#### TAYOR SMITH HELD IN CONTEMPT: BOUND OVER FOR SUPERIOR COURT

I have Peer the property of th

Gordon insisted that the Mayor abide he subpoens which was issued by the peterday, ordering the original re-to be produced.

ask that the Mayor, Thomas B. Smith, the stand in accordance with the subus issued by the Court," he said. ormer Judge Abraham M. Beitler, of defense, said that the Mayor could not

be called upon to teatify for the Com-monwealth in a case where he himself was a codefendant. "Is it your defense," asked President Judge Charles L. Brown, "that production of these reports may incriminate the Mayor?"

indeed." answered Judge Beltler. Judge Gordon then cited several decis former United States Supreme Court fice Charles Evana Hughes of similar

Beitler stated that the District Attorney had copies of the report, and that he took the responsibility for the Mayor's

"We don't want copies," replied Gordon. We want the original."
Then, addressing the Court, he said:

"Your Honor, sitting here as a justice of the peace, has no power to commit this re-calcitrant witness, but I ask that he be bound over for contempt of court." Judge Brown assented, instructing the clerk of the court to make out a petition to the Superior Court to order the Mayor before the Grand Jury for indictment on the contempt charge. The Mayor was not adjudged guilty by Judge Brown, as first reported, this question being reserved for a higher court.

Magistrate George A. Persch, who has

Magistrate George A. Persen, who has been frequently mentioned in the testimony and who witnessed the receipt by Samuel G. Maloney of the \$1000 bili-alleged "murder money" for the "Frog Hollow" gunnen—was the first witness. Persch, a Tunnen—was the first witness. Persch, a
Vare follower, was decidedly nervous under
the grilling that he received. He admitted
to Gordon that he knew little or nothing
about the sixty-three warrants issued by
him for election day arrests of Carey followers and election officials.
Gordon showed Persch forty-five of the

warrants. The Vare magistrate admitted that they had been made out by persons be did not know, with the exception of a few of the warrants, but that he had signed them. Persch said the affidavits had all been sworn out before Constable "Eddie" Abrams, who is attached to the office of Magistrate Harry Imber, another Vare fol-

Most of the affidavits were turned over to Abrams, the testimony showed. Perseh "could not remember" whether Max Deutsch, brother of Isaac Deutsch, got any of the warrant. Wirtschafter got some, The forty-five Carey men arrested on the

morning of election day were kept in jail until the following day, when they were discharged.

Magistrate Persch denied that any of the sarrants were issued in blank. His mem-ry also was bad when he was asked who warrants were issued in blank.

ory also was bad when he was assed who had paid for them.

Persch corroborated the testimony given by "Sam" Maloney concerning the \$1000 banknote alleged to be the "murder money" for the gunmen. He said he saw Maloney receive it, and that Maloney had turned it over to him to keep for him. It was depos-ited by Persch in the safe at the German-American Title and Trust Company. He later withdrew it at the request of Maloney, and after an automobile trip to Maloney's house, mailed it to Maloney by special de-

A man named Hardy, he sald, was present at the conference in Maloney's house and heard Maloney ask that it be mailed to him the first thing in the morning.

PERSON UNDERGOES GRILLING In cross-examination Persch said he found District Attorney's Detective Joseph Mc-Clain in front of the German-American Trust Company Building when he arrived there the morning following his interview at Maloney's house. He said McClain saw him mail the envelope containing the \$1000 bill at Broad and Arch streets.

Mr. Gordon, questioning Persch again, attempted to draw from him an admission that he had seen Isaac Deutsch go to Ma-loney's office just before election day, as testified by Maloney. He was asked defi-nitely if he had sat in Maloney's private office with Deutsch a few days before elec-tion, when Maloney came in. He declared that he did not know the bill was coming to Maloney's office, although Maloney tes

tified that he and Persch had talked about "nay for the gunmen." Morris Cohen, son of Harry Cohen, a hardware merchant, at 250 South street, almost across the street from Deutsch's South street butcher shop, identified some of the blackjacks taken from gunmen, following their arrest on the day of the murder. He said they were bought the day before the murder, at 6 p. m., by two men, who were tall, broad-shouldered and good-look-He said they looked "like Amer-

One of the now-famous "Deutsch hats" was injected into the case when Mr. Gordon d one to the witness and it remained bar of the court beside the witness stand during the remainder of the morning The witness was asked if the men who bought the blackjacks had on such hats. He said they did not. The hat is a gray sckled cloth fedora.

