

O'MALLEY QUILTS WITNESS STAND IN ROW

To-Night's Weather—FAIR AND COOLER.

To-Morrow's Weather—FAIR.

"10 TO 3" DAILY WALL STREET FEATURE THIS EDITION

The



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ULSTER FACTIONS KILL AND BURN; TROOPS TO CONTROL BELFAST

MILITARY RULE IN BELFAST AFTER 14 ARE KILLED

Many Fires Reported to Have Been Set by Rioters in Various Sections of Excited City During the Night.

Irish Republican Army Warned to Be Ready for a Breaking of the Truce—South Ireland Keeps Its Pledge.

Dublin Opinion Is That Disorders in Ulster Are Part of Extremists' Plan to Stop Concessions.

BELFAST, Aug. 31 (Associated Press).—The military, it was announced at midday, will assume control of Belfast within an hour, as a result of representations by the Lord Mayor as to the urgent necessity of affording the citizens protection in view of the fierce rioting and fighting in progress.

By mid-afternoon, with the fighting still proceeding in some areas between the Ulster loyalists and Sinn Feiners, the total death toll since Monday night had reached fourteen. Scores have been wounded, but the exact number is not known.

Tramcars this morning raced through the riot district of North Queen Street and Old Lodge Road, the passengers lying on the floor to escape the bullets of the rioters, but an Englishman on his honeymoon trip was shot in the abdomen and is in a critical condition.

Last night's scenes centered in Royal Avenue. They began with a determined attack by a party of snipers on Crook Street. At the end of that thoroughfare crowds had assembled, on which a heavy revolver fire was opened by a party of Sinn Feiners. A wild stampede resulted. While some of the crowd ran along Royal Avenue toward Castle Junction, the remainder attempted to escape along Donegal Street toward the Cathedral. They had gone only a few yards when two youths with caps pulled down over their faces dashed over Academy Street to the footpath and commenced firing. The terrified crowd raced back toward Royal Avenue, many of its members falling and being trampled upon.

Later, operations were opened in Stanhope Street, where Sinn Feiners equipped with rifles fired into the Lane Street and Old Lodge Road. Armored cars temporarily quelled the activities of the gunmen, but at 9 P. M. they were resumed and police reinforcements were hurried to the locality. On arrival of the curfew hour matters quieted, but throughout the night occasional shots were heard. During the firing of this morning crowds gathered in Royal Avenue at the corner of York Street and gazed toward the battleground of yesterday, the anniversary of the imposition of the curfew was one of the worst days in the city's history.

10% NET INCOME FROM RENTS IS REASONABLE RETURN, RULES BROOKLYN APPELLATE COURT

Opinion Lays Down Detailed Directions to Guide Municipal Justices.

EXPLAINS BASIC POINTS.

Income Should Vary With Returns in Other Fields, It Is Declared.

The Appellate Term of the Brooklyn Supreme Court, composed of Justices Kelly, Cropsy and Lazansky, handed down an opinion to-day containing five rules for the guidance of the Justices of Municipal Courts in determining "reasonable rents."

"The following is laid down as the sensible way to determine the questions involved," writes the court.

"1. Determine the present fair market value of the premises. This may be done by offering opinion evidence as to both fee and rental value or by introducing other competent evidence.

"2. Determine the gross rentals demanded by the landlord.

"3. Determine the allowable operating expenses for the past year. These ordinarily consist of payment for taxes, water rates, insurance, janitor's services, necessary legal expenses made by the landlord incidental to maintaining his right to possession and necessary expenses annually paid out for collecting rents; also payments for necessary supplies incident to the use of the premises, such as coal, gas and electricity; also necessary current repairs for the year. Allowance should be also made for loss of rents by reason of vacancies or tenants failing to pay. Allowance for annual depreciation, if established by the proof, should be made upon the fair market value of the buildings.

"4. Deduct from the gross rentals the operating expenses, and this will give the net rental.

REASONABLE RENT WOULD VARY WITH MONEY MARKET.

"5. If this net rental does not exceed 10 per cent. of the present value of the property, then the rent demanded is not unreasonable. The reasonableness of a rent charge may vary under changing financial conditions. Upon the proof in this record (the case at bar), showing the return upon other well recognized and generally accepted forms of investment we think that 10 per cent. as a net return to an owner of real property is not unreasonable, but such a percentage might be excessive if the evi-

(Continued on Second Page.)

G. M. COHAN WANTS TO BUY CININNATI BALL CLUB.

But Herrmann, Present Owner, Refuses to Sell.

CINCINNATI, Aug. 31.—August Herrmann, President of the Cincinnati National League ball club, said that "The Cincinnati Reds are not for sale to George Cohan or any one else," when he received a telegram to-day from the theatrical manager and actor asking Herrmann to put a price on the controlling interest of the club.

