

**ELECTION MAY DEPEND ON TEST IN FIRST WARD**

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of every newspaper in the city, both Democrats and Republicans, including the "Liquor Slush Fund" and the "Bloody Fifth" murder, and presented a new accounting totaling \$3126.85, covering the "liquor slush fund" investigation, and ending with July, 1917. This record covered pages 259-455 of his docket, according to the testimony. Up to page 258, it was testified, the cases were entered in chronological order, but in the 259 page many back cases were entered without regard for chronology and in mere skeleton form.

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end of Penrose's own Fifth Ward, including his own division, where Mr. Kendrick received but eighty-two votes and Mr. Armstrong 1986. This has always been a section which stuffed ballot boxes. The Republican voters of this city need have no concern. They had a good Republican victory, with clean votes, with some 10,000 to 12,000 majority. Penrose's crying over his defeat will urge the good active party workers and voters to continued action."

A feature about the soldier vote is that not even an unofficial report of how the men voted has been made, whereas in the city at large, a police return of the count has been made. This point was emphasized in all discussions of the soldier vote. Therefore, no real idea will be had of how the men voted in the encampments until after the official count has been completed at Harrisburg.

Independents, taking into consideration the fact that the councilman elections may ultimately result in preventing the Vares-Smith alliance from organizing City Council next January, declared that the scant plurality of the Vares-Smith combination in the city, a plurality which may be wiped out when the full returns of the soldier and sailor vote are received, represents in reality a moral victory for the Town Meeting party.

But the independents are not standing still with the thoughts of a "moral victory." This was indicated last night when Senator Penrose and Town Meeting leaders declared that the election in the city had been "stolen" and finally that the election would be contested in the courts.

W. Freedland Kendrick, Smith-Vare nominee for re-election as Receiver of Taxes, carried the city, according to the soldier returns, by a plurality of 8610, therefore he stands a good chance of surviving a strong Town Meeting vote among the soldiers. But it would not be at all surprising if the official returns and the soldier vote showed that James B. Sheehan and Frederick J. Shoyer, Smith-Vare candidates for Register and City Treasurer, respectively, had been elected and that Walter George Smith and William R. Nicholson, Town Meeting party nominees, had been elected.

Sheehan's plurality in the city was only 3670, and a change of 1909 votes plurality in the city was even smaller—2747. A change of 1499 votes would mean his defeat, and such a change could be brought about by a lessening of his vote

by one or two in every one of the city's 1336 election divisions, irrespective of what may be turned up by the soldier vote.

The re-election of Samuel P. Rotan as District Attorney is, of course, unquestioned. His plurality in the city was 143,558, and the soldier vote to be heard from represents only from 15,000 to 15,000 votes.

**46,934 DIDN'T VOTE**

An interesting if not peculiar feature about the police-reported city vote, a feature which is now under the most searching investigation, is that apparently 46,934 electors, who were qualified by registration to cast a ballot, did not go to the polls at all. According to the past history of politics, only from 15 to 18 per cent of the registered voters do not go to the polls on election day. If that percentage held good on Tuesday, then approximately 240,000 electors would have been recorded as voting. As a matter of fact, the police returns show that only 258,833 men voted, which is 13,167 fewer than those who, according to the average, should have been recorded as voting, and that number is more than enough to decide the election.

**Magistrate Held as Embezzler**

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questions put to him by Assistant District Attorney James Gay Gordon, Jr., who conducted the prosecution. Schuman declined to answer on the ground that it would incriminate him, and he was backed up in his refusal by Representative John R. K. Scott, counsel for Perch.

The accused magistrate, whose court—No. 7—is at 917 South street, was allowed his liberty on the bond entered when he was first arrested in District Attorney Rotan's probe of the minor judiciary.

Magistrate Perch's activities in March, April and May, 1917, were subjected to scrutiny in his records. A total of 225 discharges and 171 commitments of prisoners were offered as evidence.

**NO ACCOUNT OF FINES**

Magistrate Tracy, subpoenaed with his records, showed that in March-May, 1917, he had fined three prisoners, who, according to check-up evidence, later were released by Perch. Tracy testified that he had not received any of the money from Perch when they were released by the latter magistrate upon payment of their fines.

"If I had received the fine the record certainly would appear in my books," he said.

Magistrate Coward testified that he had committed a prisoner in April, 1917; that Perch had discharged him and that he had no knowledge of a return of the fine to him. Magistrate Medcary cited the case of six women, whom he had committed in default of fines in March-May, 1917, who later were released by Perch without any return being made to him. Magistrate Harris followed suit on the stand.

