

THE WEATHER											
Washington, July 17.—Fair tonight and tomorrow.											
TEMPERATURE AT EACH HOUR											
8	9	10	11	12	1	2	3	4	5	6	7
70	70	70	70	73	71	72	72	72	72	72	72

Evening Public Ledger

**NIGHT
EXTRA
FINANCIAL**

VOL. V.—NO. 261

Entered as Second-Class Matter at the Postoffice at Philadelphia, Pa. Under the Act of March 3, 1879.

PHILADELPHIA, THURSDAY, JULY 17, 1919

Published Daily Except Sunday. Subscription Price \$6 a Year by Mail. Copyright, 1919, by Public Ledger Company.

PRICE TWO CENTS

SHERMAN CALLS SHANTUNG AGREEMENT TREACHERY; TRIAL DENIED MEN CONVICTED IN 5TH WARD CASE

LIEUT. BENNETT AND 5 OTHERS FACE JAIL TERM

Judge Head, of Superior Court, Announces Decision Overruling All Points Raised

ATTORNEY APPEALS TO SUPREME COURT

Gray Says Action Will Be Taken as Soon as He Studies Opinion

LIEUTENANT IS SILENT

Sentences of Men Range From Six to Eighteen Months and Fines

Six Policemen Guilty; Death Takes Leader

The Fifth ward defendants, whose conviction by the court at West Chester must stand, according to Judge Head, of the Superior Court, are: Police Lieutenant David Bennett, eighteen months in jail and \$800 fine; Patrolmen Michael Murphy, Emanuel Uram and Louis Feldman; one year in jail and \$400 fine each; John Wirtschaffer, a former patrolman who was dismissed later for other irregularities, faces the same sentence. Patrolman Clarence Hayden, a negro, six months and \$200 fine; Isaac Deutsch, the Fifth ward political leader, who was sentenced to two years in jail and \$1000 fine died several weeks ago.

Defendants in the Fifth ward murder case filed in their appeal to the Superior Court for a new trial. Immediately after Judge Head handed down a decision today, in which their appeal was refused, William A. Gray, counsel for the defendants, filed an appeal from the Superior Court verdict in the Supreme Court.

The defendants in the case are Police Lieutenant David Bennett, of the Moyamensing avenue and Dickinson streets station; former Patrolmen John Wirtschaffer and Patrolmen Michael Murphy, Emanuel Uram, Louis Feldman and Clarence Hayden. Hayden is a negro.

Ordered to Appear In the opinion handed down by Judge Head, the defendants are ordered to appear before the West Chester court to serve the sentences imposed.

Lieutenant Bennett and the patrolmen defendants were attached to the Third and Delancey streets station during the primary election campaign in 1917, which resulted in the murder of Detective George A. Epley on September 19.

All But Wirtschaffer on Force With the exception of Wirtschaffer, all of the defendants are still on the police force. A storm of protest arose when it had been announced that they would be retained on the city payroll after their conviction, but it soon passed when Director of Public Safety Wilson defied all criticism of his action.

Isaac Deutsch, Vard leader of the Fifth ward during that election, was also convicted to prevent a free and fair election by use of threats, force and intimidation. They were found guilty August 14, 1918, at West Chester. Application was immediately made for a new trial. This was denied by Judge House, January 6, 1919.

Bennett Gets Eighteen-Months Lieutenant Bennett was sentenced to eighteen months in prison, with a fine of \$800. With the exception of Hayden, the patrolmen were each sentenced to the year imprisonment and fines of \$400. Hayden was sentenced to jail for six months, with a fine of \$200. After the defendants had been sentenced by Judge House, at West Chester, on January 13, 1919, Director Wilson announced that the lieutenant and the five patrolmen would continue their duties and draw their pay until the higher courts had passed upon the case.

Wirtschaffer was dismissed from the force later for other irregularities. At the time he threatened to "expose" the whole Fifth ward case and all who were concerned in it. At that time he claimed that he had fifteen cents and no job. Two days later he turned down a good paying position. He had \$200 then. He never "exposed" the murder case. Lieutenant Bennett was informed of the action of Judge Head while he was at breakfast in his home this morning.