The young man said the men bought eighteen blackjacks for \$13. They bought twelve at 75 cents each, four at 50 cents each and two at \$1 each. He said he gave weapons to the men in a pasteboard. One of the gunmen, in his confession, I the "jacks" were brought to them in Independence Square in a pasteboard fox.

He positively identified one which had had the weight beaten out of it in the attack on either Carey or Maurer, and which was found in De Lancey street after the murder. He was shown another, which he said he did not sell. Mr. Gordon said he weated record made of his failure to identify the weaten. tify this weapon. He was not positive in his identification of the handle of a blackjack which was found on the steps of a house near the Finietter Club soon after the at-

His father, Harry Cohen, corroborated

tack on the club the night before election. He said he thought this was the handle of one of the weapons he sold, but was not

MeNICHOL TOO ILL TO TESTIFY

It will be "some time," possibly several weeks, before State Senator James P. Mc-Nichol will be able to leave his sick bed and testify against Mayor Smith.

les three physicians appointed yesterday Judge Brown to examine Senator Mo-chol and report as to his condition gave a court their opinion just before the noon tess was taken.

the three physicians, Drs. J. C. Wilson, bart A. Hare and Charles S. Potts, were led to the bar of the court. Doctor Wil-vas spokesman. He said they exam-d the Senator at the home of his sen, at

ore street, this morning. our professional judgment that it is any condition of health to leave and attend to his work and move and he certainly is not in any conditionity without grave risk to his mid Dector Wilson, for the ware and the condition was ded to know if there were additive of Kenichol's being able

rector of Public Health and Charities Krusen, the Senator's attending physician. A pathetic note was introduced into the proceedings when Benjamin Yannowitz, a restaurant keeper at 417 Gaskill street, tes-tified that persecution from the Deutsch fol-lowers caused him to attempt to commit

Vannowitz, a native of Rumania, was asked if he had been persecuted in Rumania as he was in the Fifth Ward. "No," he replied. "No," he replied,
"Deutsch-land is worse than Rumania,"
sighed a wag, sitting on the sidelines."
"All I wanted was a chance to support
my wife and daughter," said Yannowitz,
who has been in America four years, "One
day a sergeant came to see me and told
me to enroll in the Deutsch club. I asked
him to taye we allow. Then they been him to teave me alone. Then they began making trouble for me. They sent police-men in the place and made all sorts of

ouble. I could stand it no longer."
"What effect did this persecution have
on you?" asked Gordon.
"I ran into the cellar," the witness re-"and tried to kill myself." Yannowitz, under cross-examination this

ifternoon, testified that Lieutenant Bennett told him: "You must turn in because we are the police, and you and Carey and every one must look to the police for pro-

William H. Schuman, clerk to Magistrate ersch, was severely questioned by Gordon, ut gave very little information about why Magistrate Persch issued so many warrants on the day before election. He developed a bad case of lapse of memory on most points regarding how the warrants were issued and why one, in particular, was writ-ten by Thomas B. White. Upon objection by Connor, Gordon said that he wished to show that White by marriage was closely related to a city official. The Court susained Connor's objection.

Ex-Judge Gordon declared his intention f reading into the testimony the statutes howing that the Mayor assigned the comnitting magistrates at Central Statio Charles M. Runner, clerk in Central Po-lice Court, testified that the only two times

Magistrate Harry W. Imber, a Vare follower, sat at Central Station was on

last two election days. City Hall was linked up more closel with the occurrences in the Fifth when Michael Levin, a Municipal Court officer, testified that Thomas B. White is a son-in-law of Assistant Director of Public

Works Joseph S. Baldwin. The six "Frog Hollow" "strong-arm" men under arrest were taken to the District Attorney's office from Moyamensing Prison today, to be introduced as witneases. A heavy police guard finnked this fraction of the original gang—Ruggiero Falcone, alias Vincenso Leoni ("Jimmy the Flash"); "Straight Louie" Brunelli, Free ("Whitey") Burkhardt and Michael Den ehy, the four men arrested in New York and Samuel Sgueglia, alias Jack Mascia, and Henry di Roma, alias John Costello who were caught here after the killing Sgueglia fired the shot that killed Eppley A stir was caused in the courtroom afte

the recess when the six gunmen, all held under murder charges, were brought into deputy sheriffs and a squad of policen accompanied the "strong-arm" men from the "Frog Hollow" section of the Bronx Many necks were craned for a good view of the prisoners.