Representative Scott, at the opening of the hearing, went on record as protesting Judge Brown's sitting as a committing magistrate.

**REFUSES TO IDENTIFY DOCKET**

When Schuman, Perch's clerk, was asked by Assistant District Attorney Gordon to identify Perch's docket, the witness replied: "I refuse to answer."

"On what ground?"

"That it may incriminate me."

Mr. Gordon protested, saying that Schuman was not on trial. Mr. Scott interposed,

saying that he had advised the witness not to testify. He cited cases contending that secretaries and clerks are not required to testify about their employers' finances. He pointed to the "liquor slush fund" investigation at Pittsburgh as an example.

Judge Brown smiled and asked for the docket. After looking it over, he said: "If a fellow feels as nearly a crook in identifying this docket, then we won't press the question."

Mr. Gordon, however, pursued his quizzing of the clerk, who had been a militant witness when grilled on the stand by Mr. Gordon's father, former Judge James Gay Gordon, in the "Bloody Fifth" Ward murder conspiracy hearing. To all questions Schuman remained silent.

Announcement at the District Attorney's office that the investigation of the magistrate's records preceded the Fifth Ward

expose harmonized with some of the testimony given at the hearing. Perch, it was said, went to the Controller's office August 27—about three weeks before the "Bloody Fifth" murder—and presented a new accounting totaling \$3126.85, covering the "liquor slush fund" investigation, and ending with July, 1917. This record covered pages 259-455 of his docket, according to the testimony. Up to page 258, it was testified, the cases were entered in chronological order, but in the 259 page many back cases were entered without regard for chronology and in mere skeleton form.

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About 20,000 votes cast for Town Meeting candidates, or more than enough to elect them, were thrown away by Vares-Smith election officials because the electors wrongly voted the straight independent ticket and also for District Attorney Rotan, Republican candidate for re-election, according to Town Meeting leaders.

Twenty thousand is the majority by which the independents overwhelmed "government by murder," declared United States Senator Boies Penrose, calling for the opening of the ballot boxes.

"The fight to clean house in Philadelphia has just begun," he asserted.

The election court, which opened today for the official count, will be petitioned for a complete recount by Town Meeting counsel Saturday.

Further charges that the election commissioners appointed by Governor Brumbaugh to take the vote of Philadelphia soldiers and sailors in camp worked for the Organization, and that the returns caused steps to be taken today to ask the Federal Government to take a hand in counting the military vote. The camp vote, estimated at 18,000, will not be counted until November 22.

Meetings of watchers who looked after the interests of the Town Meeting candidates were held last night in many wards and divisions, and by tonight the returns in every division in the city will have been checked up.

On the basis of this return petition will be filed before Judge J. Willis Martin in the election court on Saturday morning for a recount of the ballots in every division where it can be shown votes were illegally discarded by the Vares election boards.

The procedure, according to Town Meeting party attorneys, will differ slightly from that ordinarily used in cases of election fraud, where appeals are made for the reopening of ballot-boxes. In such appeals it is necessary to file affidavits by five qualified voters alleging fraud.

Petitions must be filed within forty-eight hours after the opening of the election court, which convenes at noon today, to begin the official count of the ballot. That gives the Town Meeting party until noon Saturday to make its appeals.

In the present case the appeals, backed by affidavits, will be made on the ground that the returns show palpable fraud or error in that thousands of votes were cast out either through a misinterpretation of the law or in deliberate defiance of the statutes and the decision of the Supreme Court.

**PENROSE DEMANDS FINISH FIGHT**

Senator Penrose's statement demanding a fight to a finish was as follows:

Reports of the methods used in wards throughout the city to defeat the Town Meeting ticket indicate that if the ballot boxes are opened the ticket will be found to be elected by 20,000. By all means a searching investigation should be instituted and legal proceedings taken to expose and correct that fraudulent return. No methods were too desperate for the contractor-bund to employ to defeat the will of the people at Tuesday's election. Men who deliberately used gunmen and murder to carry the primary would, of course, not stop at anything to avert disaster and defeat at the election.

An especially careful scrutiny should be given the returns of the soldiers' vote from the camp. These votes were taken by commissioners owing allegiance to the Vares, with apparently wide-open opportunity for juggling. It is significant, not to say suspicious, that these returns have been held back while the result in the city has been in question.

If necessary, every ballot box should be opened in court and the light of publicity turned upon the election returns.

