## Listeners Thrilled by Testimony of Politicians and City Officials During Fifth Ward Murder Hearing—Questions and Answer

BURTH WARD MURDER HEARING IN QUESTIONS AND ANSWERS

You come around to my past seven temorrow morn-led before and I will go with all right. Mr. Mayor," and to my table with Mr. Stern and fr. Opponlieim. The next morn-but half-past ten, Sunday mornent down to the Mayor's house on enus, near Pacific avenue, in At-ty, The Mayor was in his dining bits shirt sleeves, having heart his shirt eleeves, having breakthe porch to entertain me for a few until the Mayer came out. When tes until the Mayor came out. When stayor came out, he said, "Mr. Stern, we read this letter. It is awful. It urrible; did Judge Gordon write that herrible; did Judge Gordon write that dier?" He said, "Judge Gordon can't righten me." He said, "Does McNichol inow that you are here with this letter?" said, "No." He said, "Don't you think had better tell him?" He said. "I "I want this published." He said. You I better tell McNichol about this letter. because I have a certain arrangement and agreement with McNichol regarding changing the police in the Tierd District, and the publishing of this letter will interfere

call Senator McNichol up on the telephone yourself. He is right down here in Atlanyourself. He is right down here in Attentio City, and he doesn't live very far from you." He said, "All right." Come in with me while I telephone." So the Mayor and I went into the Mayor's cottage. We went to the heavy of the into a small room, which he explained to me was the children's breakfast room and closed both doors-no, he closed one door and left one open, and these his brother Joe came and closed the other door, and spoke to somebody outside on the porch. Then he called Senator McNichol's r use up on the telephone. He said, "Is that you, Jim?" Then somebody answered. He said, "This is Tom 'Smith." He said, "Stern is here with air awful letter," he said, and I told thin you had better know about it. This letter is awful, and I don't want it published." So he said, Stern is sitting right, alongeide of me. Then he said, "Seern" he said, "Senator Mc-Nichol wants you to come up there." Then he said, "All right good-by." Then he he said. "All right good-by." Then he said, "Here is the letter; he wants you to bring the letter up with you." So I left the Mayor's house, and as I was leaving. I noticed Congressman Vare and his family on the front porch, and I left the Mayor's house to go to Mr. McNichol's house, and I took a litney. I arrived at Senator Mc-Nichol's house within about ten or fifteen minutes. The Senator sald-

Q. It is not permissible that you shall state what Sanator McNichol said to you. What did you do with this letter when you got to Senator McNichol's? A in ac-cordance with the instruction of the Mayor, I showed that letter, to Senator McNichol. The Senator read it and said, "Give me that

letter." He retained the letter.

Q. Now, did you see the Mayor again between that time and the night before election? A. After I delivered the letter to Senator McNichol, the letter in my opinion having been the property of Mayor Smita away from me and told me to see you. He asked me not to have it published, but will see you tomorrow morning in your office, in accordance with the arrangement Maurer came to the door I live on Spruce you have with him." At that time Construct, east of Sixth on the south side. Mr. gressman Vare was on his porch and i and had the publication stopped.
Q. It was to have been published? A
Yes, sir. around to the editors of the various papers

Q. Mr. Stern, you came to Philadelphia. evening. Did you go to City Hall? A.

Q. Did you see Captain of Detectives
Souder? A. I. saw Mr. Souder. I do not
think he is daptain of detectives
Q. Well, maybe I did not give him a sufdently dignified title. A He was captain

Q. Well, he is a detective? A. Yes, sir Q. He is connected with the detective dertment of the police? A. Yes, sir. Q. Did you have a conversation with m? A. I did.

