EVENING LEDGER-PHILADELPHIA, MONDAY, OCTOBER 29, 1917

MAYOR'S FIGHT FOR FREEDOM HEARD TODAY IN COURT

Continued from Page One

angala" He attacked the evidence sub-mitted at the hearing before Judge Brown, which he declared was unconstitutional with the Judge sitting as a committing magia-

Boside the charges named in the warrant. r Smith also is bring held for con-of court and misbehavior in office. Mayor tempt of accused with him in the murder remepiracy and other charges are Select remepiracy and William E. Finley, a prominent Caincilman William E. Finley, a prominent Vare-Smith leader; Common Councilman Isaac Deutsch, of the "Bloody Fifth"; Po-lice Lieutenant David Bennett and Police-men John Wirtschafter, Michael Murphy, Lewis Feldman, Emanuel Uram and Ciar-

ence Hayden, a negro, ence Hayden, a negro. Each of them is accused of murder con-spiracy in connection with the death of Acting Detective George A. Eppley, who was shot and killed by imported New York strong arm" men in the primary election on September 19. They were held by judge Brown for the action of the Grand the four first named being held or \$10,000 ball each and the five police-being held under \$5000 ball each neel for the defense immediately went Jury. before Judge Martin, asking for a writ afore Judge orpus, thereby transferring the sail to Judge Martin's court.

ball to Judge Martin's court. The argument to test the legality of the hearing before Judge Brown was sched-uled to begin at 10 o'clock this morning before Judge Martin in Room 296. City Hall.

Mayor Smith was one of the first defendants to reach the courtroom. He was followed by his counsel, Colonel Sheldon Ho was followed by his content, content Sheldon Potter, former Judge Abraham Beltler and James Ecarlet. Less than twenty feet from where the Mayor sat was his son, Davis Smith Page

For a time it was thought that the entire For a time it was thought that the entire hearing would have to be continued be-cause the writs of habeas corpus, which were in the custody of the Sheriff, could not be found. Sheriff's Solicitor George Russell said that the writs had been mislaid, but he produced the returns, showing that the write existed. Mr. Taulane would not accept these, however, and before argunot accept them. However, and before argu-ment was started new writs had to be made out by Clerk Sol Malsberger and signed by Mr. Russell, From 10 o'clock until after 11 o'clock Mr. Russell searched

for the original papers. "Fine, fine," replied the Mayor when he

was arked about his health. At 11:15 o'clock, an hour and a quarter after the time set for the openings of the hearing. Ephralm Lipschutz, representing the law office of Representative John R. K. Scott, requested that a continuance he granted in the cases of all of the defend-ants excepting Mayor Smith and William E Finley until Friday morning.

He gave as his reason for asking the entinuance that William T. Connor, also of Mr. Scott's office, who represents these defendants, was busy in the court of Judge Davis in conection with the contest of the momination petitions of the Town Meeting

party CONTINUED UNTIL FRIDAY

A continuance of the hearings of all of the defendants, excepting Mayor Smith and William E. Finley, was granted until Fri-day morning on the request of Mr. Lipschutz. The court then announced that the caros of the Mayor and Mr. Finley, would be argued at once. The argument began at 11:30, with Assistant District At-torney Joseph H. Taulane arguing for the nonwealth.

Former Judge Beitler, speaking for Mayor Smith and Mr. Finley, objected to an argument in their cases different from ther defendants. He asserted that he had not had an opportunity to go over the evidence and testimony with Mr. Co-aor, and that he would like to have argument Smith and Finley write p until Friday, when all of the writs could be argued collectively. Mr. Taulane objected to a continuance and asserted that the cases of Mayor Smith and Mr. Finley are different from those of the other defendants

Judge Martin finally announced : "Well, I'm ready and we will go on with that argument, unless there is some other reafor objection.

There was some discussion as to whether the court should accept as official the stenographic report made during the hearing before Judge Brown. The court finally raled that the notes would be acceptable.