The fight to clean house in Philadelphia has just begun, and it could have no better start than by a thorough exposure of the fraudulent methods used by contractor government to resort to the tactics of gunmen to mob the Town Meeting party ticket in the election.

Congressman Vares, in a statement made at Washington, declared that the Vares-Smith ticket had won a clean-cut victory and that the election marked the "elimination of Senator Penrose as a factor in the Republican party."

In regard to Senator Penrose's suggestion that the ballot boxes be opened and a thorough investigation made, Senator Vares said today:

"The Republican Organization will join hands in opening any and all ballot boxes there is any question about. I suggest that they open the seven divisions in the eastern

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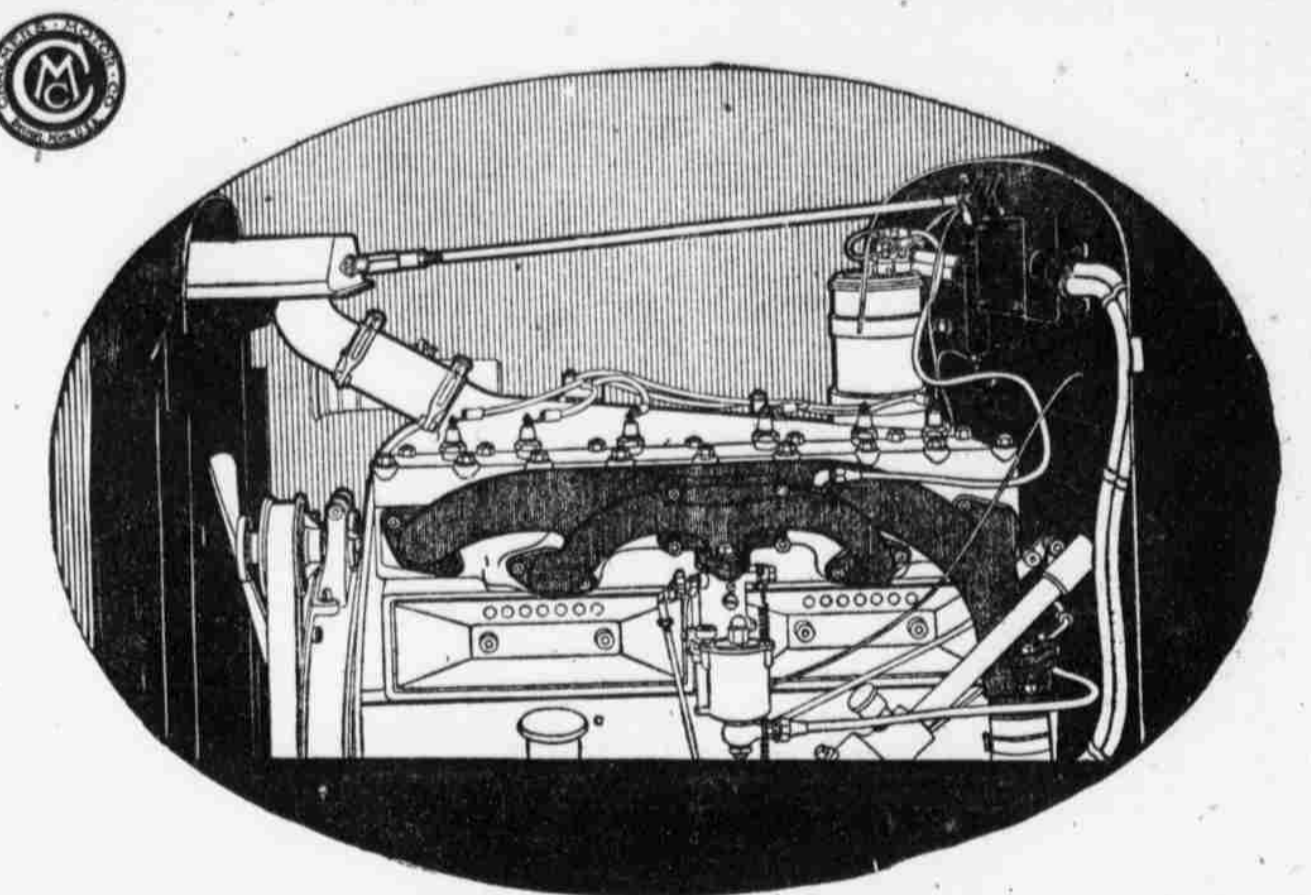
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