POLICE TOLD 2 MEN ATTACKED ELWELL

Assault on Street Six Hours Before Murder Under Investigation.

ASSAILANTS ARE KNOWN

Corroborative Evidence Found in Story of Negro Taxicab Driver.

To the many stories that have been told about Joseph Bowne Elwell, which may or may not aid in clearing the mystery surrounding the turfman's murder, there has been added one which the police are investigating with a great deal of interest.

It is to the effect Elwell, about six hours before his death, was assaulted by two men on the sidewalk on Forty-second street near the entrance to the New Amsterdam Theatre; that he jumped into a taxicab to escape from his assailants, and that one of them hailed another taxi and ordered the driver to take him to Elwell's home.

This assault is said to have taken place after Elwell had parted from Mr. and Mrs. Walter Lewisohn, Miss Viola Kraus and Octavio Figueroa, with whom he had been spending the evening.

It was learned yesterday that the story reached the police some time ago and that they have been investigating it secretly. They have not even taken the members of the District Attorney's staff into their confidence on the matter. The men who committed the assault are said to have occupied a table near that of the Lewisohn-Elwell party at the Ziegfeld Midnight Frolic performance atop of the New Amsterdam. They are said to have been men of Elwell's own station in life, and two names purporting to be the names of the assailants have been turned over to the police.

The story is that these men had one or two women in their company, and that when Elwell's friends left him alone in front of the theatre, they both left the women and attacked him. The women, it is said, tried to interfere, and this gave Elwell a chance to board a taxicab and escape. One of the men, the story goes, remained with the women while the other gave chase to the bridge whist expert.

Just what motive there could have been for the assault is not known, but it has been surmised that the men had cherished a grudge of long standing. Their meeting on the theatre roof is understood to have been accidental.

Corroborative Evidence Found.

In the statement which various persons have supplied the officials there are certain instances which seemingly tend to corroborate this story. There is, for instance, the statement of a negro taxicab chauffeur to the effect that he took a man dressed in a brown business suit from Broadway and Forty-second street to the Elwell residence at about two o'clock in the morning of the murder.

It was at first supposed this chauffeur had taken Elwell home, but as Elwell wore a dinner suit, this supposition appears on the face to be erroneous. It was also recalled yesterday that this chauffeur had stated that his passenger at first told him to drive him to 204 West Seventieth street, and upon arriving at that house discovered it was the wrong address and asked to be taken to the house "two doors west of the big apartment," which was No. 244, where Elwell lived. This chauffeur also stated that his fare seemed to him to be agitated and that upon arriving before Elwell's house he paid his fare through the window of the cab and jumped out before the machine had slowed down.

There is, in addition, the statement of "Miss Wilson" that she talked to Elwell over the telephone at 2:30 o'clock on that morning, and that from his short answers she got the impression that somebody else was present.

A Mystifying Feature.

A mystifying feature of the story lies in the fact that Elwell was not slain until about 8 o'clock, and officials find it difficult to imagine why a man who followed him home at 2 A. M., if that man was the slayer, should have waited six hours before killing him. It was pointed out, however, that if this man, upon arrival at Elwell's house, saw something which indicated there was another person on the premises he might have waited until that other person's departure to commit the crime.

"Suppose," an investigator said yesterday, "that one of Elwell's racing associates happened to be in the house and that Elwell came downstairs to let this associate out at about 8 o'clock; that he thereupon picked up his mail and sat down to read it. It would be the most natural thing for the man who had been watching the house to enter, slay Elwell and leave. There are any number of ways in which he might have obtained admission to the premises. It is also easy to see why the man who had spent the night with him should hesitate about admitting the fact. If he said that he left Elwell's house at 8 o'clock and Elwell was found murdered at 8:25 suspicion naturally would fall upon him. The innocent man rasonably might be expected to keep his visit to the place a secret."

It was thought yesterday that it was this particular theory that two police officials had in mind when they said recently they believed that the solution of the murder would be a complete surprise to all of the persons who have been speculating about the case.

Officials did not show much interest in statements that Elwell had marked playing cards in his possession, or that he had been involved in peculiar stock deals. John T. Dooling, Assistant District Attorney, said that if Elwell ever had cheated at cards it had not come to his attention. His stock transactions were things of the past, and there were many other things in the sportsman's life which provided stronger motive for the murder.

H. Hobart Porter, president of the American Water Works and Electrical Company, of 50 Broad street, it was announced yesterday, will appear before Federal Judge Harlan B. Howe to-day to answer an information charging him with violation of the Volstead law through the purchase of four cases of whiskey from William E. Barnes, Elwell's secretary and confidential agent.

