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ST. JOHN, N. B., WEDNESDAY, JULY 30, 1924

TWELVE PAGES—ONE CENT

# Chicago Youths May Have to Face Jury to Pass on Sanity

## SCOTCH HURT IN CRASH WITH K. K. K.

### DEFENCE OPENED IN CASE AGAINST SLAYERS OF BOY

State Attorney Declares the Question of Mentality will Void Guilty Plea.

COURT SAYS NO

Judge Overrules Objection Against Evidence by Defence Alienists.

(By Canadian Press.)

Chicago, July 30.—A possibility that the judicial hearing to determine the punishment of Nathan Leopold, jr., and Richard Loeb, for killing Robert Frank, may be annulled and a jury sworn to pass on their sanity, appeared today with the defence planning to submit testimony of its alienists in spite of the State's declaration to oppose any evidence touching mental responsibility.

The defence bases its hope of mitigation on the reports of its alienists. If the mental condition of the youths is touched upon, State's Attorney Crowe has said, it will automatically set aside their pleas of guilty, and Judge Caverly must call a jury to decide the issue of sanity. The state will demand such action.

In that event the state's "mountain of evidence," painstakingly built up during a week of testimony, will go for naught and must be reintroduced.

States Case Ended.

The prosecution's case was completed yesterday with the confessions of the defendants. The state rested at 10:07 a.m., as soon as court opened, and the defence started.

There is the possibility that Judge Caverly, upon whose mercy the defendants rely, will permit the state considerable latitude in submitting its evidence, may permit the defence to carry out its plan and later consider only the competent evidence of both sides in considering his decision.

State Attorney Crowe, however, has declared that under a ruling of the supreme court, the judge must automatically call a jury to test the mental responsibility if the defence raises such a question. Mental capacity is not a mitigating circumstance the prosecutor contends.

"There is no such thing in the law as distinguishing whether a man is 20 per cent or 30 per cent normal," Mr. Crowe said. The only provision in the law is that of mitigating circumstances. By that is meant if the deceased indicated he was going to attack the defendant or there was some little provocation for the murder, or some set of similar facts.

Will Insist on Jury.

"Mitigating circumstances means the act surrounding the crime and not the degree of mental capacity of the defendant or the measuring of his mental responsibility with a yard stick. The only way a court can tell the punishment to be meted out is by hearing all the facts and that is why I have introduced all of my witnesses. I contend there are no mitigating circumstances and that the defendants should be hanged. If there is any attempt to raise the issue of insanity I will insist that a jury be called at once."

Frank A. Sherris argued Mr. Crowe's case. He testified merely that he took Loeb's confession the night of May 30.

Defence Is Begun

The defence called as its first witness Dr. William Alanson White superintendent of St. Elizabeth's Hospital, Washington, D. C.

Judge Caverly overruled an objection by State's Attorney Robert E. Crowe, to testimony by any defence alienist.

"If your honor gave these defendants a term of years satisfactory to them and their attorneys argued Mr. Crowe, 'I could not appeal and they would not, I insist if this question of insanity is raised, it is your honor's duty to demand a jury and determine that fact.'"

Judge Caverly shook his head and said "overruled" but Mr. Crowe continued on the argument on the legal point he had raised.

### Handcuffs Clerk To Pipe and Robs Store

New York, July 30.—With two traffic policemen on duty less than a block away and scores of persons passing on the sidewalk, a robber handcuffed the manager of the Thom McAn shoe store to a pipe in the wash-room and got away with \$130 in cash. The police believe he is the same man who two months ago handcuffed the clerk and manager of the Beck-hazard chain shoe store and robbed the safe there. There have been thirty robberies of Thom McAn shoe stores in Manhattan, Brooklyn and Newark in the last year.

### SAO PAULO QUIET; CIVILIANS RETURN

Population Finds Many Fine Buildings Damaged—Few Rebels Sought.

By BRYANT POWERS. (United Press Staff Correspondent.) Buenos Aires, July 30.—The civil population of Sao Paulo has started returning to its homes, according to messages from Santos today and restoration of normal life in Brazil's great coffee capital is only a matter of a short time.