Q. What did he say to you? A. I went in to see him, and I believe Detective Welsh was in there and Detective Lastrange. They were laboriously writing something on pieces of paper, and I went into a corner of the room where Detective Souder has his deak, and had a low, intimate conversation with him. I asked him if his men were ready to make a report to the Mayor tomorrow morning, because to the Mayor tomorrow morning, because the Mayor was going to have a meeting in the morning with Senator McNichol on police conditions in the Fifth Ward. He says, "Yes, we are getting the report in shape now, but we haven't got time to complete it." "He will have at least enough to give him a chance to take some action tumorrow." I said, "Captain" —, I called hm captain because he had been captain —, "do you find that the conditions that we told you about in the Fifth Ward are —, "do you find that the conditions that we told you about in the Fifth Ward are true?" He says. "You did not tell me half enough about the conditions." He says. "We find them worse than you stated, and the Mayor will have the report on Monday morning."

Q. Did you see the Mayor again to talk with him before the election? A. No. sir. I did not see the Mayor, but on Tuesday night.

Q. Then you did not see the Mayor up until the night before election? A. Until the night before election.

Q. The next morning, tell us of the occurences in the ward as far as they re-lated to the police and assaults upon citi-sens? A. T. e next morning I was awak-ened by Mr. Carey. He came down to my I went around to the different poll

Q. Tell us what you saw at these polling places, if there was disorder, and who were the participants and what took place. A. The first polling place we went to was the tenth division, which is at 486 or 434 Lombard street.

Q. Who was with you? A Mr. Carey and Mr. Maurer.
Q. The assistant district attorney? A. Yes, sir.

Yes, sir. 1.

Q. Tell us what occurred. A. When we got there it was just about 7 o'clock, and we saw a need-ber of noisbemen there and they arresped Mr. Michael, the judge of election, and neveral of the man. We got into the polling place about quarter past given. There was a lot of disorder caused by the pollicamen.

Q. They were in plain clothes? A. Yes,

Q. They were in plain clothes? A. Yes, sir.

Q. How many of them were there? A. There must have been fifteen there.

Q. De you recall the names of any of them? A. No. sir. I cannot.

"Q. What occurred A. I received word about fifteen minutes past seven that some men were arrested at the Third district station house. Mr. Carey and, Mr. Maurer and myself went down to the Third district station house and I believe we took Magistrate Stevenson with us. At any rate, when we got there. Magistrate Stevenson was there. We had received word the day before there would be a lot of wirrants issued that day, said about quarter past seven the various police of the Third district were bringing in election officer after election officer.

Q. And you and Carey and Mr. Maurer were there? A. Yes, etc. Q. And Mugistrate Stevenson? A. Yis. Q. Did you get them all released? A. Yes. We got all released that came in while we were there, but others were ar-Q. While you were there, you got suy

thirty to forty men, got them released? Q. Can you say again with approximat

accuracy how many of those thirty or forty were election officers? A. I couldn't say, but I would say nearly half of them. Q Did you talk with Bennett other than what you have said? A I said, "Lieutenant, why do you serve these warrants today? You know these men are around here all the time. You know these men are lifeiong citizens and residents of the ward. You could have gotten them yes-terday. You can get them the day after election." He said, "I am attending to this

ice." So I had to stay outside.

Q. What next did you do? A. Then I went down and a man named Hilferdy and man named Spicer were arrested in the st division. We procured their release. sald, "Well, Mr. Mayor, you better sent them down to the first division, where hey had come from, and we started on tour of the ward

Were they officers of the election;

Q. You started on a tour of the A. When we received word at The or Fourth and Lombard that there was trauble in the First division, which was on Front street, north of South, Mr. Carey, Mr. yelling there and I heard the husky voice Mr. Flynn, the election judge, whose be I know well. I heard him saying, bet go of me, let go of me," and I looked

side. I knew he was the judge of the election, and I saw Officer Luney, of the Third district, in citizen's clothes, have him backed up against the wall by the throat Luney is a much taller mun than Flynn and Flynn is not a very strong man. I saw Luney take this election officer Flynn away, and I saw a man named Quinn, a man named Redmond, and a man named Alexander Boyd, and one or two others whose names I do not recall now, snatch he ballot box from the First division, take it outside, where Mr. Isaac Deutsch, the Vare candidate for Select Council, was in an automobile with his brother, Sam Deutsch, and with another brother, Jake Deutsch. 1 don't remember who else was in that automobile, and Deutsch spoke up in the ma-chine and he said. "Youse fellows hold your election out here, hold a curbsione rump election. Get the ballot box, stand on it, and make your nominations." Quinn and Redman and Boyd-Q. Are they policemen? A. No sir. Q. Is Quinn? A. No sir.—nominated

