

DELAY, NOT FRAUD, CHANDLER DEFENSE AT SWINDLE TRIAL

Brokers Say Clients Were Re-
paid as Soon as Orders
Could Be Carried Out

CONFUSION OF FAILURE BLAMED FOR TIME LOST

State Balked in Move to Show
Prosecution Threat Brought
Restitution

Fred T. Chandler, Jr., and Earl Mendenhall, members of the bankrupt firm of Chandler Brothers & Co., which failed for \$4,000,000, contend they were guilty of fraudulent conversion and embezzlement, but merely were "delayed" in carrying out the orders of their clients.

This defense was indicated by former Sheriff Joseph Gillilan, their attorney, during a passage with Assistant District Attorney Fox, who is trying the case before Judge Stern.

Mr. Fox attempted to introduce the term "restitution" as descriptive of payments made to the prosecuting witness and sought to set up a presumption that this "restitution" had been made only after the District Attorney's office took a hand in the case by issuing a subpoena for the brokers' client.

Mr. Gillilan declared that there could be no "restitution," as there had been no fraud. His clients, he said, merely were delayed some months in complying with their customers' orders because of the unavoidable confusion incident to the firm's collapse. He showed that the firm's assets had been sold and that after the check paying back the victims' losses had been sent.

Mr. Fox was not permitted to delve further into the connection between the firm's collapse and the restitution. Judge Stern ruling out the whole line of testimony.

This is the second day of the defendants' trial on a charge of numerous indictments. It developed yesterday that the prosecuting witnesses are unwilling to prosecute because they have received their money back. Judge Stern at yesterday's session declined to not-prosecute the case because of repayment.

Date of Repayment Changed
The two defendants were on hand today and spent an interesting hour sitting at the counsel table. Mr. Gillilan, listening to the pleas of his clients, two pickpockets and a wife beater, who were paroled by Judge Stern before he took up the Chandler case.

Lewis W. Dwyer, of Tyrone, Pa., the prosecuting witness, was the first called. Mr. Fox said to him: "You said on the witness stand yesterday that when you got your \$500,000, you were not sure whether it was in February of this year. Have you refreshed your memory since?"

"Yes, sir," he said, "I was paid on May 17 of this year," and the witness, "Will you tell the Court and jury whether you were under subpoena from the District Attorney's office at the time you were paid your money?"

Mr. Gillilan objected. Judge Stern, addressing Mr. Fox, said: "We have passed that point, haven't we?" "I believe the jury is entitled to know when this money was paid," Mr. Fox said.

"Well, I don't see any harm in having it brought out; it will at least make the record complete, and certainly it could not affect the verdict one way or the other," said the judge.

"It is hard for me to answer that question," said the witness. He summed up in his pocket and produced the subpoena. It was dated, he said, May 18.

Objects to Testimony
Mr. Gillilan then made a motion that the testimony be stricken out. Mr. Fox insisted that he be allowed to proceed with his examination along these lines.

"The District Attorney," said Mr. Gillilan, "seems to be under an impression on the jury that the money was paid to the witness because he was subpoenaed by the District Attorney's office."

Judge Stern was inclined to sustain Mr. Gillilan.

Hapsburg Arrested



Marie Immaculata, former Archduchess of Austria, who is being detained by Vienna police for attempting to smuggle out of the country treasures from a Hapsburg palace.

EX-ARCHDUCHESS IS HELD FOR SMUGGLING ATTEMPT

Member of Proscribed Hapsburg Family Detained in Vienna, Nov. 9. — (By A. P.)—Former Archduchess Marie Immaculata, one of the proscribed Hapsburgs, is being detained by the police on a charge of attempting to smuggle out of the country treasures from the family palace.

It is alleged she entered Austria with a forged passport, took up lodgings in an obscure quarter of the city and succeeded in transporting to the railroad station, where they were found, four teen cases containing valuables.

The Arbeiter Zeitung charges that a fortnight ago former Archduke Friedrich smuggled from the Vienna palace to Hungary eighty cases of valuables.

AUDIT IN PENROSE ESTATE POSTPONED

Politicians Disappointed When Cunningham's Claim Doesn't Come Up. Politicians who expected to hear facts about a claim Thomas W. Cunningham is said to have against Senator Penrose's estate were disappointed today when the audit of the executor's accounts was postponed by Judge Gummey in Orphans' Court.

The absence of former Sheriff Gillilan, counsel for Cunningham, led to the postponement. Gillilan is defending Earl Mendenhall and Fred T. Chandler, Jr., brokers, accused of embezzlement.