GUNMEN SMILE IN COURT Each gunman was handcuffed to a deteclive. They were led to seats in the first feet of where the Mayor was sitting. The en appeared to enjoy the flutter of exitement that their entrance caused. They miled readily when a battery of photographers snapped their pictures. They "took in" all the testimony, making comments to

Following the entry of the prisoners the four corridors of the sixth floor of City Hall, where the courtroom opens, were cleared of spectators by the police. The six embers of the band of eighteen which "Sam" Maloney, Philadelphia manager of the Val O'Farrell Distoctive Agency, test fled he brought to Philadelphia on an order made by banc beutsch, sponsored by Senator Vare and Congressman Vare and with promise of payment by Select Council-

## JUDGE GORDON GRILLING MAGISTRATE PERSCH



The Magistrate suffered lapses of memory when questioned about warrants he had issued and what had become of the money paid for the issuing of these warrants.

## Fifth Ward Murder Plot Hearing Told in Questions and Answers

#### JUDGE BROWN EXPLAINS COMMENT ON BENNETT'S ASSUMING AN ALIAS

The hearing of Smith et al. on charges of conspiracy to murder, etc., growing out of the Fifth Ward murder and assaults during the primary, was resumed at 11 a. m. before President Judge Charles L. Brown. The gist of the fourth day's testi-mony, including verbatim publication of the most important evidence, stenographially reported, follows:

Judge Brown began by announcing that in questioning Lieutenant Bennett on Thursday as to why he had changed his name, he meant no reflection on the Jewish race nor upon Lieutenant Bennett. Mr. Connor thereupon delivered a culogy of Bennett, pointing out that he had received Bennett, pointing out that he had exercised a medal from Congress for distinguished service in the first battle of the war of 1838 in Cuba. He was in Cuba three days before the main American army. The attorney also said the lieutenant has other nedals for service in the Philippines.

Mr. Gordon: Whatever was said re pecting Lieutenant Bennett was justified by the position of his counsel, who refused to permit him to state his identity. It was your Honor's right to ask what his name was that we might know who the man was who was being heard here charged with this crime. His counsel directed him not to answer and tell his true name, and what-ever came upon him was the result of his

counsel's wrong advice.

May it please your Honor, I have heard
what was said about Lieutenant Bennett.
I do not know anything about those facts They may be true. My clients and the men who were abused and brutaily beaten at his instance are honorable men, married, with children, and with clean records, earned by integrity in this community.

May it please your Honor, I have the return of the subpoena to serve—
Mr. Connor—It might be interesting to know who these clients are. We have sub-

mitted Lieutenant Bennett-Mr. Gordon. I have the return of the subpoena which was served upon the Mayor of the city of Philadelphia. Gentleman, have you any answer to it? Will you produce

Beitler, No. Gordon, I ask that the Mayor of Mr. Gordon. he city of Philadelphia be aworn in response to this subpoena, or interrogated at the bar of the court.

Mr. Beitier. If your Honor please, yes-terday afternoon Mr. Thomas B. Smith was served with a subpoena requiring him to appear in this court this morning and give evidence on behalf of the Common-

We have taken the responsibility of advising the Mayor, or the defendant Thomas B. Smith here, that under the Constitution of Pennsylvania he cannot be required to give evidence on behalf of the Common-wealth in a case in which he is the defendant.

The Court. Your defense is that the proction of these reports might incriminate Mr. Beitler. No, sir. We do not say any-

thing of the sort.

The Court.—What other inference can be taken from that?

Mr. Beitler-You can draw any inference you please. We furnished the copy of the reports to the District Attorney. The Dis-trict Attorney has those reports. If the District Attorney chooses to make use of those copies, he can. We have a copy, and we purpose keeping that copy. The treat-ment that we have had from the District Attorney when we gave one copy to him makes us quite insistent upon our rights to retain the others, Mr. Gordon-We do not wish copies. We

want the original. May it please your Honor, I had this aub-

poena addressed to Thomas B. Smith, Mayor of the city of Philadelphia. The man before you charged with crims is Thomas B. Smith. As Mayor of the city, any records which he has in his possession are not his property. They are the property of the corporation of the City of Philadelphia and must be produced. I will read, your Honor, the latest authority upon this question. This case was decided in the United States Supreme Court in 1911, and the decision was by Mr. Justice Hughes

"The appellant held the corporate books subject to the corporate duty. If the cor-poration were guilty of misconduct he could poration were guity of missinguity and if he were implicated in the violations of law, he could not withhold the books to protect himself from the effect of their disclosures.

