

THE EVENING TIMES AND STAR, ST. JOHN, N. B., MONDAY, AUGUST 21, 1922

## WOULD ALTER DIVORCE PLEA

Clara Hammerling Alleges  
Two Common Law Mar-  
riages After Ceremony by  
a Rabbi — Attacks Polish  
Decree.

New York, Aug. 21.—Supreme Court Justice Lehman heard argument last week on motion of counsel for the plaintiff in the divorce action brought by Clara Hammerling, first wife of Louis Nicholas Hammerling, formerly head of the Association of Foreign

Language Newspapers in this city, to amend the complaint by setting up two common law marriages between the same parties subsequent to the date of alleged marriage by a rabbi in Poland in September, 1917. A rabbinical divorce decree was granted in Poland in 1914, and in February of the following year Hammerling married again in Brooklyn and is now living with his second wife, who was Countess Sophie Jean de Brezicka, in Poland. The second wife is named the co-respondent.

After listening to arguments, Justice Lehman remarked that if the parties believed they were legally married the mere fact that they had lived together as man and wife in two different states in this country did not within itself constitute a common law marriage. In June of last year Justice Wasservogel, who did not have before him the rabbinical decree granted in Poland, allowed the plaintiff alimony and counsel fees.

Counsel for the plaintiff asked Justice Lehman for time in which to file a brief in his motion. This was granted. Briefs also will be filed in the motion of coun-

sel for the defendant for the appointment of a commission to take testimony on interrogatories in Europe. The defendant wants to question witnesses regarding the granting of a rabbinical divorce decree to Hammerling and the plaintiff in the present action in Poland in 1914, when Hammerling is alleged to have made settlement on her of \$20,000.

Opposing the amending of the complaint, Edward Thomas Moore of the Knickerbocker Building, counsel for Hammerling, insisted that a marriage subsequent to a legal marriage was of no force and effect, and that, since the parties believed they were legally married, they could not contract a common-law marriage because the intent to contract such a marriage was lacking.

Lorenz & Lorenz of 2 Rector street, representing the plaintiff, set up the plea that the plaintiff had recently learned that the first marriage in Poland might have been illegal and that the foreign court might have been right in the decree; therefore, it was desired to amend the complaint so as to set up two common-law marriages in this country, one in Pennsylvania, where the couple lived from 1897 to October, 1908, and one in New York, where they lived at 242 Carroll street, Brooklyn, from May, 1910, to March, 1912.

SPAIN TO DIVERT THE  
GARONNE IF FRANCE  
CHANGES THE SEGRE

Saragossa, Spain, Aug. 21.—Spanish experts are making a survey with a view to altering the course of the River Garonne, which rises in the Spanish Pyrenees, and flows into France. It is said that this action was motivated as a retaliatory measure against the French proposals to change the direction of the waters of the Segre, which rises through Lerida Province, Spain. It is said here that if the course of the river is changed it will kill several Spanish industries.

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8-94

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## N. B. RESIDENTS NATURALIZED

Certificates of naturalization have been granted to the following residents of New Brunswick: Jack Budovitch, provision merchant, St. John, native of Russia; Alphonse Dasset, Northfield, miner, native of Belgium; Leo Gilbert, merchant, St. John, native of Poland; Hyman Louis Marcus, furniture dealer, St. John, native of United States; Herman Joseph Michelton, grocery clerk, West St. John, native of Russia; Theodore (Paslauskis) Paslauskis, laborer, Bellefleur, native of Ukrainian Poland; Cornelius Joseph Patris, miner, Northfield, native of Belgium; Knut Pearson, trackman, Kingsclaire, native of Sweden; Samuel Charles Rabbin, lumberman, Elgin, native of Russia; Louis Vineberg, peddler, St. John, native of Russia.

## WINS PARDON FOR HER SON

Leavenworth, Kan., Aug. 21.—Efforts of Mrs. Margaret Anderson, sixty-three years old, who traveled on foot last January from Sioux Falls, S. D., to Washington to ask President Harding to pardon her son, were rewarded when Joseph Anderson left the Federal penitentiary here, pardoned by the president. He was serving a two-year sentence, which began Oct. 4, 1921.

Mrs. Anderson had searched more than two years for her son, trading across country and visiting practically every penitentiary in the United States. In January, 1921, she found him serving a sentence in the disciplinary barracks at Fort Leavenworth for desertion and fraudulent enlistment. At the completion of his sentence in the military prison Anderson was rearrested at the prison gate by Sheriff Russ Wilson, who had he was wanted on a charge of post office money order forgery.

## EAST SIDE 'PONZI' DIES SUSPECTED AS SLAYER

Police Hurry to Boston in Belief Body "There Was That of Torra Murderer."

New York, Aug. 21.—News of the death of Juan Cipitelli of 75 Delancey street, in a hospital in Boston, caused Detective Michael Fischetti of the Italian Squad to send Detective Salvatore Imbello to Boston immediately in an effort to identify the dead man as a suspect in the double murder of Ralph La Torre, thirty-one years old, of 1,065 Fifty-second street, Brooklyn, and his brother Michael, twenty-seven years old, of 118 Cherry street, on June 11, in front of 79 James street. Two other persons were wounded at the same time. The murderers escaped.

Chief of Police McGarr of Boston notified the New York police last night that a man believed to have been Cipitelli had died in a hospital. Cipitelli also was known as "Ponzi" on the east side, because he was supposed to have \$200,000 on deposit in a Bowery bank.

## WILL OF MILLIONAIRE'S WIDOW SAYS FIVE CHILDREN ARE NOT HERS

San Francisco, Aug. 21.—When the last will and testament of Mrs. Teresa Bell, widow of Thomas Bell, California pioneer and millionaire, was read following her funeral, the five men and women present who had believed her their mother were astounded to learn from the document that she denied them to be her own flesh and blood. She bequeathed them \$5 each.

The will did not divulge the true parentage. A third of the estate was left to charity and the rest was bequeathed to her cousins, "if she had any," and if not to the state.

## POLICEMAN IS SHOT BY FRIEND

Fatally Wounded by a Fellow Officer Who Was Examining His Pistol.

New Rochelle, N. Y., Aug. 21.—Charles A. Rizzo, a lieutenant of the New York, New Haven & Hartford Railway police, was accidentally shot and mortally wounded here when a pistol in the hand of a friend, Frederick Langlitz, which Rizzo was examining, was inadvertently discharged. In a signed statement made tonight at the New Rochelle Hospital, where he lies near death, Rizzo completely exonerated his friend.

A few months ago Rizzo obtained employment on the railway police force for Langlitz. Last Monday the lieutenant sold Langlitz a .45-calibre automatic. Subsequently Langlitz had trouble with the pistol and today, when the two met in the freight yards of the New York, New Haven & Hartford Railway here, Langlitz asked his friend to examine it.

Rizzo did so while Langlitz held it. A moment later the weapon was discharged and Rizzo fell to the ground. The bullet, which entered his abdomen, passed through his body and lodged in a stone wall.

Rizzo was rushed to the hospital and immediately operated on, but physicians said tonight that he had no chance for recovery. Langlitz was arrested but was paroled after Coroner D. F. Fitzgerald had satisfied himself that the shooting was accidental.

The injured man, who was forty-nine years old, is the father of nine children. He has been a railway detective for four years. Several years ago he accomplished the round-up of a band of train wreckers, and more recently he had helped to prosecute a group of railway accident fakers.



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By "BUD" FISHER

## MUTT AND JEFF—THE OLD LADY WAS JUST CLEANING UP