W. Harry Baker, Republican State chairman, and Leighton Taylor, who was Penrose's secretary, were in court in response to subpoenas. Mr. Cunningham was not there. It was rumored later that a settlement would be reached.

Politicians who profess to know something about the claim hint that the Senator's estate was borrowed to borrow \$10,000 to finance a fight to control the City Committee, after the last majority election. Later Cunningham developed a friendly interest in the Vaux organization and his visits to Penrose became infrequent.

THREE BADLY HURT IN YORK ROAD CRASH

Two Men and Girl Victims When Auto and Motorcycle Collide. Three persons were badly injured last night in a collision between an automobile and motorcycle on York road near County line. The machines came together head-on. Both were struck at a high rate of speed.

Residents in the neighborhood rushed to the scene with lanterns and quickly extinguished the injured and administered first aid. The automobile was occupied by J. A. Buhler, 1223 Rising Sun avenue, and Miss M. A. Clarke, of Ivyland. The motorcycle was driven by William Strouse, thirty-three years old, of Bridge Valley.

Both vehicles were turned over. Buhler and Miss Clarke were pinned under the automobile. Strouse was compelled to remove the windshield and other portions of the car to release them. Both were badly cut and bruised. They were attended by a physician on the scene.

Strouse was thrown twenty feet and was found unconscious at the roadside. He received severe cuts and bruises on the head, legs and arms. He was taken to the Abington Hospital.

Both machines were wrecked.

INDIAN GIRL IS ARRESTED FOR GRAVEYARD THREATS

Helena Conley Charged With Disturbing Peace at Kansas City, Kan., Nov. 9. — (By A. P.)—Miss Helena Conley, a Wyandotte Indian, who, with her two sisters, recently sought with shotgun and impromptu revolver the burial of a white man in an old Indian cemetery in the heart of the business district here, is being held today, charged with disturbing the peace.

THREE INDICTMENTS WILL BE ASKED IN HALL-MILLS CASE

"Woman in Gray" and Male
Accomplice Declared to Be
Murder Principals

THIRD SUSPECT MAN WHO DROVE COUPLE TO FARM

Grand Jury Not to Be Called
This Week, Mott Says After
Conference With Foreman

By a Staff Correspondent
New Brunswick, N. J., Nov. 9.—The slayer of the Rev. Edward Wheeler Hall and Mrs. Eleanor R. Mills is now known to the authorities. After eight weeks they have pushed aside the mystery that surrounded the double crime.

Indictments charging murder in the first degree will be requested from the Somerset County Grand Jury against the man who fired the murder shots and against the woman who accompanied him.

An indictment will be asked also against a second man on the ground he was an accessory after the fact. It is charged he drove the slayer and his companion to the old Phillips farm and that he took them away after the murder.

An outline of the evidence, direct and circumstantial, was discussed today by Deputy Attorney General Mott, Colonel Schwarzkopf, head of the State police, and Alfred B. Gibbs, foreman of the Somerset County Grand Jury.

No Action This Week
These men met in the office of Prosecutor Beaman at Somerville at 11 o'clock, their conference continuing until noon. Mr. Beaman joined the discussion.

Gibbs was the first to leave. He hurried away after posting for photographers, as did Colonel Schwarzkopf. Mr. Mott would make no comment except to state "the Grand Jury will be called this week," giving emphasis to the last two words.

Persons close to the authorities attributed their confidence in the early solution of the mystery to two new developments. One was the identification of the man who actually committed the murder. Another development revealed was that the authorities have four witnesses who corroborate the story regarding the time the murder was committed.

According to the authorities, they have the utmost confidence in the strength of their identification of the alleged murderer. It was reported on good authority that the identification had been made by a physician, or by other persons, and not by Mr. Gibbs.

To Indict on First Degree
The man accused of the fatal slaying will be indicted on the charge of murder in the first degree, if the present plans of the prosecution go through. The "woman in gray" also will be indicted on the charge of first degree murder, on the ground that her presence at the scene and her participation in the struggle preceding the killing made her an accomplice in the crime.

The third person to be indicted is, as are the other two, a member of the congregation of Hall's church, the Protestant Episcopal Church of St. John the Evangelist. According to the prosecution's plan, this man is to be indicted as an accessory after the fact, on the ground that he concealed evidence from the prosecution.

Iago in the tragedy of jealousy and murder, and is believed to have gone to the Phillips farm on the night of the murder in order to see the result of his machinations.

It is not believed that he saw the murder committed, but the authorities think he took the woman in gray and the man to the Phillips farm.