"He that sows," he said, without any



JUDGE O. B. DICKINSON

DEALER IN OYSTERS SANG AWAY SECRET OF NEAR-ELOPEMENT

Mother of May, Whose Other Name Means Love, Puts Ban on Wedding Bells

"My Wife's Dead and I'm Going to Elope With May."

This tune sung over and over again at the dinner table in Atlantic City last night by Edward Herbert, thirty-five years old, an oyster dealer of Philadelphia and Atlantic City, furnished the clue that prevented his marriage here today.

For the May mentioned was May Amour, nineteen-year-old daughter of Mrs. Sarah Amour, proprietor of the boarding house where he was living on Missouri avenue, and when May was found to be missing today, along with Herbert, the mother suspected that they came to Philadelphia, and followed them.

When the pair presented themselves at the marriage license bureau she had them arrested. Later, both were released.

The girl returned to Atlantic City with her mother. Herbert's place of business here is on Erie avenue near Eleventh street. He is a widower.

SHIPPING INQUIRY FAVORED

House Rules Committee Urges Probe by Special Committee

Washington, July 17.—(By A. P.)—Without a dissenting vote, the House rules committee today decided to recommend that an investigation of the expenses and operations of the Shipping Board and Emergency Fleet Corporation be ordered by the House. Democratic members urged assignment of the task to the committee on merchant marine, but the Republican committee insisted on their party leader's plans for a special committee of six members.

Early action in the House was planned.

BLACK CLOUDS HANGING LOW

Weatherman Hoots at St. Swithin's Legend—Says 'Twill Clear Soon

St. Swithin Bats 1,000 Against Weatherman

According to tradition, if it rains on July 15, St. Swithin's day, it will rain for the forty days following. So far the tradition has held true. The standing: W. L. Pet. St. Swithin 3 0 1,000

Wirtschaffer 0 3 0

Trot out your lanterns today if you don't want to trip over a traffic cop when you cross the street.

The weather man says that the heavy black clouds are going to hang frowning over the city for most of the day. "These black clouds," he says, "extend all along the coast as far as Savannah, Georgia, and it's raining along the whole stretch."

"St. Swithin's day? Forty days and forty nights of rain? Oh, I don't know! I can line up as many towns that had rain on Monday, July 15, and haven't had a drop of rain since. Pittsburgh, Cleveland and Knoxville, Tenn., and Pensacola, Fla., and a lot of cities in between had rain on St. Swithin's day and have been as dry as punk since. "Sure, we've been predicting clear weather.

"The weather is just about as willfully changeable as a woman's mind. But we confidently expect it to clear off sometime this afternoon."

Held on Counterfeiting Charge Mario E'Alonso, nineteen years old, 1843 South Carlisle street, was arraigned before United States Commissioner Manley in the Federal Building today on the charge of attempting to pass a counterfeit fifty-cent silver piece on a trolley car.

In the absence of government witnesses he was held in \$200 bail for a further hearing tomorrow.

JUDGE REFUSES TO DECIDE IN BEER TEST CASE

Dickinson, Favoring Government, Holds Matter Is One for Jury to Decide

BREWERS HAVE CHANCE TO WITHDRAW DEMURRER

Falling to Overrule, Verdict Is in Accordance With Court in Pittsburgh

SALOON MEN HARD HIT

If They Keep Open, They Do So at Their Own Risk, It Is Pointed Out

Declaring his opinion would not settle the law on the subject, and refusing to overrule or sustain the demurrer filed by the Bergner & Engel Brewing Company, in the 2.75 per cent "beer test" case brought by the government, Judge Dickinson, United States District Court, today held the case should be settled by trial.

In his opinion, which covers nine typewritten pages, he goes deeply into the subject at issue. He said he has read the opinions of Judge Andrews, of Boston, who recently held for the brewers in a similar case, through sustaining the demurrer, and also the opinion of Judge Thomson, of Pittsburgh, who gave the government its first victory by overruling the demurrer and holding the national defendants for trial.