\* Nor is it an answer to say that the inquiry before the Grand Jury was not

the inquiry before the Grand Jury was not directed against the corporation itself."
Now, in this case, the Mayor of the city received from the Detective Bureau certain corporate papers, detectives' reports. They were given to him as Mayor of the city. The testimony before your Honor is that he is Mayor of the city and now has those corporate papers, and this subposna was served to compet the Mayor of the city to deliver in this court the corporate papers of the city of Philadelphia. I ask that Thomas B. Smith be directed to stand at the bar of the court to respond to the

at the bar of the court to respond to the mandate of the subpoena. Mr. Beitler. The Mayor declines to give evidence in this case.

Mr. Gordon. Under those circumstances sitting as a Justice of the Peace, you have no power to commit this recalcitrant wit-pess to prison summarily. If you had I would ask your Honer to do so.

The Court And I would do so.
Mr. Gordon. In the absence of that
power I mak your Honor to blad him over
for contempt of court in refusing to obey
the mandate of the subpoens, that he may
be indicted and tried for such contempt.

The Court I so direct

#### Mayor Ignores Subpoena; Held in Contempt of Court

T ASK that the Mayor, Thomas B 1 Smith," said Judge Gordon, "take the stand in accordance with the subpoena issued by the court.

Former Judge Beitler, counsel for the Mayor, sprang to his feet and strenuously objected. He said that the Mayor under the law could not be called upon to testify for the Commonwealth in a case where he himself was named as co-defendant.
"Is it your defense," asked Judge

ports may incriminate the Mayor?"
"No, indeed," answered Judge "We then ask the court," said Judge Gordon, "to bind the Mayor

Brown,

"that production of these re-

over for contempt of court and that he be held for trial on that charge." Judge Brown granted the motion,

of an appeal to the Superior Court to see whether he could not be forced to produce

#### PERSCH ADMITS CUSTODY OF MALONEY'S \$1000 BILL; ISSUED MANY WARRANTS

MAGISTRATE GEORGE PERSCH, who t was previously testified, was in the office of Samuel G. Maloney when the \$1000 bill arrived to be used in paying off the gunmen, was the first witness. In identifying a warrant issued by him for the arrest of 'Bat-tling Abe" Cohen, he denied more than casual acquaintance with "Constable" Eddie Abrams, and said his only knowledge of Q. Abrams's allegiance to Deutsch was from nett. hearsay. Persch's warrant book, introduced in evidence by Judge Gordon, showed that most of the warrants for the arrest of Carey upporters were issued by him and that the affidavits on which they were based were made by "Constable" Eddie Abrams. The witness, under cross-examination, proved ly forgetful as to who filled in the the warrants, what became of the

upon him to spur his memory, Persch admitted he noticed that most of the warrants were issued the day before election, and the following colloquy ensued: Mr. Gordon—Q. When you issued the varrants, did you inquire for what reason hey were issued the day before election?

Q. Don't you know that a large number of them were election officers and that you purposely issued them in order to have those

lection officers arrested on election morn-Not answered. Q. Were they not arrested on election morning and taken from the polls? A. No.

Q. Did you make any inquiry as to why Q. Ind you make any inquiry as to why such a batch of warrants were being asked of you just before election? A. No, sir.
Q. You didn't ask that? You knew Abrams very well? A. Not so very well. Q. Why didn't you inquire of this man why he was issuing so many affidavits charging crime the day before election? A. I done that in the regular way that all affidavits come into my office. I issued war-

Q. Mr. Magistrate, I ask you again, didn't issue these warrants in blank? A. No.

here. Who asked you for those warrants?
Well, I don't remember who they were.
Q. Who got the most of them? A. I think

Q. Did you give Officer Wirtschafter any? . I think he got a few. I couldn't say. Q. What about Uram? A. I couldn't say Persch gave testimony concerning the amous \$1000 bill as follows:
Q. Do you know Samuel G. Maloney? A.

Q. Did he give you a thousand-dollar bill? Q. When? A. On September 21, Friday. Q. What did you do with it? A. Took it the German-American Title and Trust

Q. Where were you when he gave it to ou? A. In his office, Q. Did you see Mr. Maloney receive it? Ves, sir.

What did he say about it? A. He Q. What did he say about it? A. He said it was a big bill, and he was going to New York, and for me to take care of it.
Q. Did you afterward get it from the trust company again? A. Yes.

Q. Did you know what it was for? A.

Q. Did Mr. Maloney telephone you at your house Monday night. September 247 A. Yes, sir. Q. Did he ask you to mail it to him? A. Yes, sir.

