

SET FREE OF EACH 4 CONVICTED CRIMINALS

Abuse of Suspended Sentence Power Feature of Investigation of Judges.

90 BURGLARS SET LOOSE

Of 5,111 Convicted of Crime This Year 1,410 Were Turned Out on Parole.

Those who are interested in the investigation of the Court of General Sessions by the grievance committee of the Bar Association are making a point of what they consider to be an abuse of the power of the judges to suspend sentences on criminals who have been convicted or who have pleaded guilty. The investigators have no complaint against the practice of suspending sentence in a worthy case, but they say that the records show that in comparison with the number of convictions the number of cases in which prisoners have been allowed to go free is unusually large.

On this point Commissioner of Accounts Fosdick announced yesterday that it is the intention of his office to inspect all the records of the Court of General Sessions which have to do with cases in which sentences on the prisoner was suspended after conviction. At the same time figures were made public at Police Headquarters dealing with the matter of suspended sentences for the period from January 1 until May 15. Commissioner Waddy would make no comment on the figures, save this: "I am in favor of the suspended sentence but I am not in favor of its abuse."

According to the records of the detective bureau 5,111 persons were convicted in the whole city between January 1 and May 15 of this number sentence was suspended on 1,410. This has nothing to do with convictions obtained by the uniformed force, and of course it does not deal directly with the Court of General Sessions inquiry, as the records are not for the five boroughs of the whole city.

According to the figures submitted to Commissioner Waddy sentences were suspended on ninety persons who had been convicted of burglary of residences and business places, seventeen convicted pickpockets got off and five persons who were convicted of burglary and assault got suspended sentences. It was announced that in the same period the total amount of stolen property was \$1,306,002, of which \$502,802 had been recovered. The police pointed with pride to the amount of stolen property that had been recovered, saying that it was a higher percentage than ever before.

The letter of Senator Seymour to Judge Foster of General Sessions on the subject of suspended sentences brought forth a statement from Commissioner Fosdick, who said:

Mr. Seymour's letter, published in the morning papers, may give the impression that the present investigation is an attack on the principles of the suspended sentence and the indeterminate sentence. This is not the case. These principles are too thoroughly established to admit of successful attack. The trend of American criminal policy is toward the extension of suspended and indeterminate sentences, together with the parole and probation systems. To go back to the old methods, where no chance to reform was given to a first offender, where the jurisdiction of the court terminated with the finding of the jury, would be disastrous.

These well established principles, however, which are not part of the law, must not be confused with the methods of the courts by which they are put into operation. To show that suspended sentences were granted for whimsical reasons is not to attack the principle of the suspended sentence. To show that the records of the court are inadequate to permit of systematic control over probationers is not to advocate reactionary measures. And when it is shown, as the records show, that cases are thrown out of court because of improper remarks of a witness or an Assistant District Attorney, or because only two witnesses out of three were called for the prosecution, it is not to attack the principle of criminality are involved in all.

It is the intention of this office to make an analysis of suspended sentences in the Court of General Sessions for the period 1910-11, not with the idea of determining the correctness of the principles of suspended sentences, but to determine the use made of that principle by the judges of the court. The police figures showing that there were 1,410 suspended sentences out of 5,111 convictions in a given period may or may not be alarming according as the use of suspended sentences is determined.

Just to keep the record straight the police called attention yesterday to several cases of what had happened when the suspended sentence had been involved. Samuel Gold, who also was known to the police as Goldstein, was indicted for grand larceny. He pleaded guilty to petty larceny and, on March 13, 1909, Judge Crain of General Sessions suspended sentence. Three years later, on January 19, 1912, Gold was arraigned before Judge Mulheuen of General Sessions after he had pleaded guilty to burglary. Sentence on him was suspended.

A woman named Jennie Miller, also listed on the police records as Fannie Goldman and Mary Horowitz, was sentenced by Judge Dine in Brooklyn to one year and six months in Auburn prison for stealing from a hardware store. She was arrested after that and discharged in the magistrate's court. After she was arrested again and after she had jumped her bail she pleaded guilty to grand larceny and Judge Mulheuen suspended sentence. As the records have it she was brought back again, probably for having failed to report to the probation officer, and again sentence was suspended by Judge Mulheuen. The police say she was arrested again on March 4, 1911, and again jumped her bail.

