

# Henry Charges Totally False, Smith Swears

### Prosecutor From Witness Stand Denies He Ever Proposed Protection for Gamblers to the Inspector

### The State Rests Its Case

### Hines, Quinn and Others Say the Police Official Falsified to Grand Jury

The prosecution rested at the trial yesterday of Dominick Henry, suspended police inspector, charged by the extraordinary grand jury with pejury, when Assistant District Attorney James E. Smith concluded his testimony.

Smith denied as without foundation the statements made by Henry under oath to the extraordinary grand jury concerning alleged proffers made to him by Smith for the protection of gamblers in the 4th Inspection District, of which Henry was in command.

Similar denials of Henry's story were made by all the other principals in the case. The grand jury had been approached by him as representative of Smith.

Henry Testimony Read  
At the morning session, William Rand, Deputy Attorney General, read to the jury a transcript of the testimony given by the extraordinary grand jury on March 30 last by Inspector Henry, in which the latter testified to having been introduced to Smith by James J. Hines, political leader of the upper West Side, and being told by him at a second meeting a few days later that: "I have got Swann muzzled. Got him muzzled right. He has got the governorship here in his bonnet. He called me into his office and said the other day: 'You made Whitman Governor, why don't you make me Governor?'"

To improve this portion of Henry's testimony, the prosecution called Mr. Hines, who said he never had introduced Smith to Henry on the night of February 8, 1918, and added that he never had seen Henry and Smith together. Hines said, however, in answer to a question put by Mr. Rand, that he had seen Henry in March of this year and had said in reply to Henry's question as to what he thought of Smith: "Smith is a tough fellow."

Cross-examined by W. Bourke Cockran, Henry's attorney, Hines said that he had called Smith a "tough" fellow because he used his power of subpoenaing people too frequently.

District Attorney Swann was called by Mr. Rand to testify about the conversation alleged to have taken place between Assistant District Attorney Smith and himself regarding the Governorship, but Mr. Cockran objected and was upheld by Justice Bartow S. Weeks. A similar objection by Mr. Cockran to Smith answering the question also was sustained.

Smith Gives His History  
Smith said in answer to questions put by Mr. Rand that he was a graduate of Brown University, had been admitted to the bar in September, 1894, and had been an Assistant District Attorney since June 4, 1910, having been appointed by District Attorney Whitman.

He said that he first met Henry the latter part of February, 1918, when the latter had come to ask about the arrest of a Leon Sobel, who owned several houses on Manhattan Avenue used for disorderly purposes.

Did Mr. Hines introduce you to Inspector Henry on February 9, 1918?  
"Never," was the emphatic reply.  
"Did anybody introduce you to Inspector Henry?"  
"No."  
Mr. Rand then read from Henry's testimony before the grand jury his account of a conversation he had with Smith on February 9, 1918, and asked Smith if such a conversation had taken place.

"Never," said Smith.  
"Is there one word of truth in this testimony?"  
"Not one word of truth."  
He also denied that he had seen Inspector Henry on March 9, 1918, at Sixty-eighth Street and Broadway, or had any conversation with him on that date.

Admits Attack on Police  
In answer to questions by Mr. Cockran, the witness admitted that he had been officially in a state of bitter controversy with the Police Department for three years and that he had given interviews to newspapermen expressing his opinion of it rather often.

He said that he did say that there

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were 300 disorderly houses within ten blocks north and south and four blocks east and west of the office of the inspector of the 4th Inspection District, and that he had given an interview stating that a reign of terror existed, and that the police conditions so far as they affected immoral women and criminals were the worst in the history of the city.

"And I repeat that and say they are that to-day," added Smith, dramatically.  
The cross-examination that followed was a summary of the difficulties and animosities that arose between Henry and Smith as a result of raids they made on chop suey restaurants and disorderly houses before the armistice was signed, to find slackers and men who live on the earnings of women of the streets.

The charges made by Inspector Henry that Smith told him that he had "tipped off" a motorcycle policeman named Kerrigan that a trap had been set by the then Inspector Daniel Costigan to catch him grafting on chauffeurs by giving him marked money through Fred W. Hopper were refuted by both Costigan and Hopper.

Hopper, who testified that he is the president of the Professional Chauffeurs' Club of America, said that he never had heard of any plans to trap Kerrigan with marked money, and denied positively that he had been with Henry and Smith on the evening of March 9, 1918, as alleged by Henry, adding that he did not know Smith.

Cross-examined by Mr. Cockran, the witness admitted that he had testified at a police trial of Kerrigan in 1917, and that the latter had on two occasions extorted money from him in 1919 and 1912 by failing to give him a summons for speeding in return for small amounts of money.

Dennis J. Quinn, brother-in-law of Smith, denied that he ever had asked Henry about opening a gambling house in the Fourth Inspection District, and that no raid would be made from the District Attorney's office, or that Smith could do Henry many favors because "Jimmy" had District Attorney Swann in his "left pocket" and that a little gambling in the district would never be noticed.

He added that he could never have suggested all these things to Inspector Henry, as he had never met him and had not up to this day.