Q is Quinn? A No sir - nominated each other. I don't know how the election resulted. But they walked in with the protectie of the police in passection of Senator McNichol, the letter in my opinion having been the property of Mayor Smith and he having intrusted that to me. I went back to Mayor Smith and I said "Mr. Mayor, Senator McNichol took that letter dway from me and told me to see you. He asked me not to have it published, but inishing my breakfast, Mr. Carey and Mr.

Carey said, "Let's go over to the— Q. You cannot tell that. A. We went over to the Eighteenth division, which is on So we street, on the south side of Spruce petween Sixth and Seventh, As I valked up toward the polling place, about naif way between the polling place and the corner, Mr. Deutsch and his brother and

was signed by a man named Edward

Abrams. Q. You cannot tell their thoughts unless they expressed them. At I went down to the station house and I was released. Mr. Maurer and Mr. Carey were down there and had been released. I walked back, all of us went back to the eighteenth division.

Q Do you know James Clark? A. Yes,

Q. Did you see him at that time? A. I saw James Clark some time that morning on De Lancey street, spoke to him, but he

Q Go on with your itinerary. A. We got back to the eighteenth division, where I was taken from 'Mr. Carey stayed there a few minutes. He said, 'Go on, we will go from you. I was inside the rall then, in the bouse sergeant's room. He said, "You around to the sixteenth division." I started to the fixe out of there; that is only for the position with Mr. Carey. When I got half way with Mr. Carey. When I got half way between De Lancey street and Spruce street on Sixth street at a small street called Cypress street, Mr. Carey said —

Q No, never mind what he said. A. Then I walked back and I—
Q. How far away? A. About sixty or eighty feet, and then around the corner twenty or thirty feet, and I was standing east of Sixth on Spruce street. In three or four minutes I heard men and women r four minutes I heard men and wemen or four minutes I heard them yelling murder, police and help. I ran toward Sixth street, and as I did I saw a man running up Sixth street with his hands back of his coat, and several men were giving him chass, and just as he rounded the corner. of Sixth and Spruce streets two or three men grabbed him and I put my hands on him and I grabbed him, and one of these policemen grabbed him by the wrist with one hand and took a gun out of his pocket with the other and broke the gun and took it away from him. That man I afterward identified as Mascia.

not know, butor a little longer—I was excited there—Mr. Carey came along, being held at the collar by the colored policeman, whose name I did not know up till that time. I had beard it, but didn't associate it with this man, his name is Hayden, and he came to the patrol box at the corner of Sixth and Spruce, opened the box and rang for the patrol. says. 'What is the matter?' He says, "I got Carey under arrest and going to get the patrol." Well, Mr. Carey was standing there. He had a wound on his head. The necktie and coat and vest and pants and shoes and was down on the pavement. I said, "This man is in no condition to be ticken in a patrol wagon," I says, "Here is an automobile. Take him in that."

Q. The man who shot Eppley" A 1 do

He insisted on going in the automobile with him. He says, "I will go with him in the automobile," and he took him to some hospital, and then he stayed there and went down to the station in an automobil o make sure that Mascia was properly detained, because the gunman was released the night before without his identity hav-ing been established by the lieutenant and the officers of the district, and I wanted to make sure that this man would not escape. I got there ahead of Mascia. I says to Magistrate Stevenson, I raid, "Judge, they are bringing a man down here. The police are liable to let him go. Carey is in a serious condition. I want to swear out a warrant for him and I want you to hold BY MR. GORDON. this man without bail to await the result of Carey's condition."

I didn't know a policeman had been shot then. I just had signed the affidavit and

all his friends were around there in an automobile. Mr. Murphy, the special officer Mascia was led in by the policamen, who caught him on the corner of Sixth and Spruce streets, one of whom had a wound automobile. Mr. Murphy, the special officer and Mr. Wirtschafter.