Thousands of Paulistas, wearied by weeks of danger from bitter civil warfare, straggled down the highways leading from the interior to pick up the threads of daily life so rudely broken at midnight July 4.

They found their magnificent municipal theatre, one of the finest in the world, shattered by the shelling and machine gun bullets and the huge red brick Lux Railway station its ruins.

Military patrols were still active and many of the refugees were questioned closely. Many of the people had undergone terrible hardships, camping in the open after they were driven, terror-stricken from their homes by the Federal bombardment.

Some Rebels Still About

Private messages to newspapers here indicated the strength of the rebellion is not yet completely broken and that a considerable body of rebel troops which retreated from Sao Paulo City during the Federal advance became overwhelmingly strong, have remained in the interior of the state.

It was not believed, however, that the strong Federal forces will have much trouble in dispersing them.

### 60 PERISH WHEN MOTOR SHIP BURNS

As Many More Are Rescued by Steamer From Blazing Vessel.

Manilla, July 30.—Sixty natives are believed to have perished when the motor ship Angusan burned off the coast of Camiguin Island, in the Sea of Mindanao, said a telegram received here from the commander of the constabulary in Misami.

The telegram stated that the inter-island steamer Antonio Gomez rescued about 60 persons from the burning vessel. The Angusan was a wooden steamer of 195 tons, built in Port Ludlow in 1920 and owned by the Augustus Coconut Company. She plied between southern islands of the Philippines.

### Protection Against Death Ray Sought

New York, July 30.—Experiments to find a method of protection against the "death ray" recently discovered by H. Grindell Matthews, the British wireless telephone expert now visiting this country, are already under way, it was learned today.

Dr. Henry H. Beers has undertaken research work to determine the nature of the ray and its effects on bodily tissue, and discover, if possible, materials which may be used as insulation.

Just how far Mr. Matthews has shared the secret of the ray with Dr. Beers is not known, but it is certain the physician has been made familiar with the properties of the ray.

### Wire Briefs

Paris, July 30.—Zaglou Pasha, Egyptian Premier, arrived in Paris this morning. He is still quite weak from the effects of the wound suffered in the recent attempt on his life in Cairo.

### U. S. ARMY FLIERS HOP OFF ON FLIGHT ACROSS ATLANTIC

Smith and His Companions Leave Island for Orkney Islands.

SIX HOURS FLIGHT

Trip Will be Resumed Tomorrow or Friday to Iceland.

(By United Press.)

Brough, Eng., July 30.—The U. S. world fliers resumed the flight today, Lieutenant Lowell Smith and his comrades taking off for Kirkwall, in the Orkney Islands 460 miles to the northward at 10:30 a. m.

At dawn the three planes, spic and span for the start of the last long trans-Atlantic journey, were wheeled to the slip-ways, launched on the river and four hours later were in the air, roaring northward. A large crowd cheered the departure.

The weather was calm in contrast to the rainstorms that have harassed the aviators in their final preparations during the past week.

Waiting for the fliers at Kirkwall is Major Howard C. Davidson, air attaché of the American Embassy in London. He and Lieutenant Smith will consult weather reports from Iceland and Greenland when the aviators arrive. The next "hop" will take the world planes to Iceland.

Brough, England, July 30.—(Canadian Press Cable)—The U. S. army aviators, continuing their world flight, hopped off at 10:30 o'clock this morning for Kirkwall, capital of the Orkney Islands, off the northern coast of Scotland. Thus began the first leg of their journey over the Atlantic by way of Iceland and Greenland, to Indian Harbor, Labrador.

Kirkwall town of 3,500, is situated on Houton Bay, on the northeastern side of the Island of Mainland, some 100 miles from the mainland.

Before leaving Lieut. Lowell H. Smith, flight commander, said he expected to reach Kirkwall in about six hours and that the departure from that place would occur tomorrow or Friday. There were no official ceremonies at the send-off.

Argentine Continues

Athens, July 30.—(United Press)—Major Petro Zanni, Argentine aviator, attempting an eastward flight around the world, left Salonika at 7:45 a. m. today, for Constantinople.