CALLS HEARING ILLEGAL Arguing for the Mayor, former Judge

asserted that the hearing before Brown was unconstitutional, and, , that there was not sufficient evi-Judge

this afternoon Mayor Smith was absent. The policeman and Isaac Deutsch were also

Registration Commis Registration Commissioner William A. Carr, chief of counsel for William E. Fin-ley, opened the session with the assertion that nothing in the law sanctions the trial of an innocent man-that it is easy to charge a man with a crime but not easy sioner William cause him to be tried to cause him to be tried. He said the writ of habeas corpus, such as that on which he was arguing, was for the protection of any accused man and that it required the Commonwealth to prove the

charge, CARR'S ARGUMENT

No evidence was produced to show that

Mr. Finley ever spoke to any official of the city or to any police officer with re-gard to the Fifth Ward primary election event. Mr. Carr said:

event. Mr. Carr said: The only testimony, he declared, that cor The only testimony, he declared, that con-nects Mr. Finley with the case was in a few lines of testimony by Samuel G. Maloney. He said that Maloney testified that two days before the primary election Deutsch came to him for the engagement of men to be used in the Fifth Ward election. He said Maloney testified that he might be able to get them from New York for Mr. Deutsch. But that if he did, they must not be put to an unlawful use. Stern. an unlawful use

Carr said that Maloney testified further

an unlawful use. Carr said that Maloney testified further that he sent for them, and after the thugs were in the city went to the office of Con-gressman Vare and there the following con-versation took place: Maloney asked Congressman Vare If he would be responsible for the order which was left at his office for eighteen men. Mr. Carr said this was in the presence of Mr. Finley and that Maloney's testimony was further to the effect that Congressman Vare told Maloney that Deutsch had plenty of money to pay all bills and there was no doubt that he would pay them. The attor-ney said Maloney claimed on the witness stand that Finley followed him to the cor-ridor from Congressman Vare's office and told him there that he need not worry about money, that Deutsch had lots of it. At this point Mr. Carr argued that Ma-loney and Finley were then discussing de-tectives and not gummen; that nothing was said in their conversation to show there was to be a misuse made of the men to be sent into the Fifth Ward. The charge of compiracy against Finley has utterily failed, declared Carr, in con-cluding his argument. He culogized Mr.

cluding his argument. He culogized Mr. Finley as a man whom Philadelphia loves and as a man of great achievements.

"The Commonwealth," he said, essfully attempted to prove that Mr. Fincesarin'y attempted to prove that Mr. Fin-ley was the man who went to a bank and obtained a \$1000 bill for money in other denominations and the evidence shows clearly that Mr. Finley's connection with this case is just as slight as Judge Gordon expressed it in summing up the Commonwealth's case before Judge Brown." GORDON INTERRUPTS CARR

Judge Gordon, who was sitting inside of the railing, interrupted Mr. Carr by stating he did not say that Mr. Finley's connection with the case was slight, but had said there was less moral guilt against Finley than against all of the other defendants. "There isn't any question of Mr. Finley's nocence," said Mr. Carr as he sat down. Assistant District Attorney Joseph H. Taulane began argument for the Common-vealth. He was interrupted by Judge Marin, who asked:

"With whom does the Commonwealth arge these defendants complied ?"

hirge these defendants conspired"" "With all those charged with the crime Mayor Smith, his son, and secretary and rother, Joseph Smith, entered the court-

oom as Mr, Taulane began to define the laws of Pennsylvania dealing with conpiracy. "These defendants," said Mr. Taulane

were arrested on a legal warrant and later held by a magistrate who heard the evi-dence. The only feature for the consideradence. The only feature for the considera-tion of this court is to decide whether these defendants had anything to do with the crime they are charged with, and not the accuracy of the testimony given by witnesses at their bearing.