Q. These two defendants? A. These two defendants walked up to me and said, "I got a warrant for you." I said, "You have? Let me see the warrant?" And Mr. Hand, given to him by a blacklack by one of the men, and I said, "This is the Murphy I think pulled out the warrant and I was charged with perjury and subornation of perjury on the oath of a man named I was charged with perjury and subornation of perjury on the oath of a man named to give this one man a chance to get away." and just then some other policemen, who caught him on the corner of Sixth and Surve as the caught him on the corner of Sixth and Surve as the country of the men, and I said, "This is the warrant. I said, "Now, I want to be sure this man is held without bail. I don't want to give this one man a chance to get away." and just then some other policemen, who caught him on the corner of Sixth and Surve as the country of the men, and I said, "This is the warrant. I said, "Now, I want to give this one man a chance to get away." and just then some other policemen, who caught him on the corner of Sixth and Surve as the country of the men, and I said, "This is the warrant. I said, "Now, I want to give this one man a chance to get away." and just then some other policemen, who caught him on the corner of Sixth and Surve as the country of the men, and I said, "This is the warrant. I said, "Now, I want to give this one man a chance to get away." and just then some other policemen. with another man, whom I have since identified as Costello, and I looked at Cos-tello, and then somebody said, "He was in that crowd, too. He was in that crowd

here that officer was shot." That was the first I heard of an officer eing shot. So I looked at Costello and I coked at Maccia and I noticed they both and white ribbons in the second buttonhole of their vests. I said, "Judge," addressing Magistrate Stevenson, "see these white rib That is the mark of identification. These men belong to the same crew. I want you to add this man Costello in that warrant." So Costello was added in the warrant, and then word came that the officer was at the Pennsylvania Hospital wanted both of these men taken troi wagon.

Q. What was done about these white rib bons" A. Why, the police wanted them, but I said, "No, I am not going to let the wollce have them. I want Magistrate Stevenson to have them," and I raised a fuss and Magistrate Steve: In took ther and kept them.

Q. What policemen wanted them? whoever was there, Judge. I don't remember.

Q. They were taken by the magistrate Q. And you went then where? A. I went to the Pennsylvania Hospital.
Q. And saw whom? A. Well. Eppley

as dead when I got there.

Q. You did nothing there? A I did noth-Q. What was the next that you did? A.

Q. Was Lieutenant Bennett in the staon house when Miscia and Costello were rought there? A I can't say positively, udge I was excited. I do not recall that Q You were arrested that day in the

nanner you have stated? A. Yes, str. Q. And you were held for a hearing the ext day? A. I was told to appear at Magistrate Perach's office the next morning

Q. Did you appear there. A. At the o'clock the next morning I called Massistrate Persch up at his office. I know Magistrate Persch's voice well. I spoke to him over the telephone. I said, 'Judge, you issued a warrant for me and I was told to appear at your office at 10 o'clock today. Do you want me?" He said, "No, a lot of your people are here now, and I am di-charging them all right and left." he saland you will be discharged, too, but not today. You wait until next week. You won't have to bother about it. I have never

heard from that warrant since Q. As an atterney, you have stated that you were instrumental in releasing a num-ber of persons arrested on warrants of

Magistrate Persch. A. Yes, sir. Judge Beitler, but after a few questions, Judge Gordon offered in a letter written by Carey to the which was a long one, Carey went late de activity in the Fifth Ward, giving a liof policemen transferred I Bennett, and urged that this police activity

Samuel G. Maloney

Q. You were arrested yesterday on the harage, among other things, of conspiracy o murder a man named Eppley? A. Yes Q. In view of that serious charge against

Q. Are you represented by an attorney?
L. Yes; Mr. Daly.
Q. Have you been promised any imnunity for testimony—by the District Atorney or any one connected with his office?
L. No, etc.
Q. Have you have a proposed to the connected.

Q. Have you been promised any favor of cy by anybody? A. No, sir. Q. Do you know that whatever testimony you give may be used against you on a trial for the offense that you are now charged with, or any other that may be odged against you? A. Yes.