Putting in a bid for the Cincinnati team is Mr. Cohan's second attempt to break into organized baseball. A short time ago he was reported as being willing to purchase the Boston American League nine but the deal fell through.

49 POUNDS OF FLOWERS FROM ONE GIANT PLANT.

It's Fifteen Feet High and Also Supports Bean Vines.

(Special to The Evening World.) ONECO, Conn., Aug. 31.—Charles B. Montgomery, local news writer, Justice of Peace and pension agent, has added to his kitchen garden this year a Russian giant sunflower. One plant, fifteen and one-half feet high, has yielded seven sunflowers, total weight 49.1-2 pounds. The largest was eighteen inches across and weighed when cut 19.1-4 pounds.

On another plant, fourteen feet high, he picked three bushels of green pole beans from vines that left their poles and reached out to the sunflowers for support.

SAYS SPIRITS SHE CALLED UP DROVE HIM TO SALOON

Until Then Actor Declares He Had Done All Wife's Housework.

Eugene Lowe, an actor, said he did not object to washing dishes, making beds, sweeping floors and mending when his wife thought such duties beneath her, but when she took up spiritualism and preferred to be directed by her "guides," "Red Feather" and "Little Flower," he did lose his temper and sought the solace of the corner saloon.

The wraiths, he charged, in his answer to his wife's allegations that he threatened to kill her, were responsible for his occasionally losing his temper.

Justice Wasservogel to-day allowed Mrs. Lowe \$35 a week alimony and \$250 counsel fee, pending her separation suit.

Mrs. Lowe alleges her husband left her in May, 1917, and contributed \$5 a week for the support of herself and seventeen-year-old son, Eugene Knight Lowe, until May last.

Lowe says the first six years of their married life, which started March 26, 1902, were happy because he did all the household work. As a result of his wife's having nothing to occupy her time, he says, she took up spiritualism.

Lowe says he did not object to this in itself, but he did protest because when economic or domestic discussions arose she insisted on taking the advice of her "guides."

In the winter Lowe was not bothered much by the "guides," but in summer when the theatrical business was dull, he had to remain home, he says, and listen to the gibberish of a baby girl, "Little Flower" and "Red Feather," an Indian chief, whose picture adorned the wall.

Whenever he remonstrated with his wife for her apathy toward household duties Lowe alleges she replied that "Red Feather" did not deem them necessary.

Lowe avers he has tried to become reconciled to his wife, as he loves her, but she refuses, saying her "guides" advise against it.

HOT WAVE TO LAST FOR SEVERAL DAYS

Weather Man Says There is Hope of Showers—84 Degrees at 4 P. M.

While the temperature is high and the Weather Man's best bet is that it will be as hot to-day and to-morrow as it was yesterday, there is hope of showers which will bring some relief. The mercury registered 84 degrees to-day at 1 o'clock.

Yesterday's maximum was 91 late in the afternoon. The mercury hovered around this figure for several hours and was at 83 at midnight.

While suffering was intense after the almost perfect weather of three weeks, there were no serious prostrations. Low humidity prevented an unusual amount of discomfort. Among those who complain are men who had discarded their straw hats for fall headgear.

The weather man does not expect relief in the immediate future and thinks the heat wave may continue for several days.

A man giving the name of Jake Rickett, forty-two, No. 249 West 49th Street, was overcome by the heat at 49th Street and Tenth Avenue to-day.

THE WORLD TRAVEL BUREAU, 200 N. Y. City, Telephone, 60-10-10. Check room for baggage and tickets open day and night. Money orders and travelers' checks for sale.

BOY WHO KILLED CHILD BY AUTO THANKS HIS JUDGE

Carl Henderson Worked on Jersey Roads as Penalty for Homicide.

HAS SERVED SENTENCE.

Realizes Autoists Are Not Kings of the Road and Is Grateful for Punishment.

Carl Henderson, eighteen-year-old student in Central High School and the son of wealthy parents, living at No. 93 Bleecker Street, Newark, was to-day released from the State Reformatory at Rahway, N. J. The boy had been sentenced to spend his school vacation in that institution, following his conviction on Oct. 23, 1920, on a charge of manslaughter. A jury before Judge Fred Stickett returned that verdict after it had been shown Henderson had run over and killed nine-year-old Charles Mose of 32 College Place, Newark.

Carl stood before Judge Stickett dressed in a ne w suit and had in his pockets \$17, the proceeds of his labor at 50 cents a day for working on State roads with model prisoners. He appeared fifteen pounds heavier than when he was sentenced. His cheeks had a healthy, ruddy tan.