Q. And you did mail it to him? A. Yes. Q. The envelope in which you sent this \$1000 to Mr. Maloney from the trust company, did you address le? A. Yes. Q. The envelope was addressed all in capitals, in ink. Did you write it that way?

A. Yes.
Q. Why did you disguise your writing?
A. Maioney instructed me to do that, I What was the reason you disguised it?

Q. What was the reason you disguised it?
A. I had no particular reason.
Q. But it disguised your handwriting?
A. Question is not answered).
Moorts Cohes, who conducts a hardware store at 180 South street and who is alleged by the prosecution to have sold eighteen him blacks used by the gunmen in the limit word, followed Magazinate Free-fitting words followed Magazinate Free-fit

picked up by policemen after the murder of Eppley as ones he had sold to two men

wo days before election.

'The men to whom I sold the blackjacks were Americans," said Cohen; "they were very nice men and they acted very politely. They came into the store and acted as if they were in a hurry. My son and I waited on them. They bought twelve blackfacks They hought twelve blackjacks seventy-five cents each, four blackjacks fifty cents each and two blackjacks for te dollar each. The jacks that you show ne here are the same that I sold to these nen. I can't give a good description of the men, honest I can't

Harry Cohen, of the firm, corroborated this testimony.

#### FIFTH WARD AUTOCRACY "WORSE THAN RUMANIA," TESTIMONY OF RESIDENT

Benjamin Innevitz, formerly a soldier in he Rumanian army, who keeps a restauant at 417 Gaskill street, tostified to police ant at 417 Gaskill street, testined to police puression in the Fifth Ward as follows: Mr. Gordon,—Q. Were you a Carely sup-orter? Did you support Carely? A. Yes. Q. Did Sergeant Bookbinder come to you?

Q. Tell us what he said? A. Sergeant Bookbinder comes Sunday night between 11 and 12, and he said: "Ianovitz, I am a sert." I said, "Yes, very nice." He said, you know who make me a sergeant? boss; de you know who the boss— sch." He said, "The lieutenant wants see you Monday afternoon about

Q. What day in August was it that hame in? A. It was about the 12th. Q Did you go to see the lieutenant? A. I went at half-past 4 in the station house, and I found there Lieutenant Bennett and Special Officer Murphy, and they told me, "Ianowitz, there is a big fight between Deutsch and Carey.' Q. Who said that?

Q. A big fight between Carey and Deutsch? A. Yes, "we want you to work Deutsch? A. Yes, "we want you to work for Deutsch." I promised him "yes." Well, come with me in the club," and he took me in the club, the Deutsch Club, Lieutenant Bennett and Special Offic Murphy and I want there in the club and they looked for Deutsch downstairs. They they looked for Deutsch downstairs. They, didn't find him downstairs and they took noney paid for issuing them and other de- | me to the second floor, and found him there Time and again Judge Gordon called on the second floor. Deutsch, and they him to spur his memory. want you to do something for me, to wor want you to do something for me, to work something in politics." I answered him, "I am not a politicianer, but I could note for you." "Well," he said, "No, I want some more from you." "All right," I went home. In the evening he came into Rosenbaum. Q. When, the same day? A. The same day, in the night, with a paper, Rosen-

um and Haverick. Q. Rosenbaum and Haverick? A. Haverick, Ed.

Q. Who else A. Haverick's brother-inlaw, I don't know his name. He showed me a paper to sign.

Q. Who showed it to you? A. Rosen baum, to get me to sign a paper. I asked him what the paper was. He said, "I him what the paper was. He said, "I want to move the petitioner's polling place from Bush to another place."

Q. They wanted to move the polling place somewhere? A. From Bush to an-other place. I answered I couldn't sign this paper because Bush is a very dear friend of mine and I could not go against him. "Well," he said, "we will send you in prison if you don't sign the paper. Didn't you promise today at the Deutsch Club-promised him you will be with Deutsch?" "Yes. but I cannot sign no paper." Then I went out. After about 2 o'clock there came to me a boy from the Deutsch Clul and cold me that Deutsch wanted to see me in the club. I came there and somebody

there said, "Deutsch is on the second floor I came there on the second floor. I found eutenant Bennett and he took me third floor. There was there a man named Goldstein, who keeps a store on South street. He said. "What is the matter, Ianostreet. He said. "What is the matter, Ianovitz, that you are against us?" I said, "No." "Why didn't you sign the paper?" "Well." I told him, "I couldn't sign the paper because Bush is a very good friend of mine and I couldn't go against him." "Well, now, you say you will promise me that you will do anything for me?" "Yes, I can do nothing because they are all customer in my place part of Carpy's and I can do nothing because they are all customers in my place, part of Carey's and part of yours, and I couldn't mix in politics business, it will ruin my business."