To show that it is not always wise to suspend sentence the police call attention to the record of Matthew Finn, also known as Frank White. On January 22, 1910, he was arraigned before Judge Lucif for burglary, and sentence was suspended. Two years later he assaulted a girl and a woman and was arraigned at Court Street. Judge Foster sentenced him to one to ten years in Sing Sing.



Weather sharks say there's a hot dry spell a'comin'. No more excuse for Winter suits.

Spring suits of rough Scotch woollens and smooth finished serges and worsteds, in most attractive patterns. \$18 to \$18.

At Warren & 13th St. Stores only—Some handkerchiefs! Not quite so many as we sold one day recently, but still—3012 men's white crossbar linen handkerchiefs. Regular 50c. value. 25c.

What sort of a straw is yours? All sorts here from splits and sennits at \$2 to a \$25 Panama.

Sporting Goods. Canoes and cameras. ROGERS PEET COMPANY, Three Broadway Stores

Warren St. 13th St. 34th St.

March 20, 1912, in Part V. of the Court of General Sessions before Judge Mulheuen. The People were represented by Oswald N. Jacoby, a deputy assistant district attorney. The case had progressed as far as the redirect examination of the first witness, Detective Murray, when the following colloquy took place:

Mr. Jacoby to Detective Murray: Did you ever take this Jimmy upstairs into the building?

The Court: How is that material? I will sustain an objection.

Mr. Jacoby: I want to show that the Jimmy marks fitted into the door.

The Court: In view of the statement made by you I will direct this jury to render a verdict of not guilty.

Mr. Jacoby: I stated it in my opening. I couldn't prove it in any other way. The officer went back and fitted it.

The Court: The officer did not go back in court. You have no right to repeat that now. I sustain the objection. Sit down. I direct a verdict of acquittal for improper conduct of the district attorney in the trial of the case.

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The Pathos and Tragedy of London's Underworld

The underworld of London, one of the saddest and most terrible of the worlds of the sons of men, will be described in next Sunday's Sun from an intimate viewpoint by a Londoner who has worked for a quarter of a century as a missionary of the police courts. The article will be illustrated with photographs of types of the underworld's inhabitants and of scenes of its daily life.

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CROKER'S DAUGHTER GETS HER DIVORCE

Breen's Lawyers Default, but Say They Will Seek New Trial.

OTHER WOMAN INVOLVED

Dressmaker Testifies About Defendant's Conduct in Canada.

Mrs. Ethel Croker Breen's suit for a divorce from John J. Breen went to a jury before Supreme Court Justice Ford yesterday upon the second trial. The jury quickly returned a verdict for the plaintiff because Breen's attorneys said they could not go on with the case and filed a default. They said they would move to open Breen's default later.

When the case was tried the first time Miss Maude Diehl, a telephone operator in a Toronto hotel, who was named as correspondent, came here to testify for Breen and the jury disagreed. The plaintiff had additional witnesses for the second trial and had named an additional correspondent, a woman called Mrs. Reese of Peterborough, Ont., where Breen is now employed driving horses.

Macy's

GARDEN & LAWN REQUISITES.

"Gardening, like golf, is a dull business to the looker-on, but reveals a little heaven on earth to the worker."

To knowing "workers," Macy's has long been a favorite source of supplies. High quality products rival lowest-in-the-city prices here for prestige, and both contribute to Macy's supremacy. Take the matter of grass seed, for instance. That which we sell was expressly selected for us from a grade used extensively in the Berkshire Hills—acknowledged generally to be the greenest hills in this country.

The seed, in fact, has been named after Lenox, Mass., which is noted for its beautiful lawns. Yet notwithstanding the superiority of this seed—the Lenox Lawn Grass Seed—our prices are less than those charged in many places for an inferior product.

15c for 1 qt. 29c for 2 qts.
57c for 4 qts. \$1.13 for 8 qts.
\$2.24 for a Half Bushel

Vegetable and flower seeds of practically every kind, as carefully put up as the grass seed, at 1c a package 9c for dozen packages

"Worcester" Lawn Mowers.