On cross-examination, Quinn said he was secretary of the Civitas Club, at 256 West 105th Street, and denied that their was any truth in the statement that Smith, once president of this club, had received profits from gambling there.

Quinn said it was a political club that poker had been played there, but with no "kitty" or raffle for the house, so that no one ever received any profits from the game. He said Smith did not belong to the club very long.

The defense will open its case this morning and will finish it even if a night session is necessary.

Hotel Prices Protested  
The National Council of Traveling Salesmen's Associations adopted a resolution yesterday requesting the appointment of a Federal commission to investigate hotel and restaurant charges and recommend legislation for the enforcement of lower prices and of sanitary regulations. Hotel and restaurant rates are accused in the resolution of "criminally extortionary charges."

# Kilroe to Call Wreck Toll of 14 Dead Due to Ignored Signal

### Light Sought on Charges of Grafting From Government by Manufacturers of Airplanes

### Club Also Takes Action

### Board of Governors Votes to Make Thorough Investigation of 1916 Fund

Edwin P. Kilroe, Assistant District Attorney, who is investigating the collection and disbursement of the \$378,381.17 national airplane fund, raised by the Aero Club of America in 1916, announced yesterday that he would call Henry Woodhouse, one of the trustees, before the grand jury early next week and question him about alleged grafting from the government by airplane manufacturers. This action, Mr. Kilroe explained, was due to the refusal of Woodhouse to answer the questions at the informal hearing Tuesday.

Another development came yesterday at the meeting of the board of governors of the Aero Club at the Bankers Club. Colonel Jefferson De Mont Thompson, president of the club, appointed a committee of three to investigate every aspect of the fund. Rear Admiral Bradley A. Fiske was named chairman. The other members are Professor Charles L. Poor and W. W. Miller. The committee will report back to the board next Tuesday.

Fifteen governors were present at the meeting, and at its conclusion Colonel Thompson said all were determined to make the investigation complete. Henry Woodhouse, Alan E. Hawley, former president of the club, and Henry W. Wise, one of the three trustees of the fund, were present.

Announcing his intention of calling Woodhouse before the grand jury, Mr. Kilroe said he expected to complete the examination of the records submitted to him by officials of the club on Friday, and would resume his investigation on Monday. He will request Messrs. Hawley and Woodhouse to be present on that day to be questioned.

The grand jury investigation apparently arises out of a statement made by Bernard H. Sandier, a member of the law committee of the Aero Club, in his statement on Monday. Sandier said that Woodhouse was the object of covert attacks and that the complaints were men who had graded upon the government during the war.

The statement concluded with these words: "Why do not the men who ask for an investigation come out into the open light of day and answer it? Woodhouse has a lot of information about those who have graded millions of dollars from the United States government."

Woodhouse's Citizenship Attacked  
Papers have been on file in the office of the United States District Attorney for a week, it was said, in an action seeking to have Woodhouse's citizenship cancelled on the grounds of alleged fraud. The chief in this action was filed by Stanley Lazarus of the law firm of Lazarus, Meigs and Barnham, of No. 1 Madison Avenue, on behalf of James C. Dunn, Mayor of Cleveland. The chief in this action was Lieutenant in the United States Air Service and charged against him were brought by Woodhouse.

American United States District Attorney Lovett, who has charge of the matter, admitted yesterday the papers were on file, but said as yet no formal action had been taken. He said Woodhouse would be requested to appear before him for an informal hearing. The complaint alleges that Woodhouse did not inform the authorities at the time he applied for citizenship that he had been convicted of a crime under another name.

Throgs at 'Meteor From Mars'  
Special Dispatch to The Tribune  
OKMULGEE, Okla., June 9.—A report that the giant meteor which struck near here last night was being a message from Mars attracted enormous crowds to the scene to-day. Six villages claim the trophy.

### Flagman Says He Waved Red Lantern and Threw Fuse Into Cab of Speeding Engine Before Collision

### Pullman Torn to Bits

### Twenty-six Injured When New York Train, Stopped in Open Field, Is Struck

Fourteen persons were killed and twenty-six injured at 12:25 a. m. yesterday, when an eastbound Michigan Central express train, known as No. 34, crashed at full speed into the rear of a New York Central passenger train three miles west of Schenectady. Failure of the engineer of the second train to heed danger signals was given as the cause of the wreck. Two of the injured are said to be dying.

Two Pullman coaches at the rear of the passenger train were torn to pieces by the impact. All but one of those killed were asleep in the Pullmans. Martin Doyle, of Albany, engineer of the express, died at his post, one hand still gripping the throttle when his body was found in the wreckage. Twenty passengers in the two Pullmans escaped injury.

Express Runs Past Signals  
The New York Central train, No. 28, was from Buffalo for New York. It had stopped in an open field between Glenville and Schenectady because of trouble with the brakes. Clayton Robinson, flagman, testified at a coroner's inquest that he went back thirty car lengths to head danger signals, because of trouble with the locomotive as the express dashed by at high speed.