Q. So knowing and so advised by you Yes.

What is your business? A. I am a

Q. Connected with whee Val O'Farrel Detective Agency.
Q. What is your post? A. General Will you tell me and tell the court what you know as to the bringing of m from the city of New York to be used

the Fifth Ward at the last primary election Q. How many days before the election that? A I'wo days before the pri-

Q. On a Monday? A. On a Monday I had been to Chester in reference to some business with the Sheriff down there. I returned about 4 or shortly after 4 o'clock in the afternoon. I was accompanied by our manager, Mr. Richards. Shortly after I returned our stenographer brought into my office the card of Isaac Deutsch, Common Councilman of the Fifth Ward. I in-structed the girl to admit him. He came

into the office and, after being seated, said, "The boss sent me over to get eighteen men for the Fifth Ward." I asked him for what He said there were a gang coming down from the Tenth Ward to rough things for Carey and he wanted a lot of hasky men to stand them off. I asked him if he had the money to pay for it. He said no: that the little fellow-"

Q. What? A. That the little fellow would attend to that. Q. Who was that? A. Meaning Senator Vare.

Q. Go on. A. I said to Deutsch that did not have eighteen men, that our sere all working in the asymunition plants, named Sullivan for the purpose of secur

Q. Was Sullivan in your office? A. Suill van at ,hat time was in the office in the outer on .e. I called Sullivan in and intro dured am.

Q. To whom? A. To Deutsch, and in structed him to go to New York and get eighteen husky men. I also said to him, I want nobody hurt in the Fifth Ward. is our business is of more importance than came into our office. Among them were Magistrate Persch and Jimmy Clark, think. I am not quite sure about Clark and Sullivan and Deutsch held a conver-

Q. Apart from you or with you A. Apar

desk. I had returned from Chester, and I let them talk it out. It w ranged after a while that Sullivan—

Q. And who? A. And Sullivan, that

you, do you desire to testify in this case? Deutsch wanted the men to be in Phila-A. Yes, sir. van went to New York immediately to se ure the men.

Q. How do you know of that arrange nent between Deutsch and Sullivan? A. was present.

Q. What further was arranged as to the Q. What further was arranged as to the men and where they were to be taken, and who was to receive them, if any arrangement was then made? A. Clark then came in, or was in, I don't know, but I remember Clark—at that time Deutsch said he wanted Clark to take the men to the Fifth Ward on account of Clark's knowledge of the Fifth Ward, being a voter in the Fifth Ward. in the Fifth Ward.

Q. I ask you to pause there. Was Clark a your employment? A. Clark has been in ur employ for some time.

Q. What is his post in your agency? A. His position—we use him as a card (advertising the detective agency) in and around amongst the labor troubles.

Q. Now Clark was there? A Sullivar Q Now Clark was there? A Sullivan then went to New York and Deutsch sat down and talked a while. I will give you the conversation as I remember it. Deutsch said—no, Sullivan had not gone to New York. Deutsch said that most of the men in the Fifth Ward, his friends, were wearing hats, soft lands, and that the men who came from New York would have to wear a badge. I said, "What kind of a badge? For what purposs?" He said, "So that the cene will know them when they are hadge I said, "What kind of a badge. For what purpose?" He said, "So that the cops will know them when they are the cops will know them when they are brought into the station house, if they are brought in." I said, "If you put a badge on, that is rather conspicuous." "Well," he said, "let us put a ribbon on." So it was decided to put a white ribbon on the men who came from New York. Deutsch then took his departure, and I didn't see Deutsch again until the other day I saw him on the

sell I called at Senator Vare's affice Lincoln Bui'ding, some time about ne-thirty. Senator Vare was not in Finley.

Where? A. In Senator Vare's In the Lincoln Building on the

Q. When you went into his office w

of glove leather has gone up enormously ... Hence these points are worth! remembering:

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that's all you need Q What did you next do? Where did ou go? A. The next day I thought I had to know about a GLOVE



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