Five days after he had received the unusual sentence Judge Stickett had requested the reformatory officials to place him with the model prisoners at Budd's Lake who were constructing a section of State road.

So, "whatever lesson you should have learned under the guidance of the institution you probably have learned now. You must realize by this time that an autoist's rights are not supreme over those of pedestrians," said the court.

"I did a lot of worrying over your case. I wanted to be fair to you, with the law and to society. I do not regret having sent you to the reformatory. You did not suffer by this sentence. I had to send you somewhere because of the verdict and the demand of the community.

Young Henderson thanked the Judge and said he was sorry that he had been the cause of the death of the child.

"I am a reformed boy," he said. "I now realize, as Your Honor has said, that an auto driver is not king of the road. I realize that pedestrians have rights and that they do not have to scoot out of the way of machines. I am very thankful to you and to the reformatory officials for their treatment of me. I believe I have benefited in many ways, for I suffered no hardships and had pleasant and clean living."

200 GALLONS OF WINE. HOME MADE, ESCAPE TAX.

That's the Limit, and you Must File Notice of Intention.

HAUTEFORE, Aug. 31.—A maximum of 200 gallons of wine a year may be made by heads of families in private homes for exclusive use of a family without being subject to a tax, it was announced to-day by Unit 1 State Internal Revenue Collector Robert O. Eaton of the Connecticut District.

It is stipulated, however, he says, that the maker must file a formal notice of intention to make the wine at the Internal Revenue office before the making of the wine is begun. Collector Eaton says his announcement is in accord with regulations received from Washington.

Bitten by Shark, Rescued by Sealplane; Dies.

MANILA, P. I., Aug. 31.—Private Marcellus T. Abernathy, 9th Coast Artillery, was so severely bitten by a shark while bathing in Manila Bay that he died afterward. Abernathy was rescued by a sealplane and taken to the Coe Hospital where an operation was performed without success.

M'QUADE THREATENS ARREST OF ENRIGHT; HAS DETECTIVE TAKEN IN CUSTODY IN COURT

Magistrate Gives Acting Inspector Donohue Twenty-four Hours in Which to Remove Policeman From Browne's Cafe.

Magistrate F. X. McQuade announced in West Side Police Court to-day that if Capt. Thomas Donohue of the West 47th Street Station, now acting as Inspector in charge of the Third District, does not remove a uniformed policeman from the cafe of Michael P. Browne, at No. 794 Columbus Avenue by to-morrow morning he will issue a warrant for the Captain's arrest on a charge of oppression, and that if Police Headquarters orders Donohue to keep the policeman on guard a warrant will be issued for the arrest of Police Commissioner Enright.

Immediately after this announcement Magistrate McQuade ordered the arrest of Detective Harry Hepner of the West 68th Street Station on a charge of oppression preferred by Harry Sartoris of the Pasadena Hotel, No. 10 West 61st Street. A complaint against Sartoris for pos-

sessing liquor made by Hepner had just been dismissed when it was brought out on the stand that the detective, without a warrant, had forced his way into the rooms of the defendant. A warrant for Hepner's arrest was drawn up. Magistrate McQuade signed it and the detective was taken into custody in the courtroom, greatly to his astonishment.

Browne's place has been raided three times since April. In the first raid, made under Capt. Donohue's direction when he was Captain of the West 100th Street Station, the poles arrested Browne and seized a quantity of beer. The beer proved to be legal in that it contained less than one-half of one per cent. of alcohol, and Browne brought civil suit against Donohue for \$25,000 damages for false arrest.

In July detectives raided the place (Continued on Second Page.)

NEW U. S. RAIDERS HERE TO MAKE N. Y. "MODEL DRY CITY"

"I'll Stay Till the Town is Thoroughly Dried," Says Chief Yellowly.

The "Flying Squadron" of special-ists on Prohibition enforcement under command of E. C. Yellowly, sent here from Washington with orders to dry up the town, went to work to-day, and Yellowly told reporters his purpose is to make New York "a model city" in the matter of alcohol.

It was evident that Yellowly was hopeful of success, not less hopeful than the procession of other enforcement experts who have tackled New York in time-gone-by.

"My agents are out now sizing up the situation," he said. "We are going after all the violators of the law, big ones and little ones alike."

During his stay in New York—and he says his programme is to stay until the city is dry—he will be technically ranked as assistant to Harold L. Hart, Federal Director of Prohibition for New York State. But Yellowly will really be conducting an independent campaign, it is said, concentrating on the five boroughs, using his own methods and his own agents.

Hart told reporters he believed the situation was improving and said he was glad of the help that Yellowly will bring him. Ernest S. Langley, chief of the field division of agents for the State, who has 150 men under him, also said he thought the situation was getting better. He says he still lacks some of the men he ought to have.