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BOBBED HER HAIR IN STREET; ARRESTED

Woman Must Stay Home Until New Crop Grows.

The notion that her appearance would be greatly enhanced if her hair were bobbed took such a firm hold of Catherine McPartland, 25 years old, of 389 Eighth avenue, that she left her home yesterday and entered the nearest barber shop, where she demanded that the operation be performed.

"Your hair is too pretty, miss, and I couldn't think of cutting it," remonstrated the proprietor.

After she had met with polite refusal at three other barber shops in the neighborhood Miss McPartland borrowed a pair of scissors and, while standing at Broadway and Thirty-seventh street, began snipping off her tresses herself. A crowd of 200 persons gathered and watched the process with interest until Patrolman Fentner of the West Thirty-seventh street station interrupted it by arresting the young woman.

Magistrate Corrigan seemed shocked at her appearance when she was arraigned before him in West Side court on a charge of intoxication.

"I'll suspend sentence," he said, "if you'll go home and stay there until you grow a new crop of hair."

So that is what Miss McPartland is going to do.

FIND BURGLAR TOOLS BESIDE RIFLED SAFE

Thieves Get $2,200 in Cash in Liggett Store.

Burglars drilled a safe on a balcony in the Liggett drug store at Sixth avenue and Forty-second street between closing time Sunday night and yesterday morning and got away with about $2,200. The store door was found open yesterday when employees arrived for work. The safe was overturned, with a kit of burglar tools near by.

The appearance of Patrolman William Fagan of the East 104th street station as two alleged burglars climbed over an iron railing of any alley where they are alleged to have placed $5,000 worth of wearing apparel taken from the May Clothing Company at 1916 Third avenue prevented the stuff from being carried away yesterday. At the sight of the officer the men ran up Third avenue. Fagan pursued and fired four shots. At 106th street Detective Dougherty arrested a man who described himself as Philip Kelly of 1753 Third avenue. He denied all knowledge of the robbery, but was held in $2,000 bail for the Grand Jury by Magistrate Frothingham in the Harlem court.

ASKS $900 A MONTH TO MAINTAIN SON

Mother Also Wants Motor Car for Young Heir.

Mrs. Nettie Raught of Milton, Del., guardian of her son, Roland D. J. Raught, nephew of Dr. Roland D. Jones, who died here in 1913 leaving a large estate, applied yesterday to the Surrogates' Court for permission to expend $900 a month for her son's needs. In addition she asked for $4,600 with which to purchase a new automobile for him.

Dr. Jones left his nephew a trust fund which yields an income of about $20,000 a year. Immediately after the death of Dr. Jones the boy's mother obtained permission to spend $4,000 a year for him. Last year, when her son was 16 years old, she obtained permission to spend $7,500 from his income.

Mrs. Raught says that she spends $170 a month for the tuition charges at the Kingsley School, which her son attends in Essex Fells, N. J. She has already contracted for a new automobile, which, she says, is an aid to her son's health. The rising cost of living, her petition states, makes an increase in her expenditures imperative.

TWO SISTERS, 11 AND 6, HELD FOR BURGLARY

Accused of Having Packed Up $1,000 Worth of Loot.

Spectators in the Brooklyn Children's Court gasped yesterday when Nellie Gasco, 11 years old, and her sister, Louise, 6, were led down the aisle to the prisoners' bench while a clerk read a complaint charging juvenile delinquency in connection with a burglary.

The two were found in the home of Pincus Halle, 2042 Eighty-first street, Bay Ridge, Sunday night, and, according to the policeman who accompanied them to court from the Children's Society rooms, they had packed up $1,000 worth of jewelry and silverware in readiness for a quick departure. When Mr. and Mrs. Halle returned home the intruders were looking for valuables in a medicine chest in the bathroom.

Nellie told the police she and her sister went from Nutley, N. J., to Brooklyn Sunday afternoon. Children in the vicinity of the Halle home, however, identified her as a schoolmate and said she lived near by.

Both children were remanded in the care of the Children's Society to await sentence while a search is being made for their parents.

DOCK WORKERS QUIT TO MAKE TEST CASE

Non-Union Trucks at Deep Sea Piers Bring Crisis in Labor War.

SHIP MEN STANDING FIRM

Send Protest to Admiral Benson When Three Vessels Are Tied Up Here.

Union longshoremen made good yesterday their threat to quit work at the first attempt to unload non-union trucks on the deep seas piers. Regardless of the fact that recent judicial rulings hold them liable to criminal prosecution for unlawful discrimination about 1,000 dock workers employed by the Oriental Navigation Company, Pier 86, North River, walked out at noon when an independent trucking company delivered forty-five cases of cotton goods from the Savannah Line for shipment to Italy.