"The other side has overlooked in their rguments the main and principal chargenspiracy. Mr. Taulane then referred the court to

umerous conspiracy cases tried in Penn-ylvania, in different parts of the country and also in the courts of Great Britain. He pointed out how judges in England as well as in this country have ruled again and James

again that all persons in a conspiracy were just as guilty as the person who actually commits the crime, or brought about the death of one against whom a conspiracy were conspiracy to commit assault and battery

Big "Drive" Now on to Mobilize Kitchens

clergyman would. The only interpretation which could be placed upon the term in this connection, he declared, was that all of the power and all of the strength of the administration was to be borne down upon the political Continued from Page One

enduring the hell of the trenches cannot opponents. "How can a mayor go the limit without violating the Shern haw?"-he asked. Linking up the Mayor's various asser-tions, Mr. Taulane asserted that Stern met him on the Boardwalk in Atlantic City a few days after Mr. Carey's interview and told him then and there that he acted as he did in Harrisburg on his own responsi-bility, and that his, Stern's act, should not prejudice the Mayor against Carey. hold out if ill fed. The situation we have to face in Food Pledge Week is obvious. Either the stay-at-homes must save, so the soldiers may get their vital needs or the soldiers must go short so the stay-athomes may fatten. You must take your choice."

Again the Mayor against Carey. Again the Mayor reterated his assertion that he would "go the limit against Carey." and Mr. Taulane declared that this was the second time the Mayor had made this Starting the week with a swing, food administration headquarters announced the enrollment of 1,740.538 housewives by men's clubs and school children Wichita County, Tex., was the first county report. It wired early today that its

assertion and that it was made to two different persons. Mr. Taulane then took up the result of ntire quota of housewives had enrolled. Jeorgia reported a probable enrollment of .00 per cent before the end of the week. Mayor Smith's declaration that he would "go the limit" against Carey. He said there were seventy policemen in the Third District and that twenty-seven of this sev-New England headquarters wired it exsected to be completely enrolled by Wednes

would not interpret "going the limit" as a

enty were transferred. He also said that the information of the transfer of all of these policemen was contained in Carey's let HOUSEWIFE RECRUITS ter, which was delivered to Mayor Smith CALLED IN FOOD WEEK in Atlantic City on September 8 by Mr.

BENNETT ARRAIGNED BENNETT ARRAIGNED Mr. Taulane bitterly arraigned Lieutenant Bennett, of the Third district police atation, and referred to the report of Detectives Walsh and LeStrange, both of whom are attached to the staff of former Captain of

Detectives Albert Souder, who now is per-sonal investigator for the Mayor. Mr. Taulane said that the report of Le Strange and Walsh into the affairs Fifth Ward told many days before Eppley was killed that the ward was the scene o errorism of the worst kind.

"Detective Walsh testified." said McFarland. "that never before in his career as a policeman had he seen such police activity. The report of those men was subnitted to the Mayor."

Other cases of persecution by the pollo before the Eppley murder were mentioned by Mr. Taulane. One of the cases that he cited was that of the case of lanowitch. a restaurant proprietor, who attempted suiide after the police had persecuted him. In attempting to prove that the May ew what was going on in the Fifth Ward before the murder, Mr. Taulane mentioned a communication sent by Mercantile Ap-praiser/Carey to the Mayor. After read-ing the communication, which was the one referring to brutalities committed upon persons in the Fifth Ward, the Mayor, ac-cording to Mr. Taulane, said: "If that let-ter is true it is horrible."

Then Mr. Taulane, in a voice that could be heard in the corridor, asked: "What did the Mayor do? Did he take charge? No." The Mayor, continued Mr. Taulane, ap ealed to Senator McNichol to aid him it having Carey's letter suppressed.

SAYS BENNETT RESENTED WARNING

Mr. Taulane went into great detail with regard to the activities of the gunmen in the Fifth Ward the night before election. He said that Isadore Stern warned Lieu-tenant Bennett that the imported gummen were known to be in the ward, and that if any one was murdered or badly hurt the blood would be on Bennett's hands, but that Bennett got mad and told Stern he was not taking orders from him.

Mr. Taulane then told how Stern had elephoned Mayor Smith at Atlantic City, varned him there would be murder in the Fifth Ward if he did not come up and offered him a special train which he had procured to bring him here.