Concerns With Pittsburgh Court Judge Dickinson found himself in accord with the ruling made by Judge Thomson, of Pittsburgh, for the government, in a test case against the Pittsburgh Brewing Company.

The court here gives leave to the defendant, the Bergner & Engel Brewing Company, to withdraw the demurrer filed to the informations and allows it to plead to the informations. Should counsel, former Judge Theodore F. Jenkins, not care to do this, the demurrers, the court holds, will be disposed of when the case is ready to be tried.

"The broad question upon which we are asked to express an opinion is what Congress do? Consistently with our expressed willingness to render any aid in our power to render, we should answer this broad question, if any good result would thereby be accomplished. We are, however, unable to see that any result would flow other than the expression of one more opinion on the subject."

"We have in our present system of law no branch which may be called advisory. Attempts are often made to secure the president of such opinions. They are often, however, judicial only in the sense that they are given by men who hold judicial office."

New York Case In this long opinion Judge Dickinson takes up in detail the argument had in the equity action in New York, where an injunction was sought by counsel for the brewers against the United States district attorney. The court sustained the demurrer pro forma. In Maryland, he recites, Judge Rose followed the precedent set by the New York court, independent of his personal and judicial opinion.

"There are now added," says Judge Dickinson, "to this list, rulings by the courts of different districts which are at least in form conflicting. If the constraining of this act at this time would lighten the labors or lessen the responsibilities of the Judiciary Department, or the withholding of a ruling would deprive the defendant of a right, the duty of now deciding the question we are asked to decide would be presented. We do not see, however, that it is before us."

The real question is one of pleading. Indeed, the line sought to be drawn by the defendant is so fine that the untrained eye has difficulty in following it. There is no criticism of the form of the informations. They, in apt terms, charge the offense as the act of Congress defines it. Giving the law the force of a statute.

Continued on Page Two, Column Two

PHILIPPINES MAY BE "DRY"

Legislation Plans Prohibition Law if Necessary

Manila, July 17.—(By A. P.)—The Philippine Legislature purposes the enactment of a prohibition measure for the islands in the event it is held that the national prohibition amendment recently ratified in the United States does not apply to the Philippines. This announcement was made today by legislative leaders.

The proposed measure, it was said, would be an exact copy of the act of the American government.



SENATOR McCUMBER

First of the Republican senators to call on President Wilson for discussion of the peace treaty and the league of nations covenant

CUT APPROPRIATION IN STATE \$1,007,436

Sproul, in Signing Bill, Breaks Record in Reducing Funds for Many Departments

DECREASES OWN EXPENSES

Harrisburg, July 17.—Governor Sproul in signing the general appropriation bill today made cuts of \$1,007,436.68.

The measure as passed by the Legislature totaled \$44,500,000 to cover the expenses of the state for the next two years.

Virtually every department is affected by the Governor's action, even the appropriation for the upkeep of the executive mansion, which was fixed at \$24,000 under Governor Brumbaugh's regime, being reduced to \$20,000. Not content with this the Governor slashed the item for clerk hire in his own department from \$50,350 to \$45,000.

Among the cuts made are: The Governor's reductions are the greatest ever made in this piece of biennial legislation. The department of public grounds and buildings was cut \$183,440, labor and industry more than \$110,000.

The reductions include the veto of the state salary board, state board of censor inspectors, mine inspectors' salary and increase in salary for the inspector of factories.

In the school appropriation it is stated that the reductions in the allowance for special subjects do not interfere with the \$18,000,000 common school appropriation, but are made available for general educational purposes.

The appropriation of more than \$9000 for Mount Gretna, where the state militia is holding its last encampment, was vetoed.

The complete table showing the cuts made in the various departments follows: Executive Clerk hire, \$50,350; approved for \$45,000; cut \$5550. Traveling and incidental expenses of the Governor, expenses of the executive mansion, entertainment of official guests, etc., \$24,000; approved for \$20,000; cut \$4000. Total cut for department, \$8350.

