

GERMANY ABANDONS DESIGN TO RESTORE BROKEN ARMY

Ludendorff, Hoffman and Loringhoven See Folly in Dream of Facing Organized French Forces — Want Only Defence Organization.

Berlin, Oct. 6.—Germany is no longer attempting to keep fragments of her old army together, hoping by some miracle to face the world again, in the opinion of Allied military experts and observers. Stories that Germany is supporting 300,000 soldiers in secret organizations for this purpose are contrary to facts.

That opinion was confirmed by conversations with German officers concerning their intentions. Gen. Ludendorff, Gen. Hoffman and Fritz Loringhoven told the New York Herald correspondent that it was folly for a Germany disarmed by the Allies to attempt to raise a million fully organized and equipped French soldiers. Undoubtedly there are still hidden arms in Germany, but the quantities are not supposed to be great. Without arms extensive military operations are impossible. That does not mean that Germany has renounced the idea of rebuilding her army despite the Allies' protests. Ludendorff said that Germany must have an army to meet her defensive needs. This means, according to German military circles, an army of some 300,000. Such an army would, according to the opinion here, suffice to face the Poles and to maintain German pretensions in the East, notably in Upper Silesia.

There is not enough artillery to supply an army of present standards, but sufficient to meet the needs of a smaller force. The permission which the Allies gave the Germans to keep certain fortress guns in East Prussia is being used as an opportunity to place antiquated cannon with flimsy modern pieces.

Under the circumstances could an army of this size face the Allies in the opinion of German military experts?

That does not mean that Germany has renounced the idea of rebuilding her army despite the Allies' protests. Ludendorff said that Germany must have an army to meet her defensive needs. This means, according to German military circles, an army of some 300,000. Such an army would, according to the opinion here, suffice to face the Poles and to maintain German pretensions in the East, notably in Upper Silesia.

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JURY FINDS THOS. SPELLMAN GUILTY OF MANSLAUGHTER

(Continued from page 10.) An extraordinary feature in this case was that the prosecution did not produce in the trial against O'Brien, a witness they did spring against Thomas Spellman, the witness was unworthy of credence in the O'Brien case, why had she been produced to bolster up the case against Spellman? No explanation had been offered in evidence until he, Mullin, obtained it from Detective Powers in the witness stand. It was because she had failed to verify the location of the crime. Was that even handed evidence such as should be adduced in a murder trial?

Why was Spellman not tried first? Was it by accident or design? The crown in the Spellman case was placed in the position of having its principal witnesses differing on material points. The chief detective said to O'Brien, "Did you not do this, did you?" What could the jury expect O'Brien to answer to such a question? Mrs. Smith swore that the three went in together and but two came out. She said nothing of one coming and while two stayed in. She had no motive in casting the blame on another. If one had come out, he would have come into the rays of the street light, and she would have seen him. She discredited O'Brien's story. How could the jury accept his version of who hit the blow. O'Brien said the three went up to Mrs. Moore's. Mrs. Moore said she did not see or hear anyone but Spellman.

Spellman told a frank story, he denied nothing, because he remembered nothing. His story was a more reasonable one than O'Brien's—the latter had a motive. Who from the evidence had the only evil intent? O'Brien told who in his evidence. If the jury believed Spellman's evidence as to his condition, his mind was not in a condition that could render him guilty. The crime had not been fastened satisfactorily on O'Brien, and the law said, "It was better that ninety-nine guilty men should go unpunished, than that one innocent man suffer." The prisoner was entitled to every reasonable doubt, concluded Mr. Mullin, and he asked them to acquit him.

Dr. Wallace.

Dr. Wallace in opening his address said that Mr. Mullin had made a statement that a witness had been mysteriously held back. That, said the doctor, was not so. The fact that O'Brien was discharged lay not with him but with the jury who tried the case.

As to Mrs. Truscott, Dr. Wallace said he knew nothing of the woman until the trial was drawing to a close. Detective Power told him the witness was of no good to him. He had no opportunity of examining her then, but when he did get an opportunity to examine her, he thought she should be introduced and did so.

As it was near six, the court took recess till eight o'clock.

Evening Session.

The evening session was marked by the largest crowd that had attended the trial at any time since its beginning. The doors of the room were closed when it had been filled to capacity, but many remained in the corridors outside.