Kirkwall, Orkney Islands, July 30.—The U. S. Cruiser Richmond arrived in Houton Bay today to await the arrival of the U. S. army world fliers.

### HUGHES WILL MEET GERMAN DELEGATES

U. S. Ambassador Plans Private Dinner in Berlin on Sunday.

(By ERIC KEYSER.) (United News Staff Press Correspondent.)

Berlin, July 30.—Secretary of State Hughes after conferring with the heads of the reparations conference at London and securing a first-hand knowledge of the French attitude at Paris, will now deliver a frank but unofficial message to the German representatives on the eve of their departure for London.

This is the belief of government officials. The U. S. ambassador plans for a private dinner in the embassy Sunday at which Mr. Hughes will confer with Chancellor Marx, foreign Minister Stresemann and others.

The German representatives expect to depart for London on Monday. Meanwhile the Nationalists are scoffing at the progress of the conference in London. The Deutsch Beitung refers to it as "The Comedy at London."

### TENDERS CALLED FOR WHARF AT COURTENAY BAY; IT MEANS \$150,000 TO \$200,000 COST

The Imperial Oil Co. are today calling for tenders for a wharf on their premises at Courtenay Bay. It will be 400 feet long and will cost \$150,000 to \$200,000. Work is to start at once.

### No Bath For 6 Years; Wife Seeks Divorce

Chicago, July 30.—Because her husband, John, had not taken a bath in six years and was extremely economic in his support of her, Mrs. Anna E. Malick has sued for a divorce.

The Malicks have been married six years, and during all that time, Mrs. Malick's bill relates, she never has known her husband to take a bath. He also treated her cruelly, she alleges, boasting that he would not support her. Malick owns an apartment building and the wife asks temporary alimony pending the hearing of the writ.

### THORNTON SCORES UNFAIR CRITICISM

C. N. R. President Says All Political Parties Should be Represented.

Vancouver, July 30.—Speaking here at a luncheon tendered in his honor by the Canadian Club and the Board of Trade, Sir Henry Thornton, president of the C. N. R., declared it was a comparatively easy matter to keep politics out of the purchasing and other departments of the railway, but it was most difficult to meet unfair criticisms made for political prestige.

"The time should come," he continued, "when all political parties should feel that they have a direct interest in the railway. The railway belongs to no political party and one way to keep the railway from being used in politics is to give proper representation to all political parties, with men of outstanding business ability representing each political group."

### SAYS BALLOT BOX IS PLACE TO STRIKE

Locomotive Engineer's President, at Canadian Session, Gives Sound Advice

Toronto, July 30.—Delegates from all parts of Canada as well as a number of visitors from the U. S. are here attending the Canadian Union meeting of the Brotherhood of Locomotive Engineers.

Not since 1914 has a similar meeting been held in Canada. Special interest is added by the presence of the German representative, who will continue till Friday. The meetings will be private.

Toronto, July 30.—On the vital importance of transportation Mr. Stone pointed out that it was not until the locomotive had been invented that there had been real progress in the world.

During the war, he said, some 65,000 trainmen were on the roll of service and actually in France when the armistice was signed.

He appealed for more careful observance of election issues, and a rigorous exercising of the franchise allotted to each one at the polls. The time for the workman to strike and the place to strike was at the election box.

### FLEISCHMAN IS DIVORCED BY WIFE

Settlement of \$5,000,000 Reported Made—Abandonment is Charged.

Paris, July 30.—A divorce on grounds of abandonment today has been granted to Mrs. Laura G. Hyland Hemingway Fleischmann, wife of Julius Fleischmann, former mayor of Cincinnati.