"I stayed in the middle of the track as long as I dared," he said later. "She kept coming and did not blow her whistle. I didn't see the smash and didn't hear it, because the wind was blowing from me toward the wreck. The train was making speed when she passed me. I wasn't asleep."

Fireman Saves Life by Leap  
Just before the crash the fireman on No. 34 jumped and escaped serious injury. He said Doyle ordered him to jump when a collision was seen to be inevitable.

According to officials, No. 34, which was made up of ten express cars, was late and should have been ahead of the passenger train.

The dead are:

BOWNE, Mrs. Watson H., 315 Genesee Street, Utica, N. Y. (grandmother of George children).  
CROUSE, Watson, same address, infant, twenty months old.  
CROUSE, Daniel, same address, boy about twelve years old (children of Mr. and Mrs. Meliss Crouse, 315 Genesee Street, Utica).

DOYLE, Martin, of Albany, engineer of train No. 34.  
JEWELSBURG, George W., 288 Ryerson Street, Brooklyn.  
HOAC, HOMER, Syracuse, N. Y.  
NORTON, HUGH M., Dolgaville, N. Y.  
NORTON, MRS. HUGH M., Dolgaville, N. Y.

RENNY, JOHN J., Utica.  
WATSON, FRANK E., forty-six, 161 Kenwood Avenue, Springfield, Mass.

The unidentified dead are:  
Man about fifty years old, was attacked only in night clothes, and no means of identification from clothing. Had a gray mustache, weighed about 150 pounds, and was five feet seven inches tall.  
Man about 200 pounds, smooth face, bald head, with slightly grayish hair. Almost six feet in height.  
Man about 190 pounds, smooth face, slightly bald head, with hair tinted with gray. Wore an Imperial wrist watch.  
Mr. Zull, of Syracuse, is missing and is thought to have been among those killed. His papers are in the possession of a local undertaker.

Of the forty persons taken to the hospital at Schenectady fifteen remained to-night. Scores of others received attention at the wreck.

Eight Seriously Injured  
Those injured seriously were:  
PATITUCCI, Robert, 287 West Main Street, Amsterdam, N. Y.; badly bruised.  
BUCHANAN, R. H., Palisade Park, N. J.; back broken, head cut, paralyzed below the waist.  
CLARK, Eunice, twenty-two, a nurse of Springfield, Mass.; internal injuries.  
HUSSEY, T. O., 52 Vanderbilt Avenue, New York; left leg and hand cut.  
MCGREGORY, J. S., Colgate University, Hamilton; fractured ribs.  
ROGERS, Anna S., 8 Prospect Court, Gloucester, Mass.; right shoulder broken and left foot sprained.  
SULLIVAN, Anna, maid of Crouse family of Utica; fractured skull.  
TILLINGHAST, Lillian, 306 West Ninety-third Street, New York; contusions of right foot.  
As soon as reports of the wreck reached Schenectady a number of wreck ambulances were rushed to the scene, carrying physicians and nurses. A wrecking train was sent from Albany to clear the track.

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Signals Declared Perfect  
Railroad officials were emphatic last night that although Doyle's record was excellent, there were only two possible causes of the wreck, a signal breakdown and Doyle's carelessness. The signals were declared perfect. When found, Doyle was clutching convulsively, as if for his engine controls. His engine was shut off and the breaks were set.  
Baggage and jewelry were scattered through a wheat field and later picked up, some kept by officials of the community and some taken away.  
Some persons left the wreck without their clothing, which has made doubtful the number of injured persons and their identity.

### Driver Beaten, Van Burned

For the third time in a few weeks strikers made a successful attack last night on a furniture van owned by Deutsch Bros., 2266 Third Avenue. The van was going through Clinton Street when four men leaped aboard, dragged off the driver, James E. Scully, of 1812 Arthur Avenue, the Bronx, and beat him almost into insensibility.  
Another man threw a pail of kerosene oil into the vehicle and touched a match to the contents. By the time the driver's helper arrived with a patrolman, the van was in flames. Firemen put out the fire and an ambulance surgeon attended Scully.  
One of the company's vans and its contents were burned in the street several weeks ago. Another was captured and driven into the East River.

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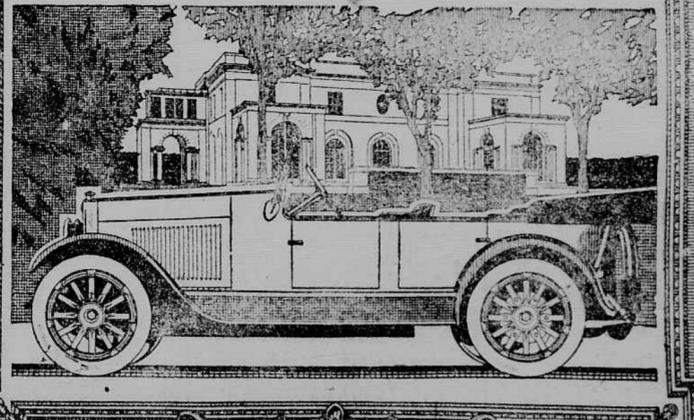
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