After reviewing the actions of Finley in the alleged conspiracy, Mr. Taulane at-tacked Mayor Smith for refusing to produce the original report which was made to hir by former Captain of Detectives Souder, the conditions in the Fifth Ward. Th original reports are still in the Mayor's

hands and the District Attorney has not been able legally to force him to give them up. Mr. Taulane concluded his address by reading from the laws establishing the Municipal Court and arguing and citing authorities on the right of judges of the Municipal Court to sit as committing magistrates of the peace. Edwin M. Abbott of counsel for Mr. Fin-ley, contended that Finley should not be

tried because there was no evidence suffi-cient to hold him. "Maloney lied in his testimony." said Mr.

Abbott, "and there is not one word of tes-timony to connect Mr. Finley with this James Scarlet, of Danville, of counsel

show that the Commonwealth's charge of

are assisting in every way they can.

"Fledge cards will be sent out from the city food committee to all the schools, so that by the end of the week every pupil in the Philadelphia schools will be taking me to the mother of the family a pledge

mer, should by this means be made even more complete."

tributed are the same as those sent out in the early days of the campaign for food conservation shortly after the appointment of Herbert C. Hoover as national food ad-ministrator. The pledge is addressed to the food administration and reads as fol-

food conservation for our nation, and I hereby accept membership in the United States Food Administration, pledging my-

The actual work of showing how practical food conservation can be put into effect will be done largely by the women's organizations of the city. These organizations have, without exception, taken an active interest in the campaign for con-servation, and there is no doubt that the results of the "Food Piedge Week" will be

Warrants Sworn Out for Twenty-ninth Ward Opponents of Town Meeting Party

Warrants were eworn out this afternoop the Town Meeting party for the arrest of E. Alexis Myers and Edward Newmark, of E. Alexis Myers and Edward Newmark, of the Twenty-ninth Ward, who are changed with perjury in connection with the testimony before Judge Davis at the hearings conducted to test the validity of signatures to nomination petitions. The affidavit is signed by Charles todays The affidavit is signed by Charles Anders

gether with Albert Stailey, Leonard H. Weber and Wister S. Odenath, had

"The city school system is helping with

of 1408 North Eddington street. The defendants testified that Anders, toto forged signatures and that their signa-tures as afflants were forged.

Cincinnati Artist Tells Police She Feared Parent's Mental Illness

CINCINNATI, O., Oct. 29 .- Mrs. Min rva Connor, sixty-two years old, was shot and killed while asleep at 8 o'clock yesterday morning by her daughter, Edith, forty, an artist, but the tragedy was not discovered until today, when Miss Connor called at police headquarters and told her story.

The daughter, fearing her mother would become mentally ill, told the police she had shot and killed her to prevent her suffering. Miss Connor will be examined as to her own mental condition.

Negro Draftees Leave Lancaster

LANCASTER. Pa., Oct. 29-Lancaster ounty's first quota of negroes for the setected army left here today, twenty-two in number. A big crowd cheered them at the railroad station and a number of young negro women went with them as far a? Columbia, all carrying flags.

TO TEACH TRICKS OF BOCHE

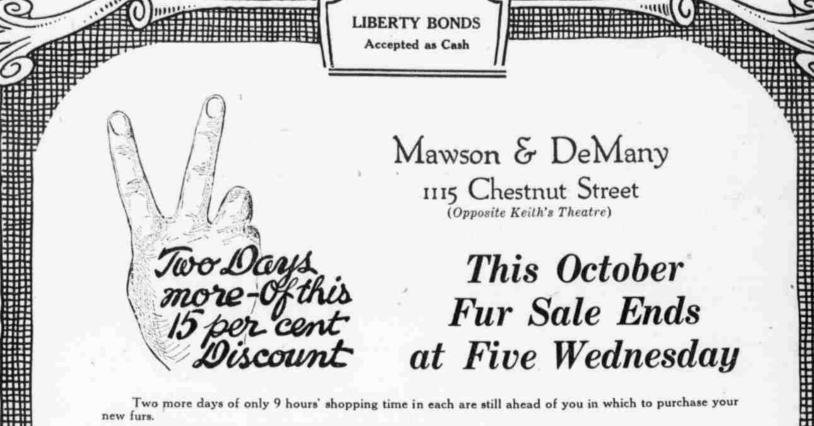
French Officers at Camp Lee Are Va guard of Twenty Instructors

