

Chapman's body, along with those of two foreigners, William Buda and Mary Lufatuck, was found yesterday morning in an apartment on Ferrie street, Hamilton. The skulls of the victims had been crushed in with some blunt instrument, and the bodies bore evidence of a brutal attack. The features were almost unrecognizable.

The bodies of the two foreigners were identified soon after their discovery, at 9 o'clock by a sister-in-law of Buda. The identity of the third victim remained hidden until late yesterday afternoon, when Chapman's sixteen-year-old son cleared up the mystery. Chapman had been missing from home since Wednesday, and the son, reading of the crime, informed the police. At the morgue he identified the body as that of his father.

Moved Four Years Ago.

Chapman's son, William, told the police, according to reports from Hamilton, that his father had been drinking heavily lately. It is thought that he went to the apartment in search of liquor.

Chapman resided in London until about four years ago at 87 Becher street. For some time he was gardener at the By-on Sanatorium. He was also employed at the Empire Brass Company and Vulcan foundry for a time.

He was a patient at Brant hospital, Hamilton, after moving from London.

Upon his discharge he became the proprietor of a small grocery store at the corner of John and Pictou streets, Hamilton. He resided in that city at 429 John street north.

His family here described him as a very moderate drinker while in London. He was highly thought of by his associates and those who worked with him. He was a member of St. James' Anglican church. He was a powerfully built man.

Members of the family in London were deeply shocked at the tragedy. They could offer no explanation of how he came to be in the death apartment.

Mother Lives Here.

Besides his widow and son, he is survived by his mother, one sister, and three brothers. His mother, two brothers and his sister are all residents of this city. His father, John H. Chapman, died several years ago.

His mother, Mrs. Catharine Chapman, resides with her son William.

Continued on Page 3, Column 2.

Will Step Out In Two Weeks

Canadian Press Despatch.

Halifax, June 27.—The Armstrong administration in Nova Scotia, so decisively beaten at the polls in Thursday's provincial general election, will remain in power about two weeks, according to information given out this evening by Hon. E. H. Armstrong, who was defeated in his own constituency, and saw only three of his supporters elected to a house of 43 members.

"Two weeks should give us time to clean up the work of the departments and make ready for our successors," said the premier.

Concluding a lengthy judgment in the appeal of Richard P. Gough, who was vice-president of the bank, Chief Justice Mulock says there is nothing in the evidence to justify any charge against him of dishonest or improper conduct. "He seems to have believed in the integrity and capacity of the president and general manager and to have relied upon the information (which later proved to be untrue), which was given by them to him as to the bank's position, and was thus misled. He has no reason to doubt the truthfulness of the president and manager, and therefore, though misled by them, he was guilty of no negligence," said the premier.

Mr. Justice Hodgins' decision in the case of J. F. M. Stewart finds that the evidence failed to establish negligence or knowledge of false and deceptive statements.

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APPEAL COURT QUASHES CONVICTIONS AGAINST FIVE BANK DIRECTORS

Were Found Guilty at Recent Trials by Judge Emerson Coatsworth.

MAJORITY JUDGMENTS

Directors Still To Be Tried On Crown's Conspiracy Charges.

Canadian Press Despatch.

Toronto, June 27.—Convictions registered against directors of the Home Bank of Canada by Senior Judge Emerson Coatsworth under bank act proceedings instituted following the failure of the bank in August, 1923, were quashed by the first appellate division of the supreme court of Ontario in judgment handed down this morning.

Those convicted were R. P. Gough, Toronto, vice-president; C. A. Barnard, Montreal; S. Casey Wood, Toronto; J. F. M. Stewart, Toronto; and C. F. Smith, Montreal.

In each case the judgment handed down is that of the majority of the court, that of C. A. Barnard and J. F. M. Stewart being written by Mr. Justice Hodgins. Chief Justice Sir William Mulock wrote judgment in the case of Richard P. Gough, and Mr. Justice Smith in the appeals of S. Casey Wood and Clarence F. Smith. The names of the dissenting members of the court were not disclosed.

The directors have still to be tried on the conspiracy charges brought by the crown.

The sentences were: C. A. Barnard, 18 months, plus 6 months indeterminate; Richard P. Gough, 1 year, and 1 year indeterminate; S. Casey Wood, 6 months, plus 6 months indeterminate; J. F. M. Stewart, 4 months, plus 4 months indeterminate; and Clarence F. Smith, 6 months, plus 6 months indeterminate.

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