The strike tied up three vessels of the United States Shipping Board. Of itself unimportant, shippers and labor leaders alike regard it as a test case, which may decide once and for all whether New York is to be an "open port or remain subject to union dictation."

The Innoko, Chappaqua and Chester Valley were taking on cargo for Mediterranean ports when trucks manned by non-union drivers arrived at the pier. All work stopped while the longshoremen sent a committee to the pier superintendent demanding that the trucks be sent away at once under pain of an immediate walkout. Under orders of the steamship company officials the superintendent refused, the trucks delivered their loads and the "strike," or "vacation," as unionists prefer to describe it, followed.

The first act of the steamship company, through its president, Philip de Ronde, was to telegraph Admiral Benson, chairman of the Shipping Board, as follows:

"This morning we were tendered by independent trucks forty-five cases of merchandise emanating from Savannah line for oversea shipment from our Pier 86, North River. A union delegate informed our pier superintendent that acceptance of this cargo would result in his calling out every union man on our pier. We naturally declined to recognize such interference and have as a consequence seen all work stopped on this pier.

"The steamers working at this pier were the Shipping Board vessels Innoko, Chappaqua and Chester Valley. Hence the board is virtually interested. We ask your ratification of our action, which was taken on our own judgment and without reference to recent court proceedings compelling similar action by other common carriers.

"We furthermore believe that the Shipping Board should either publicly support the steamship companies or should of their own accord make a declaration of principles and undertake to settle the ridiculous though serious situation in the port of New York."

Later in the afternoon, according to Mr. de Ronde, the strikers were "trickling back." Union officials, however, said they were standing pat on the principle of the closed shop and none would return until the offending freight was removed. Although longshoremen frequently have asserted they would quit rather than touch goods moved by the citizens' transportation committee or any other independent concern this is the first instance.

Supreme Coort Justice Lewis L. Fawcett about a month ago handed down a decision accompanying the grant of an injunction in which he ruled discrimination on the part of corporations, unions or individuals against any special class of freight in shipment was not only illegal but a crime. The citizens' committee has promised to press civil and criminal action against any such violations.

STORM SHOCK KILLS MAN.

Thunder and Lightning Bring on Heart Attack.

A flash of lightning and the clap of thunder that accompanied it caused the death last night of Charles Barnett, 54 years old, of 974 Prospect avenue, the Bronx. Barnett, an assistant keeper on Blackwell's Island penitentiary, was at Coney Island when the storm broke. He ran into the home of Louis Bluming, at 46 Plaza, and asked if he could remain there until the storm ceased.

While he was talking to the Bluming family and discussing his fear of lightning the room was thrown into a glare by a burst of light that seemed to come from directly overhead. The next moment came a clap of thunder. The lights were extinguished and when power was turned on again Barnett was lying on the floor dead. Heart failure caused his death, an ambulance surgeon said.

KILLED BY LIGHTNING, NEW BLAKE THEORY

Missing Broker's Boat Gives Evidence of Stroke.

With the recovery of the skiff belonging to James R. Blake yesterday a new theory developed to account for the missing banker and broker. Capt. Thomas F. Day, boat dealer and yachtsman, of 412 Eighth avenue, who sold the craft to Mr. Blake, on June 24, identified the boat and said he believed it had been struck by lightning during the shower on the evening of July 2.

The boat was turned over to Patrolman O'Connor of the marine division by employees of the Bowery Bay Improvement Company, who found it yesterday in Jackson Creek, near North Beach. It was taken later to Randall's Island, where Thomas McDermott, who found the loose engine in it on July 3, and Capt. Day clinched the identification. Capt. Day found the transom torn off, the stern badly splintered and the interior of the boat charred black to a depth of half an inch in some spots. There were no blisters or indications of flames on the outside. A small hole was ripped in the stern just above the water line. Nails were fused and driven out, and there were other indications of intense heat.

CAT ATTACKS WOMAN WHO FONDLES KITTEN

School Teacher Bitten and Suffering From Shock.

The police of the Ralph avenue station in Brooklyn were searching yesterday for a pet cat that sprang at Miss Maud E. Ross, public school teacher, in her home at 312 Decatur street, Brooklyn, and bit her severely. Miss Ross is confined to her home also suffering from shock as a result of her experience.

The cat sprang at Miss Ross when she picked up a kitten. It bit Miss Ross several times on the right leg, the school teacher vainly endeavoring with her hands to fight the animal off. When a policeman entered the house the cat had disappeared.

4 HELD IN $10,000 PIER SHOE ROBBERY

Alleged "River Pirate" Taken in Attempt to Escape in Motor Boat.