CAMP LEE, Petersburg, Va., Oct. 28. Whisked from the front trenches direct to camp here, three French officers and two "non-coms," who arr.ved late yesterday, today set in to trime + national army m here to cope with latest war tricks of the Boches. All five wore bravery decorations. They are C who Jerome J. E. Toujan, 475h Prench Guitty: Lieutenant Emile Schluesing, field artillery: Second Lieu-terant Caude D. Donnean, First French Infahry: Sirrent Free M. Evan and Ser-valit Rene Peletan. They are the first of twenty All ed officers who will artive soon.

City's Rumanians Pledge Loyalty

Pledg s of loyally were sent to Presi-dent Wilson by the committee of Palla-delphia Rumanians entertaining Dr. Vasili Lucaciu head of the Rumanian mission to America. In an address at Metropolitan Hall. 715 Fairmount avenue, yesterday, Doctor Lucacin blamed flumania's d'saster on Russian polities.





a complete job of the thing by saving as well as spending. Dr. J. Bussell Smith, professor of economics at the Wharton School of the University of Pennsylvania and chairman of the food supply department of the com-mittee of public safety, is in charge of the local commalies. He was in consultation local campaign. He was in consultation this morning with heads of various organi-zations to the city with a view to systematiging and organizing the work that lie ahead.

he other day.

At noon today Doctor Smith issued the following statement regarding the work being done in Philadelphia:

Food will win the war. Biscults are as otent as bullets. The little lady who crapes the dishes and skimps at the orners in conserving the food supply of per family is doing every bit as much for incle Sam as the red-headed gunner who sent the first American shell over the lines on a "quiet" sector of the western front

ation is being asked to concentrate on the

matter of conserving the food supply in the battle to beat the Boches, Philadelphia is doing her part. The President has sounded the call to the housewives and the response

has been spontaneous. Having just finished doing her bit in the matter of Liberty Bonds, Philadelphia is standing by to make

complete job of the thing by saving as

the State and national movement to make this an effective week for food conservation ADMITS KILLING HER MOTHER as Mr. Hoover had planned. "Mr. Gratz, of the school board, and Doctor Garber, superintendent of schools,

"A letter is going out from the central office to each principal, urging him to have every teacher explain the food pledge to

card and a statement explaining what it stands for, so that our registration, in which you made such a fine mark last sum-

The peldge cards that are being dis-

I am glad to join you in the service of self to carry out the directions and advice of the food administrator in my home, in

far as my circumstances will permit."

This is food pledge week, and the entire

seen in the eventual winning of the war by the forces of democracy

CHARGED WITH PERJURY

to hold the Mayor for the Grand Jury

In rehearsing the political fight between Mercantile Appraiser James A. Carey and "Ike" Deutsch for Scient Council, he Carey declared that the Fifth Ward was amply policed on the day Eppley was murdered and that there was no evidence to show that the Mayor had anything to do with

with bringing over these men from New York," he said. A tribute was paid to Eppley's bravery

by Mr. Beitler.

"The district embracing the Fifth Ward was amply policed and everything was lone to protect the residents," he said. There was testimony given that Deutsch visited the offices of the Val O'Farrell De-betive Agency about October 17 to see There Samuel G. Maloney, and that Deutsch returned and negotiated for the services of eighteen men to do some work in the Fifth eighteen men to do some work in the Fifth Ward. There was also testimony that afterward a man named Clark told Deutsch that the men who were coming here would not break the law. And Deutsch repHed: "Exactly so." He also didn't seek to violate

Judge Beitler recounted the testimony of ladere Stern with regard to Stern having met the Mayor on the Boardwalk at At-lantic City about the middle of August. when Stern said that the Mayor asserted he would be against Carey and that "he would go the limit." Mr. Beltler said Mr. Starn took the letter written by Mr. Carey, in which complaint was made of the con-duct of the police of the Third District, to Mayor Smith on September 8. He referred to the fact that Stern and Mayor Smith met in a cafe that night and that the Mayor told Stern to some to his house in Atlantic City the following morning.