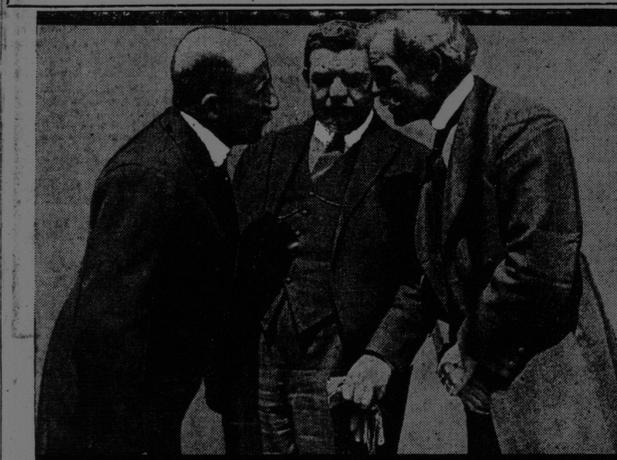
A fortnight ago Mr. Fleischmann, the yeast king, admitted that his wife was suing for divorce in the Paris courts. While the terms of the divorce were not made known and while Mr. Fleischmann refused to discuss them, it is understood they included the settlement of \$5,000,000 on Mrs. Fleischmann.

Mr. and Mrs. Fleischmann were married in 1920. Both had been married previously and divorced.

### Death Ray Inventor Is Losing His Sight

New York, July 30.—Harry Grindell Matthews, English inventor of the alleged "death ray," has been under treatment for falling eyesight during the last week. One of the inventor's eyes is completely sightless, it has become known, and the use of the other is considerably impaired.

### When Three Premiers Get Together



A most unusual picture of three premiers of Europe taken at their first meeting. Left to right they are Premiers Theunis of Belgium, Herriot of France and MacDonald of England. This photograph was taken as the European nations came together to discuss the Dawes report. It is probably the most important diplomatic conference since the Peace Treaty.

### TIDINGS HEARD OF ONTARIO'S MISSING DEPUTY TREASURER

Message From San Francisco Says He is in California.

ESCAPED POLICE

Was Being Shadowed in Toronto After Rake-off Sensation.

(By Canadian Press.)

Toronto, July 30.—The Toronto Globe this morning states that it is in receipt of telegraphic advices from San Francisco to the effect that Charles Matthews, former deputy treasurer, is now located in California and if his address is available for the provincial police and other authorities should they display any desire to take steps looking for the apprehension of the former official charged with violation of the secret commission act.

Charles Matthews, as he was popularly known at the parliament building, escaped from provincial police surveillance into Toronto last spring, following the sensational disclosures before the public accounts committee of the legislature that he had participated in a three-way split of \$11,000,000 on a provincial government bond transaction. He sat in committee while Hart and Ross, two of the principals in the purchase and sale, told their stories. Next day he was suspended from office.

Matthews was put under the surveillance of two police officers and for several days afterwards he was shadowed in Toronto wherever he went. Finally he escaped them by leaving his motor car standing in front of a Simcoe street printing office and leaving by the back door of the establishment. The officers watched the car most of the night, but Matthews never returned. This is the first word that has been heard of him or his whereabouts.

First intimation of the locating of the long-wanted former deputy treasurer at the parliament buildings, the Globe continues, came to Commissioner of Provincial Police V. A. S. Williams yesterday afternoon in the form of a telegram from a San Francisco man who stated that if a suitable reward were offered the address of Matthews would be disclosed.

Just what reply was sent to San Francisco is not known. Mr. Williams' reply to questions last night being: "I'm sorry; I cannot tell you anything." Attorney-General Nickel was questioned on the same subject, his response being: "The Attorney-General has nothing whatever to say."

### Leaves For England to Wage \$500,000 Legal Battle Against British Crown

Boston, July 30.—To secure a \$500,000 fortune left a retired Charlestown confectioner by his two brothers, Major Thomas L. Walsh, lawyer, has left for New York to sail for England to wage a legal battle against the British crown.

When executors of the Australian estate of Peter and Edward Quinn were unable to find Thomas Quinn of Charlestown, legal heir to valuable lands and gold mines, the property reverted to the British Government, which had given the grants of land, later to be made valuable by the Quinn brothers.

They had been born at Athlone, Ireland, but were given the land grants and free transportation to Australia by the British colonizing officials. There they struck gold, while their brother, Thomas, settled down at Charlestown in the candy business.

In 1913 the Quinn brothers died. For years the executors sought to find the lawful heir. Finally the Charlestown man learned that the law firm of Burdett & Johnson was looking for him.

But then the war came and he was unable to go to Australia to establish his identity as the brother of the two prospectors. The other two claimants, Mrs. Bridget Redish and Michael Quinn, his sister and his brother, are dead.