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"Tiger" Is Jovial



GEORGES CLEMENCEAU
In rollicking humor on eve of his lecture tour in United States. The great Frenchman will discuss in America ways of promoting world peace.

THEME OF 'TIGER' IN U. S. IS PEACE

Clemenceau in Sparkling Humor on Eve of His Trip to America

Paris, Nov. 9.—Former Premier Clemenceau, on the eve of his departure for the United States, declared today that the object of his trip would be "to create a state of mind in the United States which will permit in the future, I hope in the near future, negotiations between public bodies leading to understanding capable of producing results."

He added he believed the peace of Europe was based upon the friendly relations of America, England and France, and that his task would be to attempt to make the Americans fully aware of that fact.

Clemenceau's statement was given to Marcel Huin, of the Echo de Paris, whose interview with the former Premier attracted wide attention during the war. Before reaching the salient points of his utterances, however, Clemenceau allowed his humor considerable play in his custom. He explained he was going to stay at the home of Charles Dana, Gibson, "an American painter of great talent, but whom I do not know at all." He added: "I had been previously promised to stay with my friend Dana, but he had to go to the States to make the arrangements for my visit to America. Three days after my arrival."

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MRS. STERRETT LEAVES BRYN MAWR HOSPITAL

Eager to Aid in Search for Sender of Poison Cake

Mrs. W. W. Sterrett is at her home in Drexel today after fourteen days in the Bryn Mawr Hospital, due to illness caused by eating a portion of a poisoned cake sent her through the mails, and which caused the death of her husband.

She was discharged from the hospital last night.

Mrs. Sterrett is ready to give the authorities all possible help in clearing up the mysterious circumstances surrounding the sending of the cake.

District Attorney Windle, of Chester County, will interview new witnesses today. He believes they will provide important additions to the evidence already in the hands of the authorities.

"We are following every clue," said Mr. Windle, "but nothing of a startling nature has been turned up in the last few days."

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PINCHOT'S FIRST ACT IS TO BEGIN WORK UPON NEW BUDGET

Department Heads Get Blanks
to Estimate Needs for Next
Two Years

EXHORTS THEM TO FIGURE ON APPROPRIATION CUTS

Governor-Elect Off to N. Y. for
Ten-Day Rest Before Going
to Milford

Glifford, Pinchot's first act as the Governor-elect was to put in motion the official machinery of the Commonwealth to bring about the enactment of a new budget for the next two years. The improvement in Democratic prospects, as a result of the election, probably will be followed by an ascension of his claim.

Some indications of this purpose were revealed during the campaign in Mr. Pinchot's attempt to prevent the re-nomination and re-election of his old foe, Senator Jim Reed, in Missouri, and in his letter, just published, exhorting Reed from the Democratic party.

Mr. Pinchot's health is considerably improved, though he still suffers from the paralysis which assailed him in the last year of his incumbency of office. His personal popularity has been in some measure restored, if one may judge by the receptions which greet him here in Washington and by the applause with which his pictures followed on the screen were received by the crowds here on election night. But the election in Missouri gave no encouragement to the idea that his party would follow his leadership politically.

Liberalists Will Elect Next President
Either party may win the presidency in 1924, the result depending on which one can best pull itself together and attract the great independent vote which liberal vote which the Tuesday's contest revealed. That is what the means. Neither Republicans nor Democrats have a foreclosed mortgage on 1924.

On the face of it, the Democrats are the more united, but that is only because they have not had the responsibility of preparing the budget for submission to the Legislature.

"I need not point out to you that it is the custom of most of those charged with the responsibility of making estimates large enough to allow some margin for the unexpected. The present budget situation does not admit of this practice."

"I am advised by Auditor General Lewis that the income from existing taxes will not be sufficient to meet the needs of the State for the next two years. The Legislature as approved, to say nothing of unapproved appropriations. This means that our total budget must be made up of this current biennium. We cannot assume that the Legislature will pay new taxes."

"Since, therefore, reductions must be made, I want to ask you not to assume that the Governor-elect is to be made entirely by somebody else. It is obvious that, to meet this situation, every division, bureau and department must make a study of its own needs and make a budget for the coming year."

Until he returns to the city, the Governor-elect intimated, he will take no step in connection with either the Speaker's office, the House of Representatives or the Cabinet.

For Cabinet appointments, Mr. Pinchot expects to announce each selection as it is made and thereby, through the usual atmosphere of mystery and political wire-pulling.

May Appoint Detrich
The Governor-elect was highly pleased over the favorable reception which his appointment of P. S. Stahlnecker as a Governor's secretary met with on all sides. While there is nothing official in the situation as yet, the impression prevails that the next appointment may be Detrich.