With a "Worcester" ball-bearing, self-sharpening mower, grass cutting becomes a genuine pleasure, not simply an assumed one.

These machines have four knives attached to a centre spindle, which operates easily and simply on ball bearings. The wheels are ten inches in diameter, and the construction throughout the very best crucible steel.

The "Worcester" Mowers may be had with either 12, 14, 16 or 20-inch blades. They are priced respectively at \$6.74, \$7.49, \$8.24, \$8.94 and \$9.74

The "New England" Lawn Mowers are similar to the "Worcester," except that they have only three blades and 8-inch wheels. The blades are 12, 14 and 16 inches long, and are priced respectively:

\$3.09 \$3.29 and \$3.49

Garden Hose

Encourage your garden or lawn to smile for you every time you pass by. You can accomplish this only by seeing that it does not suffer from lack of water.

We have four grades of garden hose, three of which we guarantee to wear for a year, without leaking. These three grades—the "Liberty," "Majestic" and "Premier"—will stand the highest water pressure.

"Liberty" Hose (4-ply), 25 ft. \$3.26 50 ft. \$6.49
"Majestic" Hose (5-ply), 25 ft. \$4.16 50 ft. \$8.29
"Premier" Hose (7-ply), 25 ft. \$5.06 50 ft. \$10.09

The fourth grade hose is the least expensive, but its wearing qualities cannot be gauged by its price. This hose is known as the "Standard." It is three-ply.

25 feet, \$2.26 50 feet, \$4.52

Hose Reels

Hard Wood Hose Reel 59c Iron Hose Reels \$1.19 to \$2.97 (Capacity 100 ft.)

Revolving Lawn Sprinklers, 99c, \$1.14 and \$1.38 Nozzles, adjustable for spray or straight stream, 25c.

Tin Watering Pots, 44c Galvanized Watering Pots, 61c (Quart to five gallons capacity) (Two quarts to five gallons capacity) \$1.36 \$2.24

A Destroyer and Grower

Here is a novel preparation compounded by some clever gardener. It is called Insecticide and Fertilizer and as the name indicates, destroys plant parasites and at the same time enriches the soil.

It is composed of potash, nitrogen, lime, organic matter, and sufficient acids to accomplish the extermination of insects, and yet in such quantity as to not harm the plant life.

10 oz. box, 24c 2 1/2 lb. box, 49c

Toy Garden Sets

Let the children help you "potter" around Mother Earth. On our fifth floor, we have all the necessary garden implements in sizes suitable for the little ones. Sets of heavy steel, consisting of hoe, shovel and rake... 10c and 24c Larger sets, with iron handles... 49c

GARDEN ACCESSORIES

Paris Lawn Swings, \$6.24 These swings are made of hard wood. The seats are reinforced. The bolts that support the swing from the stand are hung in brass bushings, preventing squeaking and wear.

Boys' Garden Settee, \$15.74 This is a gliding settee. Attached to its base are runners which operate silently on tracks. The settee seats four people. It is exceedingly attractive in appearance, being enameled green, and covered with a large awning.

The "gliders" represent the very latest accomplishments in the construction of lawn fittings of this kind.

Eight Ball Croquet Set, \$2.49 Consists of eight large 7-inch mallets, made of selected maple, heavy stakes, heavy wickets, with sockets and sound balls. The entire outfit is packed in a strong box. Croquet Sets in stock from 89c to \$10.49 Fifth Fl., 34th St.