### Joint Church Union Committee In Session

Toronto, July 30.—With the chairman, Rev. Dr. G. Pidgeon, minister of Bloor street Presbyterian church, presiding, the executive of the joint church union committee representing the three churches which are entering the United Church of Canada held a lengthy meeting here yesterday.

### KLAN MEETING IN MASSACHUSETTS IS SCENE OF DISORDER

500 to 800 Men, Engaged in Fighting, Dispersed by Police.

B. C. HAS BRANCH

Vancouver Paper Makes a Bitter Attack on Establishment in Canada.

(By Canadian Press.)

Lancaster, Mass., July 30.—After a night of disorders and clashes in which scores were injured, a crowd of men who had engaged in a night of hostilities with members and spectators at a Ku Klux Klan meeting in a field near here were dispersed with the arrival of additional state patrolmen today. Between 500 and 800 men had engaged in the fighting during the night.

CANADIAN PROTEST

Vancouver, July 30.—A vigorous protest against the reported establishment in Vancouver of a branch of the Ku Klux Klan, appears editorially in the Vancouver Sun this morning.

"Membership in the Ku Klux Klan must be a criminal offence in Canada," the paper says, "because if permitted to grow and spread, that organization will have the same cancerous effect in the Dominion as it has had in the United States.

Now Live in Harmony.

"The Klan, a branch of which has been formed in Vancouver," the Sun continues, "is a purely anti-Catholic and anti-Jewish organization. It has committed more brutal atrocities, provoked more bitter religious prejudice, aroused more inter-racial intolerance, and given a greater setback to national progress than any other device of the devil that has come into the world in the last thousand years.

"It is retrogressive force inimical to civilization and delaying to the best interests of mankind.

"This Dominion was born with a heritage of religious and racial dislike. Generations of Canadian citizenship have been devoted to eradicating that stupid dislike until today, Catholic French-Canadians and Protestant Anglo-Canadians live together in mutual trust, tolerance and affection. The whole trend of Canadian thought and action, just now is toward eliminating the little dark patches of factionalism and sectionalism that yet remain.

"If the Ku Klux Klan is allowed to gain a foothold in Canada 150 years of unifying efforts will be a total loss. The realization of united national ideals will be further off than ever before.

"No religious war, no racial war," the article concludes, "will be tolerated in Canada. And it is up to Ottawa to say so plainly and definitely without delay."

### OTTAWA TO HONOR DESMOND BURKE

Bisley King's Prizewinner to Get a Full Course Scholarship.

Ottawa, July 30.—Board of Control yesterday heartily approved of the proposal that Private Desmond Burke, who won the King's prize at Bisley, be presented with a full course scholarship by the city as a slight mark of the city's recognition of his accomplishments. It was pointed out that provincial legislation could readily be obtained next year ratifying the decision of the city to provide the scholarship.

### Attempt to Scare Indian Native Police

Calcutta, India, July 30.—Printed leaflets without any signature or anything to indicate their origin are being circulated announcing that the Bengal revolutionary council has passed a resolution to begin a campaign of ruthless assassination of police officers. Undoubtedly the object of these leaflets is to cause a stampede of the native police force.

### Weather Report

Toronto, July 30.—Since yesterday morning an area of high pressure has come in from the northward over Manitoba and the Upper Lakes and a depression is now developing in the St. Lawrence Valley. Rain occurred yesterday over the greater portion of the western provinces, but the weather is now fine and cool.

Forecasts—Lower St. Lawrence Gulf and North Shore—Showery today; Thursday, strong northwest winds, clearing and cooler.

Showery; Cooler.

Maritime—Strong southwest winds and showery tonight. Thursday, strong west and northwest winds, showery and becoming cooler.

Northern New England—Local thundershowers tonight and on Thursday; not much change in temperature; moderate to fresh southwest winds.

Toronto, July 30.—Temperatures:

	Highest during	Lowest during
Victoria	52	66
Kanloops	60	84
Calgary	68	88
Edmonton	54	58
Winnipeg	54	70
Montreal	70	84
St. John	54	70
Halifax	64	82
New York	74	82