Dr. Wallace continued his explanation of why Mrs. Truscott had not been called before. He said he thought that in murder trials the crown should be represented at the preliminary hearings. He hoped in the future it would be so represented so that all that was necessary was to put in the depositions. As to the reason why he had had the cases tried separately, he had adopted the course in fairness to the accused because of O'Brien's confession.

The fact that the young man Spellman found himself in so unfortunate a situation was to be regretted, but it was due to his own indiscretion and he had no one to blame but himself.

It was for the jury to weigh the evidence and come to a conclusion regardless of what juries in other cases may have done. All sympathized with the young man, all appreciated the gallantry he had won, but why had he sullied those honors. Juries, in fairness to the community could not shut their eyes. If they could not find the evidence of such men, where would the country land?

There was no question that murder had been committed. There was no doubt that the murders in the alley. The evidence showed it, and the prisoner did not deny it.

As to the discrepancies in the case, they were to be found in every case, but the fact remained unchanged that three men were in the alley, and one of them was struck down.

Dr. Wallace said he was sorry Detective Powers had made the statement he did, but he thought he had misunderstood the woman. Liquor entered into the case, it was the crucial point in it. O'Brien and Spellman wanted liquor, and when they got it they left. The accused stated he knew what the consequence of his drinking lemon extract would be. His defense was that he was so drunk that he did not know what he was doing.

Concluding the crown prosecutor asked the jury to try and come to an agreement one way or the other.

Dr. Wallace's address was twenty minutes duration.

Judge Charges Jury

Judge Barry in his charge to the jury said the crown had seen fit to try O'Brien and Spellman separately, and it was their right to do so. The duty of the jury, as was his own, was an unpleasant duty, but one which the country expected them to perform. If they saw a man was guilty, it was their duty to say so.

As to the calling of Mrs. Truscott in this trial and not the other the jury had nothing to do. They had but to consider the evidence brought before them.

He himself was approached by the son and daughter of Norris who asked why a woman witness had not been produced. Dr. Wallace told him that the detectives had told him the witness said she had seen the fight across

the Marsh Bridge. The woman spoke French and Dr. Wallace could not examine her till he secured an interpreter.

If the crown had thought that they had evidence to convict Spellman, but not to convict O'Brien, they could have entered a case of nolle prosequi and allowed him to go free, and then used his evidence against Spellman.

The man who struck Norris down deserved to be punished. His Honor here explained the difference between murder, manslaughter, and non culpable homicide to the jury.

If the jury found no evidence that the prisoner did the deed to kill Norris, then they could not find him guilty of murder.

If they found in the evidence that he meant to cause bodily injury to Norris which he ought to have known would have caused his death, or was reckless of whether it caused it or not, then they must find him guilty of murder, if they were satisfied that he was the man who struck the blow.

If they found that Spellman was so drunk as to prevent him forming a wrongful intent, still if the homicide was chargeable under the evidence he did not see how they could find it otherwise, then they must find him guilty of manslaughter.

Referring to O'Brien's evidence, the judge warned the jury of the danger of convicting a prisoner under the uncorroborated evidence of an accomplice, unless it was for the jury to decide on that.

The evidence of Mrs. Moore, Mrs. Truscott and of Bowes, as well as that of the prisoner up to a certain time when his mind went blank, would be hearsay evidence. Judge Barry concluded his address by defining what constituted a reasonable doubt.

Mr. Mullin then asked that the jury be directed as to drunkenness in its relation to a murder charge. Judge Barry read over his previous direction to the jury on this point, but refused to interpret his direction in the manner of the court in a case cited by Mr. Mullin.

Jury Retires.

The jury retired at 8:50 and after being out forty minutes returned and through their foreman Frederick C. Wesley, announced that they found the prisoner not guilty of murder but guilty of manslaughter.

The court room had been cleared when the jury retired, and no one excepting the court officials were present when the verdict was announced. Spellman received the verdict very quietly and with little change of expression.

The judge discharged the jury and requested all the jurors of the original panel to be in attendance when the court again met on the first Tuesday of November.

Made Application

Mr. Mullin made application for a reserve case. Judge Barry said he would hear the application today at 12 o'clock and the court adjourned to that hour.

His Honor stated last evening that he had not decided as to when he would impose sentence, should Mr. Mullin's application prove unsuccessful.