Auditor General Extra clerks, \$50,000; vetoed, total cut, \$50,000.

Internal Affairs Bureau of Municipalities, \$65,000; approved for \$59,000; clerks, etc., \$180,800; approved for \$180,000; war-entertainment map work, \$20,000; approved for \$12,000; traveling, incidental and other, \$10,000; total cut for department, \$68,800.

SHOOTS FRIEND BY MISTAKE

Man Pulling Trigger Didn't Know Gun Was Loaded

Because George Callis, of 1529 Wood street, did not know a 38-caliber revolver was loaded, Chris Leseski, twenty-nine years old, of Sixteenth and Wood streets, was badly wounded in the shoulder. He is in the Hahnemann Hospital.

Leseski had just purchased a new revolver and went to Callis's house to show it to him. Callis took the weapon to examine it. He pointed the barrel at Leseski and pulled the trigger. Leseski fell to the floor. Callis was placed under arrest and will receive a hearing before Magistrate Beaton at the Twentieth and Buttonwood streets station this morning.

Nab Nine in Gambling Raid

The home of John Young, at 506 Cadwalader street, was raided last night by Policemen Smith and Walters, who arrested Young and eight other men. The prisoners were charged with gambling. They will be given a hearing before Magistrate Yates, at the Front and Master streets station, this morning.

FIRST OF G. O. P. SENATORS TALKS WITH PRESIDENT

Executive Discusses Treaty of Peace and Everything That It Involves

PLANS TO INVITE ALL TO CONSULT ON COVENANT

McCumber, League Supporter Leads List—Borah and Johnson May Decline

BORAH MOTION CARRIES

Senate Asks Chief Magistrate for Copy of Protest on Shantung

By the Associated Press Washington, July 17.—President Wilson today began conferences with Republican senators for discussion of the peace treaty and the league of nations covenant. His first caller was Senator McCumber, of North Dakota, a supporter of the treaty and the covenant.

Three other senators, Jones, of Washington, Colt, of Rhode Island, and Nelson, of Minnesota, had been invited to call at the White House during the day, but Senator Jones was out of the city. The President expected to see Senators Colt and Nelson this afternoon.

Ask for Shantung Letter Without a record vote or debate the Senate adopted a resolution by Senator Borah, Republican, of Idaho, asking the President to send to the Senate "if not incompatible with the public interest" a copy of the letter said to have been written by General Tasker H. Bliss, on behalf of himself and other American legats in Paris protesting against the Shantung settlement.

By a resolution introduced by Senator Spencer, Republican, of Missouri, and referred to committee, the Senate would declare its "deep regret" at the disposition of Shantung.

Before the Senate met, the foreign relations committee held another session to consider the treaty, but devoted its time to reading the text.

To Discuss Whole Treaty Senators invited to the White House yesterday by Senator McNary, Oregon, who is understood to favor the league of nations; Kellogg, Minnesota, and Capper, Kansas, who have not announced any definite stand on the league proposal. The President's invitation to Senator McNary asked that he come to the White House to discuss "the treaty and all it involves."

It was intimated that the President planned to invite all of the Republican senators to the White House, devoting four or five hours each day to conferences with them. Senators Borah, Idaho, and Johnson, California, two of the bitterest opponents of the league of nations, were expected to be on the list, but there apparently was some doubt in administration circles whether they would accept.

Under present plans of the President it was not believed that he would be able to start on his trip to the Pacific coast much before the end of the month. Even with such a delay naval officials hope that he would be able to reach the coast in time to review the new Pacific fleet at San Francisco, August 15.

Senator McCumber was closeted with the President for more than an hour. He declined to discuss details of his conference, saying he considered them confidential.

Conversation Confidential "Our conversation covered a wide range," said Senator McCumber, "and if the President wants to say what we talked about that is all right. But as far as I am concerned I consider that our conversation was confidential and I do not feel at liberty to disclose what happened."

Senator McCumber added that his participation in regard to the league of nations "had been made as clear as the English language can make it," and that his position now was the same as it always had been.

Senator McCumber would not say whether he discussed the Shantung situation with the President.