RUNAWAY BOYS SEND S O S POSTCARD HOME

Two Small Brothers Held by Police in Trenton

The mystery of the disappearance of John H. Zentz, fourteen years old, of his brother, William, twelve years old, was solved this morning when Mrs. Zentz, their mother, received a postal card from them, mailed from Trenton, N. J.

The Zentz home is at 2515 Mott street. Tuesday, Mrs. Zentz says, she gave the boys a lettering for a party. The boys were seen to leave the house at 10 o'clock. The police have been searching for them since.

The boys went to the home of an aunt in Trenton, but decided to return home. They wrote home saying they were safe. The mother, however, did not receive the letter until this morning.

Expect Wilson to Claim Democratic Leadership

Former President's Friends Say He Thinks
Himself Eligible for Consideration—Both
Parties See Problem in 1924 Campaign

By CLINTON W. GILBERT
Staff Correspondent, Evening Public Ledger
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Washington, Nov. 9.—Persons who are close to Woodrow Wilson say he regards himself as once more eligible for consideration for Democratic leadership. The improvement in Democratic prospects, as a result of the election, probably will be followed by an ascension of his claim.

Some indications of this purpose were revealed during the campaign in Mr. Wilson's attempt to prevent the re-nomination and re-election of his old foe, Senator Jim Reed, in Missouri, and in his letter, just published, exhorting Reed from the Democratic party.

Mr. Wilson's health is considerably improved, though he still suffers from the paralysis which assailed him in the last year of his incumbency of office. His personal popularity has been in some measure restored, if one may judge by the receptions which greet him here in Washington and by the applause with which his pictures followed on the screen were received by the crowds here on election night. But the election in Missouri gave no encouragement to the idea that his party would follow his leadership politically.

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6 O. P. CONTROLS BOTH HOUSES BY SMALL MARGINS

Has Majority of 10 in
Senate, With 2 Con-
tests Undecided

RETAIN FAIR HOLD ON LOWER BRANCH

Latest Returns Give Repub-
licans 224 and Democrats
205 in House

3 CONGRESSIONAL DISTRICTS
YET TO BE HEARD FROM

Gaston May Contest Election of
Lodge—Prepares Petitions
for Recount

New York, Nov. 9.—Continued Republican control of Congress, but with a Senate majority cut in two and a House majority of 190 slashed to a scant handful, appeared today as the result of last Tuesday's congressional elections with the returns almost complete.

Returns from all but three congressional districts, where results were still undetermined today, show 224 Republicans, 205 Democrats, one Socialist, one Independent and one Farmer-Laborer elected to the new House of Representatives.

(This assures the Republicans control of the House, for which 218 votes are necessary, and gives the Republicans a majority of 17 at present.)

Latest figures today show the next Senate will have 52 Republicans, 41 Democrats and one Farmer-Laborer representative, with results of two senatorial contests—one in Washington and the other in North Dakota—still undecided.

(According to these figures the Republicans, on the present returns, have a majority of 10 in the Senate. This may be increased to 12 or reduced to 8.)

Republicans Over Top
The general picture of Tuesday's storm of ballots was virtually finished early this morning when belated Montana returns sent the Republicans over the top in the House contest. Election of R. Scott Leavitt, Republican, in Montana, gave the Republicans the 218 votes necessary to control the next House, but even these Republican tidings were coupled with news of defeat of Representative McCormick, Republican, Montana, by his Democratic opponent, John M. Evans.

In the returns to date seventy-five places now held by Republicans had been captured without a single counter-bidding Democratic loss.

Belated returns did not add to the 50 per cent cut in the Senate Republican majority sustained in the earlier tallies. They brought word, however, of the definite re-election of Senator Kinkaid, Democrat, from Kansas, and of another Democratic victory in Montana, where Arthur K. Wheeler was elected over Carl W. Hildick, Republican, to succeed Senator Vreeland, Democrat.

In Washington, former Representative Del. Hancock, a leading Senatorial candidate, Republican, and a North Dakota, the Democratic candidate, J. E. T. O'Connor, is, with a winning majority as more rural returns come in, leading for Governor Lynn J. Frazier, Republican, Non-Partisan League leaders were claiming ultimate Frazier election.

Latest returns also brought news of the defeat of Republican Senator John C. Steiwer, of Minnesota, chairman of the Postoffice Committee, by a Farmer-Laborer, Knud Weisfeld. This gave the Farmer-Laborer a seat in the Senate for the first time. Dr. Henrik Shipstead, Farmer-Laborer, having defeated Senator Kellogg in Minnesota.