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KNICKERBOCKER Broadway & 38th St. Today, Thursday & Saturday, 12 NIGHTS & 4 MATINEES. SKINNER Kismet

HUDSON 44th St., near B'way. Even. 8:25 Matinee 2:15 & 5:15. Whiteside in the Typhoon

LYCEUM 49th St., Eves. 8:30. Mat. 2:15 to 4:15. Today, Thursday & Saturday, 12 NIGHTS & 4 MATINEES. Paul J. Rainey's African Hunt

NEW AMSTERDAM 22d St., Eves. 8:10. Mat. 2:15 to 4:15. Today, Thursday & Saturday, 12 NIGHTS & 4 MATINEES. In the Nation's Light Opera

ROBIN HOOD GREAT CAST OF GRAND OPERA STARS

LIBERTY 42d St., near B'way. Even. 8:15. Mat. 2:15 to 4:15. Today, Thursday & Saturday, 12 NIGHTS & 4 MATINEES. HENRY MILLER

IN THE RAINBOW THOMAS ZIEGFELD MOULIN ROUGE

GAIETY Broadway, 46th St. Eves. 8:30. Mat. 2:15 to 4:15. Today, Thursday & Saturday, 12 NIGHTS & 4 MATINEES. THE ROSEMAID

DALY'S B'way and 30th St. Eves. 8:15. Mat. 2:15 to 4:15. Today, Thursday & Saturday, 12 NIGHTS & 4 MATINEES. THE EXPLORER

WINTER GARDEN B'way & 50th St. 1st. 11:15. 2nd. 8:15. Mat. 2:15 to 4:15. Today, Thursday & Saturday, 12 NIGHTS & 4 MATINEES. Edition of WHIRL OF SOCIETY

BROADWAY 42d St., near B'way. Eves. 8:15. Mat. 2:15 to 4:15. Today, Thursday & Saturday, 12 NIGHTS & 4 MATINEES. LYRIC

30th St., near B'way. Eves. 8:15. Mat. 2:15 to 4:15. Today, Thursday & Saturday, 12 NIGHTS & 4 MATINEES. A BUTTERFLY WHEEL

PLAYHOUSE 48th St., near B'way. Eves. 8:15. Mat. 2:15 to 4:15. Today, Thursday & Saturday, 12 NIGHTS & 4 MATINEES. BOUGHT AND PAID FOR

CASINO Broadway & 39th St. Eves. 8:15. Mat. 2:15 to 4:15. Today, Thursday & Saturday, 12 NIGHTS & 4 MATINEES. JAS. POWERS

WILLIAM COLLIER'S COMEDY. 41st St. Eves. 8:15. Mat. 2:15 to 4:15. Today, Thursday & Saturday, 12 NIGHTS & 4 MATINEES. BUNNY PULLS THE STRINGS

MAXINE ELLIOTT'S THEATRE. 39th St., bet. 7th & 8th Aves. Eves. 8:30. Mat. 2:15 to 4:15. Today, Thursday & Saturday, 12 NIGHTS & 4 MATINEES. MAXINE ELLIOTT'S THEATRE

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GRAND OR LOUVE 25th St. Eves. 8:15. Mat. 2:15 to 4:15. Today, Thursday & Saturday, 12 NIGHTS & 4 MATINEES. ANDREW JACK

LASTOR B'way, 45th St. Eves. 8:15. Mat. 2:15 to 4:15. Today, Thursday & Saturday, 12 NIGHTS & 4 MATINEES. THE GREYHOUND

BRIGHTON Grand Canal, bet. 4th & 5th Aves. Eves. 8:15. Mat. 2:15 to 4:15. Today, Thursday & Saturday, 12 NIGHTS & 4 MATINEES. BRIGHTON

5th AVE. B'way, bet. 4th & 5th Aves. Eves. 8:15. Mat. 2:15 to 4:15. Today, Thursday & Saturday, 12 NIGHTS & 4 MATINEES. 5th AVE.

COLONIAL WILSON LACKAY 7th St. Eves. 8:15. Mat. 2:15 to 4:15. Today, Thursday & Saturday, 12 NIGHTS & 4 MATINEES. COLONIAL

ALHAMBRA FLORENCE NASTA 105th St. Eves. 8:15. Mat. 2:15 to 4:15. Today, Thursday & Saturday, 12 NIGHTS & 4 MATINEES. ALHAMBRA

COLUMBIA Baroque, Mat. Today, Thursday & Saturday, 12 NIGHTS & 4 MATINEES. COLUMBIA

MURRAY HILL, Mat. Today, Thursday & Saturday, 12 NIGHTS & 4 MATINEES. THE BERMAN SHOW

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