THE CAREY LETTER

In the meeting the following morning In the meeting the following morning. Beitler said, Stern testified that Mayor Smith had told Shern that his brother had read the letter and "it was awful." The Mayor then told Stern to take the letter and show it to State Senator McNichol. Mr. Beitler laid emphasis on the fact that no names were mentioned in the Carey letter of complaint to Mayor Smith except the name of Mr. Stern and the names of a

the name of Mr. Stern and the names of number of policemen and firemen who had been transferred. He read various points from the letter, which starts with the mis-treatment of citizens by the police, and which also condemns the transfer of police-

men and forements the transfer of police-men and foremen because they refused to "turn in" for Deutsch. Isadore Stern, when told today that former Judge Beitler was attacking his isstinony in his efforts to gain a decision from Judge Martin in the habeas corpus proceedings, declared Mayor Smith told him many things in addition to those he testithings in addition to those he testi The final sector of the sector

mis of between \$50,000 and \$60,000 per

This conversation took place on that Memorable evening about August 15, when Mr. Stern had sought out the Mayor on the surdwalk at Atlantic City to appeal to him stop police persecution of Fifth Ward litens in an effort to thwart the candiof Jumes A. Carey for Select Counc was on this occasion that. Stern testi-before Judge Brown, the Mayor said as against Curey and would "go to "against him. Den court reconvened et. 1:89 s'clock

had been formed. nd murder. No sufficient evidence has bee EVIDENCE OF CONSPIRACT rought forth by the Commonwealth to hold the Mayor as a coconspirator." Mr. Scarlet then argued in an attem Mr. Taulane asserted that the testi

howed that Carey was to be defeated by the Administration going the limit. This showed the conspiracy, he asserted, and that punishment should be meted out to bringing the eighteen "Frog Hollow trong-arm" men to this city. "Your Honor, there isn't a scrap of testi-mony in existence implication the state of the state o

reading from it and the State Constitution on the duties of the Mayor. He commented upon the transfer of special policemen into the Third District and asserted that the Mayor was very much interested inat winter in the passage of the Salus transit bill, that the Mayor had caused this bill to be

introduced in the Legislature, and that Isadore Stern was supposed to have in-curred the dislike of Mayor Smith through tething he did in connection with this bill Following this, he said the testimony

showed that Carey went to Mayor Smith and asked his support of his candidacy for Select Council before filing his nomination papers. When he appeared there, the Mayor refused that support, Mr. Taulane said the testimony showed. Mr. Taulane then asked the court what

need there was for Carey to ask the Mayor for his support unless it was because the Mayor could help him through his office, the ity officeholders in the ward and through he police

Mr. Taulane then said the Mayor had told Carey he was against him because he find caused Sterns's election to the Leg-islature, that he disapproved of what Stern did at Harrisburg and that there shouldn't be men of his kind in the Legislature. Mr. Beitier's definition of was taken up by Mr. Taulane at mit" this point.

Mr. Taulane then said the Mayor had A gripping story of the Secret Service love and adventure. "going the An officeholder, he said, undoubtedly ·THE DARK ROOM

onspiracy hadn't been conclusively proved. Judge Scarlet asserted that Mayor Smith ad been held up as the principal malefactor in this case since the murder sev eral weeks ago, but that the Commonwealth has to prove a conspiracy against him. He further asserted that the Mayor was no brought into touch in any way with police men or other officeholders in such a way t show that he had conspired. It was neces sary, he said, for the Commonwealth t roduce witnesses to show that he was" touch with city employes before he coul he convicted of conspiracy. Why did Germany hate Amer-

> ica before the war began? Read the answer ia Berlin Crittenden Marriott

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