Petitions for State-wide recount of the vote for Senator in Massachusetts, under the Federal law, and for a recount in the House, Representative, chairman of the Postoffice Committee, by a Farmer-Laborer, Knud Weisfeld. This gave the Farmer-Laborer a seat in the Senate for the first time. Dr. Henrik Shipstead, Farmer-Laborer, having defeated Senator Kellogg in Minnesota.

Gaston Demands Recount
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Senator Del. Post, of Delaware, Republican, defeated on the face of returns by Thomas F. Bayard, Democrat.

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WOMAN'S DREAM SAVES 60 DWELLERS IN BRONX TENEMENT FLEES AS SHE SCREAMS "FIRE"

New York, Nov. 9. — (By A. P.)—A woman's dream is credited with saving the lives of sixty dwellers in a Bronx tenement early today. Mrs. Jessie Barrett dreamed of flames leaping through her house, and of muffled footsteps creeping down the hallways. She awoke screaming "The house is afire!"

Under protest her husband got up, went down the hall and found a fire blazing near the door of the apartment where slept the wife and six children of a policeman.

The alarm was spread and the sixty tenants escaped without injury before the firemen arrived.

ZAYAS GRAVELY ILL
Cuban President Suffers Serious Relapse With Influenza

Havana, Nov. 9.—By A. P.—Grave concern was expressed today over the condition of President Zayas, who has been ill with influenza for more than a week.

On Tuesday the President was reported as well on the way to recovery, but reports from the presidential palace last night said he apparently had suffered a relapse.

Jean Longuet Welcomed to City
Jean Longuet, former Socialist member of the French Chamber of Deputies, arrived in the city at noon today and was welcomed by the Longuet Reception Committee of Philadelphia. He will speak tonight in the Arch Street Theatre on "Europe After the War."

APARTMENTS TO SUIT EVERY PURSE
And meet every requirement of the renter. See page 18—A.D.

SAVE GIRL FROM
DEATH UNDER TRAIN
William Thorpe and Trainman
Rescue Isabella Buckland
at Reading Station

Isabella Buckland, nineteen years old, 19 Wiehle street, was snatched from under the wheels of a Reading Railway train at Falls-of-Schuylkill Station today by William Thorpe, an insurance broker, 410 Walnut street.

Miss Buckland attempted to board a city-bound train leaving the Falls station at 2:25 o'clock. The train was just pulling out as Miss Buckland, grasping the rear handrail of one coach and the front handrail of the following coach. Her legs were drawn under the car platform.

Thorpe leaped down, pulled the girl's feet from their perilous position and then tried to lift her to the car tops.

Miss Buckland seized Thorpe around the neck. He fell to the tracks just a few inches clear of the wheels. A trainman seized Miss Buckland and pulled her to safety. Meanwhile the conductor stopped the train. Thorpe was slightly bruised. Miss Buckland fainted.

SUSPECTS ESCAPE AFTER
ARREST; FIRE ON COP
Upper Darby Patrolman Dodges Be-
hind Tree to Return Shots

Three young men, arrested as suspects in the night Upper Darby, broke away from Patrolman Blevins and fled, one firing at him. He dodged behind a tree and returned the shots, but the men escaped. A suspect was arrested.

Briefly saw the men walking away from a house on Powell lane near the West Chester Pike. They said they had been visiting a family named Brown. The patrolman ordered the three men to walk ahead of him to a patrol box. They had gone about a hundred feet when they scattered suddenly and opened fire. All the bullets went wild. Other patrolmen rushed to Blevins' aid, but the suspects got away.

The man caught later was found near Sixth and Market streets. He was taken to City Hall here to be photographed. Philadelphia detectives did not recognize the man.

POPE DELAYS APPOINTMENT OF
NEW AMERICAN CARDINALS
WON'T BE NAMED THIS YEAR
Rome, Nov. 9.—(By A. P.)—Pope Pius has decided to postpone the appointment of the new American Cardinals to a consistory to be held next year. It was learned today.

The report that both Archbishop Mundelein of Chicago, and Archbishop Hayes of New York would at that time receive the red light, however, was confirmed in an authoritative quarter.

Memphis, where he has been sent to designate Giovanni Bonzano, apostolic delegate at Washington, with regard to his being raised to the peerage in the consistory to be held December 11. It is expected this notice will reach Monsignor Bonzano next week, and that he will shortly afterward leave for Rome.

IF IT'S A USED AUTOMOBILE YOU want, call it on page 22—A.D.