Q. You said a part of your customers were for Carey and a part of them? A. Yes, and if they saw me mix in politics I would lose my business. The lieuten int said, "Aren't you afraid I would close up your whole business?" I told him the whole Q. You said a part of your customer said, "Aren't you afraid I would close up your whole business?" I told him the whole street was with Carey, the neighbors, and if they saw me work open for you and against Carey it will be against me. The lieutenant said, "If you are afraid of the people through the neighborhood I can send you four officers to protect you in case they do anything to you.

He says, "Go on, we want to do something," I say "No, I can't do anything more, only to give a vote for you, that's all," "Well, I show you what we do to you."

Q. Who said that? A. The lieutenant. Saturday night there came a sergeant with the officer and he searched the place—
Q. Who was the officer? A. It was a colored officer. Q. Do you see a colored man there (point-

ing to defendant Hayden)? A. This was he second week.

Q. He was not that first one? A. No There came an officer there and searched the place. The sergeant give the orders to the officer to stand there in the place, stand there in the place, and finally an officer comes to the takin he was there looking to the takin he was there looking

the stand. He identified two blackjacks, over by the table what the customer cats. customer asked me, "What's the mat-What took place here?" They couldn't stand it. They paid their meals and they leave. They said, "We won't stay here when we see the efficer there."

Q. How many customers said that?

A. It was about twenty or twenty-five.

- How jong did they stay there? A

Q. No; those officers looking at the cusners? A. He came in there every fifteen minutes, came inside and stayed inside, and stayed about fifteen or twenty minutes, and went out and came back inside, and stand outside. Sunday morning he brings the same officer and put him on there in the same place by the door, and was giving the same order, the same officer. In the afternoon they bring another officer. They change them always, and bring another officer. Finally I ask the sergeant what they have put here officers. "You are spoilmy business, and if you got any war-lock me up and arrest me and put me You will spoil all mine business

Q. Who did you say that to? A. I to dithe sorgeant. My wife says, "Well, it is politics." The sergeant say, "Well, if you know it is politics why Jon't you fix it up. You know the boss is Deutsch. Deutsch gives the order to the lieutenant, the lieutenant, the lieutenant. enant gives the order to us, and take away Q. Then this was a quarantine they had

n your place? A. Yes. Q. How many days did they keep that usrantine up? A. About two weeks. Q. Did they paste up anything on the-

The Court-Q. You said the sergeant said Deutsch would speak to the lieutenant, and the lieutenant then would take the quarantine off? A. Yes.
Q. Who said that, the sergeant? A.
The sergeant. I went out; I seen Rosen-baum standing outside. When he seen a

stomer coming in he gives an order. It will be worse than that. Don't you know you must be with the police? Nobody can streets station, of attempting to intimidate beat the police. The Mayor is with the police. We got an order from the Mayor to

get this Fifth Ward. If you are against us you see you lose all your bread and butter and we send you to Jail, too." The middle of the week I went on South street. See a couple of friends there. There was a man by the name of Auerbach, he was with Deutsch. I asked him if he car do anything for you. After I came back he met Lleutenant Bennett, and Lleutenant Bennet says, "I can't do nothing. You will have to see Deutsch." Next Saturday this officer here came.

Q. Which one? A. Hayden. Q. The colored man? A. Yes. He was in citizen's clothes. He came there, inside, and called me out and says, "Ianowitz, come and called me out and says, "lanowitz, come here in the yard. Why don't you go and fix up with Deutsch? Better go. You will find there Deutsch and the lieutenant." I refused to do it. He said, "Well, I have to stand here." A couple of customers there was beside me says, "Why don't you throw him out?" I says, "I can't do it because he is an officer. I can't do anything." Well you see, he was sitting by the table smoking

corn pipe. Q. Who? A. The officer. And they put their feet on the white tablecloths on the tables, this way.
Q. This Hayden? A. Yes. The custom ers saw them and they couldn't stand it. They all left the place, and I lose all my

You lost all your customers? A. Yes. G. Did you try to commit suicide? A. Q. When? A. That night when the offi-

cer was there. I looked for a gas pipe to take gas. I couldn't find the gas pipe, and took a giass of vinegar, a tea glass of inegar. Did a doctor attend you? A. He took me to the hospital. Then they brought me back to the station and put me in a cell,

nd in the morning I heard a hearing.
Q. What did they do then with you? A They discharged me,
Q. Where were you born? A. Rumania Q. Are you a naturalized citizen? The Court-Q. Did you ever have treatment of this kind in Rumania? A. What?
Mr. Gordon-Q. Were you ever freated
that way in Rumania? the Judge says. A.