The President in his series of conferences with Republican senators is expected to discuss in detail the league of nations and the treaty settlement of the Shantung question, as those two provisions have been the subjects of the greatest criticism.

Swallows Button Hook

Walter Horatyk, four years old, of Seventh street and Ferry avenue, Camden, had a button hook removed from his throat at the Cooper Hospital today. A passing motorist saw the boy apparently choking on the street. Stopping and discovering the cause of the difficulty, the motorist took the boy to the hospital. The doctors said the boy probably chewed his life to the prompt relief of the motorist.

Ford Doesn't Know Cost of His Home in Detroit

When Lawyer Suggests \$1,000,000, Manufacturer Says "More Than That"; Told Builders Not to Tell Him

By the Associated Press Mount Clemens, Mich., July 17.—Court had been in session nearly three hours today before Henry Ford, plaintiff in a \$1,000,000 libel suit against the Chicago Daily Tribune, resumed the witness stand. The opening hours were consumed with testimony by Kirk E. B. Alexander and the reading of a magazine article on Mr. Ford by John Reed in 1914.

"The article says you live in a million dollar house," said Elliott G. Stevenson, representing the Tribune. "More than that, I think."

"A million and a half?" "Well, I don't really know."

"May you don't want to know?" "I told them not to tell me," said Mr. Ford, laughing.

"Mr. Reed paints you as a very democratic person who loves to sit on a neighbor's back porch and talk. The neighbors don't sit on your back porch, do they? Guards keep them away, don't they?"

An objection was sustained. Mr. Ford said that Reed gathered practically all of the statements in his story elsewhere than from the witness. Witness suggested that Reed borrowed some of it from an article by Henry A. Wise Wood about disbelief in national boundaries and proposing a flag of all people.

Says Alcoholic Drink Caused War Mr. Ford opposed the use of alcoholic drink, and Mr. Reed pointed out that the Germans thrived on beer and the French on wine.

"Yes, and I think that was one of the causes of the war," said Mr. Ford. "How?" asked the lawyer. "It made them suspicious of each other," Mr. Ford answered.

Kirk E. B. Alexander, an advertising agent of Detroit, who preceded Mr. Ford on the stand, testified he had interviewed Mr. Ford in December, 1917, at a luncheon in the Ford factory at which Alfred Lacking, Mr. Ford's attorney, and a man named Smith were present.

"Mr. Ford, in the course of a general conversation, said that he was one of the causes of the war," said Mr. Ford.

SENATE OFFICIAL REPORTER DIES Edward V. Murphy, official reporter of the United States Senate, died today on a train en route to his summer home in Canada.

TUNNELS DESTROYED BY BLIZZARD IN ANDES

BUENOS AIRES, July 17.—New snow falls on both sides of the Andes mountains have resulted in further landslides of large proportions, adding to the difficulties of repairing communications over the mountains. Two tunnels on the trans-Andine railway have been destroyed in the latest landslides. The blizzard in the mountains is continuing, forcing repair gangs to abandon their efforts.

N. G. P. FORMED ON DIVISION BASIS

Beary and General Price Will Go to Washington to Perfect Reorganization Plans

MANY WANT COMMISSIONS

Pennsylvania will have the skeleton organization of a full division in the new National Guard.

Adjutant General Beary and Major General Price, head of the new Pennsylvania Guard, will go to Washington next Tuesday to confer with the federal authorities to make the new organization possible, so as not to conflict with any federal plans already made.

Many applications for commissions in the new organization are being received from veterans of overseas service and officers of the Pennsylvania state militia. General Beary said today at the militia camp at Mount Gretna.

"The old National Guard organization will be preserved as much as possible," General Beary said, "and any person joining the new guard will have the privilege of designating the regiment or battalion to which he desires to be attached."

Officers Anxious to Join

No difficulty is expected in getting the great number of officers necessary to make up the proposed skeleton of the Pennsylvania division, and then, in case of an emergency, it would only be necessary to recruit the thinned ranks of the various organizations to reorganize strength to put a fully equipped division composed of men from this state on the battlefield.