The Grand Jury in Brooklyn yesterday dismissed 44 out of 78 cases and made it clear that indictments would not be returned on evidence illegally obtained—that is to say, on evidence obtained by searches and seizures made without warrants. There are only fourteen cases pending before the Brooklyn jury now, while 2,000 cases are pending in Manhattan.

Corporation Counsel O'Brien sent a third warning to Police Commissioner Enright on the subject of illegal searches and seizures, concluding with this paragraph:

"That there may be no misunderstanding, I beg to advise you that neither I, nor the department of which I am the chief executive, will represent, defend or protect any police official or officer in any action or proceeding, civil or criminal, which is instituted by reason of the failure of such official or officer to obey the law as defined by me in the aforesaid opinion."

O'MALLEY HALTS TESTIMONY IN ROW AT GRAFT INQUIRY; CHARGES FRAME-UP BY MILLER

Commissioner Quits Stand on Lawyer's Orders After Hot Wrangle With Wallstein—Denies Graft and Assails Governor and Food Trust.

Edward J. O'Malley, Commissioner of Public Markets, withdrew from the witness stand before the Meyer committee to-day by advice of his lawyer, J. J. Halpin, shouted from the midst of the crowd of spectators which filled the Aldermanic Chamber.

A yelling exchange of personalities between Mr. O'Malley and Leonard B. Wallstein, examining counsel for the committee, who demanded "proper behavior" of the witness, had reached the point where Mr. Wallstein had appealed to the Chairman to make the Commissioner behave or retire from the stand.

Mr. O'Malley had accepted the invitation of the committee to make a statement and submit to questioning under a waiver of immunity regarding the charges made against himself and his office by witnesses in the last week. He had entered a general denial of the so-called minor charges involving the payment of bribes and the demand for bribes by subordinates for market permits.

He had quoted James Sinnott, secretary and son-in-law to Mayor Hylan; Commissioner of Plant and Structures Grover Whalen and Ed Luther, an Albany newspaper correspondent, as his authorities for a claim that Gov. Miller had offered to smother the Meyer committee in exchange for O'Malley's vote in the State Council of Market Commissioners for George L. Hogue for State Commissioner.

Mr. Wallstein launched into the subject of the charge of yesterday made by John B. Hibbard, a real estate agent, that he had paid Mr. O'Malley three \$500 bills as a commission on a real estate deal of the New York Telephone Company which had been consummated after Mr. O'Malley had summoned H. F. Michel, the owner of the property, a market stand holder, to the Department of Markets office and questioned his right to a market stand which the Michel firm had held sixty-five years.

O'Malley Denies Getting \$1,500 From Hibbard.

Mr. O'Malley acknowledged he knew John B. Hibbard and William McHarg.

By Mr. Wallstein—Did you get \$1,500 from him? A. No. No, SIR.

Q. Did Mr. McHarg ask you to assist the telephone company in getting property at No. 108 Vesey Street? A. Yes, sir.

Q. Did you send to Mr. Michel and advise him to sell the property? A. I told him of the proposition.

Q. Did you get from Michel a written offer to sell for \$45,000? A. I got it from Hibbard and called up McHarg and he came to my office and got it.

Q. Did Mr. Hibbard tell you what commission he was going to get? A. No, sir; never mentioned a commission in any manner, shape or form.

Q. Have you ever been in the real estate business as a business? A. Not as a business.

Q. Did Mr. McHarg tell you why he wanted you to talk to Mr. Michels? A. Mr. McHarg came to me and said: "The company is trying to acquire a piece of property, and the man that owns it paid \$18,000 for it. Mr. Allen has been negotiating with him, or somebody in the office, to complete the square block for the Telephone Company," and he said this man had ridden them up so far to \$35,000. Now, he said, that every time the Telephone Company made him an offer he would then jump it again about \$5,000. So he said: "It seems useless to talk to him, and I thought that maybe we could find somebody that knew him and that we could find out from him confidentially what he thought would be a positive fixed price. I was told that this man was a tenant in the market and possibly you knew him."

"Well," I said, "I don't know the man. I don't know as I would know him if I saw him in the market. What do you want me to do?" He said, "Try to find out from him just what he will take. The last time somebody talked to him and told him to make some definite figure, he said, in order to make us a good safe figure, \$40,000."

I said, "I will find out from him if

Another American Body Recovered From ZU-2.

HULL, England, Aug. 31.—The body of Chief Mechanic Mate George Welsh of Elgin, Ill., who lost his life in the ZU-2 disaster here last week, was recovered from the wreckage this morning.

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