No. sir. Mr. Gordon-If your Honor please, that a diplomatic question. You may examine, gentlemen. The Court—Before the cross-examination proceeds, I notice that the doctors who were appointed by the Court are here and

ready to make a report.

Doctors HOBART V. HARE, CHARLES POTTS and J. C. WILSON, who were ap-pointed by the Court yesterday to examine State Senator McNichol and determine whether he was physically fit to come in ourt and testify, reported to Judge Brow

court and testify, reported to Judge Brown that the Senator was a very sick man, and that it would take several weeks before he could be expected to leave his home.

When the hearing reopened at 2 o'clock, lanovits was recalled for cross-examination, Questioned by Mr. Connor, he told of a visit to the Deutsch Club when, he said, Deutsch and Bennett urged him to work against Carey. He was unable to name more than two customers who saw policemen put their feet on the tablecioths. He said, however, he found out their names, Witness denied he telephoned for a reporter before attempting suicide.

WILLIAM H. SHUMANN, clerk for Magcrate Perch, was sworn next, and was the system of accounting in the magistrate's file. He said the only record of the result of costs was the dockst and a bank cook. Mr. Gordon was especially anxious to learn how much "Constable" Abrams paid for the sleven warrants he received the day affore the primary and what became of the

was permitted to fill out several warrants, Mr. Gordon sought to prove that White was related to a City Hall official, but after objection by Mr. Connor, desisted. Charles M. Runner, clerk at Central po

ce station, was then sworn and testified

hat Magistrate Imber sat there on primary

Mr. Gordon called the attention of the Court to the fact that it is the Mayor who assigns the Magistrate for Central Mr. Gordon then obtained permission of the Court to bring the six prisoner-gunnen into Court, so that witnesses might identify

Michael Levin, a court officer, was ther called, and testified, despite Mo. Connor's law of Assistant Director Baldwin, of the Department of Public Works.

GUNMEN BROUGHT IN COURT At this point the gunmen are brought into ourt and indentified by Mr. Taulane, after

which the following occurred:

Mr. Connor. May I inquire whether
there men are here new, charged with the
rime of murder, have had counsel appointed for them or not? I understand this is a right which those defendants have, asrobably ought to exercise before anybody nterested in this case holds a conversatio with them. I understand that counsel his case is now engaged in talking will them, and they should be at least apprised that they have the right to petition the ourt for the appointment of counsel.

Mr. Gordon. You do not represent them?

Mr. Connor. You do not represent them

my more than I do. I did not attempt in ny way to talk or converse with them. Mr. Gordon. I have.

Mr. Connor. But as a citizen, I am in-terested in the law being enforced. I do not know them, but they have a right to have counsel. I never saw them before Edward F. Grenves, assessor of the sec-

lled me and he says:

"lanovitz, this is only a sample for you. ond division, Fifth Ward, then took the stand and accused Policemen Uram and ilm into assessing several negroes from a certain house despite the fact that the roprietor of the house said they did not ve there. He also told of an encounter with Uram

ater, as follows: We started to the Finletter Club. On our way out Spruce street a foot shot out is front of me. I looked around and Uran said, "What are you looking at-you-" and used a very vuigar expression. I said "Nothing," and started across the street. As I stepped off the curb he punched me I was about to go back, but Levin said. "Hold you head."

### RABBI RESENTS JUDGE'S WORDS; AN EXPLANATION

Court adjourned until Monday.

Dr. Krauskopf Replies to Remark From Bench-Brown Denies Reflection on Jewish Race

Rabbi Joseph Krauskopf, of Keneseth Israel Synagogue, one of the most eminent Hebrew scholars in this country, took ex-ception to the remarks made by Judge Charles L. Brown about the Jews in the Fifth Ward murder conspiracy case yester-day. He resented the statement of Judge Brown in which the latter said that the lowest type of Hobrew sometimes assumed an Irish name to commit crimes that no Irishman would commit.

The remark was made after the Judge asked Police Lieutenant David Bennett for his real name, which the Judge believed to be Steinberg.