The appointment of officers will be announced as soon as the militia has been organized at Washington gives the state officials power of authority to go on with the work of organization, the adjutant general said, and immediately following the appointment of the officers the active work of recruiting the Pennsylvania division will begin.

Many Apply to Enter

Many of the men in the state militia have already made application for membership in the new guard, the general said, and will be given a chance to get in. Others have expressed a desire to join up with the new organization, but will be prevented because of their inability to pass the required federal physical examination.

The physical examination for the militia, he explained, was not up to federal standard, because of the need of men and the emergency organization of the militia.

General Beary has been given full authority to organize the new guard.

100 COMMITTEE ORGANIZES TODAY

Independents, Penrose Men and Other Vire Foes Will Choose Leaders

Selection of the Committee of One Hundred, which is to direct the approaching majority battle against the Vire forces, will probably be made today.

A meeting to perfect the organization of the committee has been called for this afternoon in the headquarters of the Town Meeting party, 26 South Fifteenth street.

The committee will be composed of representative men and women of the city, according to George W. Coles, chairman of the Town Meeting party.

"The committee of 100," said Mr. Coles, "will consist of representative men and women who will inspire the confidence of the public."

"I believe the independents of Philadelphia will accept and support the candidates it will recommend, and I am confident that the committee will put forward in the fight for reform by mutual offices that the city has ever had."

All elements opposed to the Vire organization will unite in selecting the make-up of the committee of 100. Recognition will be given the various women's organizations which have been active in the fight for reform by the appointment of at least a half-dozen prominent women workers.

The Town Meeting party city committee meets tonight to perfect its organizational district organization. Similar organizations already have been formed by the Republican Alliance.

At the meeting tonight a senatorial executive committee of eight members, one from each senatorial district, will be organized.

This committee will co-operate with a similar committee of the Republican Alliance in directing the fight for the election of members of Council opposed to the present Vire organization.

Anti-Vire forces have begun to perfect their ward organizations over the city for the coming battle.

The Republican Alliance of the Twenty-ninth ward will hold a meeting tonight at West College and Girard avenues. Senator A. F. Daix, Jr., Select Councilman Richard Weglein and others will speak.

In the Forty-eighth ward the Penrose-Independent Republican Club has been organized to combat the leadership of Director William H. Wilson. James Forbes heads the club.

League Tainted by False Move, Senate Is Told

Illinois Member Declares Alligs Aid Japan in Autocratic Aspiration

SENATOR Sherman, Illinois, urged the Senate to refuse acceptance of the Shantung provision of the peace treaty. He has been a persistent opponent of the treaty and the league of nations.

Senator Colt, Republican, Rhode Island, announced his support of the principles embodied in the league of nations covenant, but said he withheld judgment regarding certain reservations.

Senator Sherman, in his address to the Senate, declared that the section giving Japan control of Shantung Peninsula "taints and poisons the professed altruism with which the league of nations was heralded as to crown it the superlative treachery in the history of modern times."

The provision, asserted the speaker, would aid Japan in becoming "the ruler of the Pacific ocean, and strengthen her for the day when she might try like Germany, for world empire. In such an eventuality, he continued, and with British and Japanese interests in the Orient identical, the United States might well look to the safety of the Philippines.

Rule of Covetous Desire "Why China should be exploited," he said, "her territory absorbed in the guise of leaseholds, her port cities dominated by alien powers, her mining and railway rights seized by Japan, does not appear except under the rule of covetous desire coupled with military force."

"It is material to notice under the Japanese constitution the emperor has the supreme command of the army and navy, declares war, makes peace, and concludes treaties. The ruler would do no more in the day he is monarch Europe and the world. It is as plain as the noonday sun that the government is autocratic and that it will add Chinese province upon province, concession upon concession, until an Asiatic kaiser will dominate the affairs of Asia and the Pacific ocean."

"In 1897 Germany, professing to be exasperated by the murder of two exiled German missionaries by ignorant fanatics in Shantung, sent Germany's warships to the bay, bomb