No Danger of Wheat Shortage

U. S. Crop Estimated at 754,000,000 Bushels—Canada's Crop 294,000,000 Bushels.

There is no danger of a world shortage of wheat during the coming year, and there is at present no indication of an undue surplus, according to the October issue of Commerce Monthly, published by the National Bank of Commerce in New York. World wheat production and requirements are approximately in balance.

"Estimated 1921 production of wheat in twenty countries which before the war produced 68 per cent of the known wheat crop of the world, aggregates 2,496,600,000 bushels as compared with 2,384,433,000 bushels produced last year," Commerce Monthly says.

"The 1921 crop of the United States is estimated at 764,000,000 bushels and of Canada at 394,380,000 bushels in 1920, 400,000,000 bushels in the United States and 90,000,000 bushels in Canada for consumption and seedling requirements, and assuming a normal carry over at the beginning and end of the wheat year, there would be available for export from the two countries before July 1, 1922 a little over 350,000,000 bushels.

All hope of surplus wheat supplies from Russia has been abandoned and famine relief in that country may make an appreciable drain on international supplies. Crops in northern Africa are fairly good, following a very poor harvest last year, but a normal exportable surplus is not expected. Exports from India are reported to have been prohibited entirely, because of the poor crop and high prices, and no improvement can be expected before the 1922 harvest. Argentina and Australia still have a fairly large share of their last crop. The amount available for export from Argentina on July 1 is estimated at over 40,000,000 bushels and from Australia at about 50,000,000 bushels, allowing for a normal carryover in each country.

"Current stocks in Europe are not large but are distinctly better than last year and are sufficient to meet requirements until the new harvest is available. Normally western Europe imports an average of 40,000,000 bushels of wheat annually. Of this amount Russia formerly supplied 150,000,000 bushels. In the last crop year, ending July 1, 1921, Canada and the United States together furnished net exports of about 475,000,000 bushels, of which the greater part was sent to Europe.

"The estimated exportable surplus of 350,000,000 bushels from the United States and Canada, together with the 90,000,000 bushel carryover in Argentina and Australia, therefore, make a total of 440,000,000 bushels available to meet the international demand. This apparently balances the probable European requirements of approximately 400,000,000 bushels, with a reasonable allowance for Russian requirements."

Request To Make Visitors Welcome

Instruction Given at Meeting for Religious Canvases of City to be Made Today.

A packed house describes last evening's meeting at the Knights of Pythias Hall at which instruction was given visitors for the religious canvases to be taken today. The auditorium was crowded to its capacity many remaining standing in the lobby throughout the address. 1240 visitors reported last evening.

L. W. Simms was chairman and on the platform were Dr. Broderick, A. C. Skelton, E. J. Henneberry, J. N. Rogers, R. E. Armstrong, A. J. Mulcahy, H. Thorne, C. R. Watson and a number of local pastors.

After a few moments, silent prayer J. Shreve Durham gave instructions to the visitors telling them to deliver the card of general invitation and get a short record by having the questions on the printed card answered at the home. The fact that the appeal is to all trends of religious thought was pointed out. Two visitors of different denominations are asked to go together. People are requested if possible to remain at home between the

hours of two and four today and to make the visitors welcome. Visitors will wear a badge.

The division of the city into eight different districts was explained by the chairman of that committee E. J. Henneberry.

Spotter Evidence Given Black Eye

Boston, Oct. 6.—The favorite method employed by Boston police to arrest erring bartenders, was declared illegal by Judge Murray of Central

Whichever you choose It will be the BEST you ever tasted.

"SALADA"

BLACK TEA
Rich, Satisfying
Flavour. From the
finest gardens.

MIXED TEA
Just enough green
tea to make the
blend delicious.

GREEN TEA
A Revelation in Green
Tea. Pure, translucent
and so Flavoury.

Court today. The dope has been for one cop to disguise himself as a work man in overalls and everything, enter saloon, buy a drink and then step outside to summon another officer to make the arrest. Jeremiah McMillan and Timothy Fitzgerald were two victims of this system in Court today. The court quoted at length from the constitution and bill of rights, and finally discharged them on the grounds that their constitutional rights had been violated.

The Daily Don't.
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John A. Johnson has been sentenced to a year in the penitentiary for a charge against the father of a family.

An application for pardon for a man who was sentenced to a year in the penitentiary for a charge against the father of a family.

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