"I do not know Police Lieutenant Bennett" said Dector Krauskopf. "Neither do I know that he is a Jew. But I would like to answer Judge Brown's statement by re-ferring him to the records of the criminals confined in the penitentiary. Let him com-pare the percentage of criminals who pro-feas the Jewish faith with those who do not. I am satisfied that he will find the former very much in the minority.

"Upon arriving in this country, they, hav-"Upon arriving in this country, they, having no conception of what freedom and the privilege of citizenship really mean, fell into the hands of petty politicians who used them to their own advantage.

"A lot of our own people fall into the clutches of these petty politicians and do their dirty work."

Judge Brown, from the bench, today anon had been misconstrued. He said; "My remarks yesterday afternoon were misconstrued. I had no intention of criticis-ing the Jewish race. I have all my life been a student of the Bible, and I wouldn't for anything in the world cast a reflection upon the Hebrews of the city or of that race in this country. Unfortunately, every race in this world has officers of the law.

#### THOUSANDS WATCH FIRE FOUGHT AT LOFTY HEIGHT

Thousands of persons in the streets tod sy watched four men who are working on the statue of William Penn fight a fire which had started in the scaffolding built around the statue. When the fire, which was caused by a defective insulated electric light wire, started, four of the six men at work slid down to the base, ducked in the windows and procured buckets of water. They formed a chain and passed the water up to their courades, who firew it on the scaffold. The men bloked to larger than dotte as they went about nutting out and Thousands of persons in the streets today

## VARE GETS PHONE CALL FOR \$100

"Miss Sullivan" Asks for Money to Get Brother to San Francisco

SAYS "PART OF FRAME-UP"

Burns Detectives Learn Woman's Identity and Take Her to Head. quarters in Chicago

A tinge of mystery was added to the

Bloody Fifth's" controversy today, when h was learned that Senator Vare had been requested by a Miss Sullivan, of Chicago, wire her \$100, in order that her buther might get to San Francisco, The mysterious Miss Sullivan made the equest by long distance telephone. The Senator told her he did not care to have anything to do with either her or her

prother, and immediately informed Captain

of Detectives Tate and District Attorney Rotan of the matter, In commenting upon the mysterious can oday, Senator Vare said, "One of the boday, Senator Vare said, One of the Burns Agency's men was in my office when the call came in, After a great deal of trouble I got a clear connection and listened to the strange request. The Burns man who was here managed to trace the all and immediately got in touch with the gency's Chicago office. Burns agents there scated the woman and took her to head quarters, where I believe she is under privellance, although I haven't heard any.

hing more about the matter." Asked how he could account for the strange call, the Senator said, "It's just mart of the general frame-up started by Maloney and his advisors, which will be ischosed later. Floyd Emory Goodrich, the man arrested

Chicago because he resembled the Mike Sullivan in a general way, was leased today by the Chicugo police, acording to Captain of Detectives Tate. The Detective Bureau learned this after oon that the woman who telephoned i tor Vare was Mabel Hedges. It is that she went to Chicago from Philadelp n order to clear the mystery surround er, the local detectives are questioning Philadelphia.

#### Girl Held for Jewel Theft

Victoria Kaczmarek, seventeen years old, 29 Norfolk street, New York, was hald awalt regulation papers from New York Magistrate Watson at the Central Sta tion this morning charged with larceny of jewelry valued at \$2000. According to the New York police, the girl was employed as a servant by a family in Flatbush, Brooklyn, and the jewelry was missed when she left the employ of the family.

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Brown, Gun Metal Calf and Black kid; Pearl Grey, Champagne, Ivory, Bronne, Tan Russian Calf, Patents, Gun Metal and Glazed Kid; Welted and attends soles; sizes I to S and A to E in the

OTHER \$1.98 to \$5.95 Women's Satin \$ 1.98

Long Vamps, High French heels; in Pink, Blue, White and Black; sizes I to S. A to E. 2000 Prs. Women's High Cut **Military Spats** All the wanted 98c shades and in white.

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SHOES \$2.95 Pearl Gray Kid, Gun Metul, English Walking, Calf Button, also Patents,
Gun Metal and
Binch Glazed Kid;
welted and stitched
soles; all sizes and
A to E in the
assortment,

\$2.95 Children's School Shoes Gun Metal and Palog o tents, right shape last; sizes 5 to 8. Sizes 81.59 Sizes 1179 to 2 \$1.79

Boys' School Shoes Gun - metal colf \$1.69 viscolized soles; sizes 91/2 to 131/2; and 1 to 51/2, at \$1.98.