WOMAN ALSO INVOLVED

Four Cases Found in Her Apartment—Taken From Steamship Korsow.

After seeking to escape by jumping into a motorboat and pushing out into the river, August La Rocco, 20 years old, of 609 Eleventh avenue, was arrested yesterday by Detectives George McGann and Charles Flaherty of the West Forty-seventh street station in connection with the theft of $10,000 worth of shoes from Pier 80, Hudson River. The police were after "river pirates" who, they said, had stolen merchandise valued at more than $250,000 in the last few months from Hudson River docks.

Three others were arrested in connection with the same theft, one of them a woman, Mrs. Robert Beatty, 36 years old, of 524 West Forty-seventh street. The others, both drivers, were Frank Gleason, 30 years old, of 447 West Forty-sixth street, and Joseph Clark, 29, of 534 West Forty-sixth street. Charges of grand larceny were made against the men and a charge of "acting in concert" in the larceny against the woman. They will be arraigned to-day in the West Side Court.

A "squealer" gave the information on which yesterday's arrests were made, the police say. The detectives started out toward the pier, which is at the foot of Forty-sixth street. Just a block from the station house, in front of Mrs. Beatty's apartment, in 524 West Forty-seventh street, they noticed one of the city's ash carts with the odd burden of four bulky wooden cases. As they watched the driver, James Cunningham, 19 years old, of 552 Tenth avenue, unloaded the cases and carried them to Mrs. Beatty's apartment, on the second floor. They followed the cart back to the pier, where they questioned the driver. Cunningham said several men had given him $1 to deliver the boxes, and he pointed out La Rocco, who was working on the pier, as one of the men.

The detectives started after La Rocco, who leaped overboard into a handsome thirty foot motor boat. He cranked frantically at the engine, but it would not start. He seized a pole then and pushed his way out about thirty feet from shore. The detectives jumped into a rowboat, rowed out after him, and with a display of their revolvers made him prisoner.

On the way back the detectives stopped in Mrs. Beatty's apartment and found, they say, that the cases were four of the six that Thomas J. Stack, special agent in charge of the pier watchmen, had reported missing a few minutes after the "squeal" about the theft had reached the police station. When Mrs. Beatty could not explain how they came there she was arrested.

According to the police, the cases, which belonged to McElwain, Hutchinson & Winch of Boston, and were waiting to be shipped to Cuba aboard the Karsow of the Acme Steamship Company, now at Pier 80, were lowered over the side to the motorboat and ferried to the pier at Forty-seventh street. The motorboat itself had been stolen, the police assert, probably from some of the yacht clubs further up the river, and the craft was turned over to Harbor A for the marine police to seek its owner.

Sues to Recover $210,108 Tax.

Henry R. Towne of the Yale & Towne Manufacturing Company brought suit in the Federal District Court yesterday to recover $210,108 from Richard J. McElligott, acting Collector of Internal Revenue, Third District, which the plaintiff contends was assessed against him improperly as income tax on his stock sales and holdings. He asserted that the act of Congress, February 24 1919, under which the assessment was levied, is invalid.

BOY BURNS TO DEATH ON THIRD RAIL OF 'L'

Malcolm McCormack Killed on Brighton Beach Line.

Malcolm McCormack, 4 years old, a son of Owen McCormack, a well known singer in Roman Catholic Church circles in Brooklyn, was burned to death last night by the third rail on the Brighton Beach line near Avenue U station. His brother Robert, 5, narrowly escaped death under the wheels of a train while trying to drag his brother's body from the flames.

Both boys in company with a playmate, were going to the McCormack home at 1979 Homecrest avenue, and, according to statements of the older brother, decided to climb across the elevated embankment and thus cut short the distance. They slipped through a gateway in the guard fence and were half way across the rails when a southbound train approached.

Malcolm ran ahead calling to the other two. His foot stubbed against a tie and he sprawled across the contact rail. Instantly there was a burst of fire. His shriek as he felt himself falling drew the attention of Robert, and the little fellow, not knowing the danger he was braving, snatched at his brother's clothes to draw him to safety.

The train was stopped a few feet from the scene of the accident and Motorman Henry Meyers and the conductor went to Robert's aid.

The conductor was hurled a dozen feet by the current when he seized the dead boy's clothing, and it was not until Meyers provided himself with rubber gloves that the body could be moved.

PRISON TERM FOR UNFROCKED PRIEST

Valentine Ravereto Punished for Practising Fraud.

Valentine Ravereto, an unfrocked priest, was sentenced to from six months to three years in the penitentiary by Justices Murphy, Hermann and Salmon in special sessions yesterday, after having been convicted of defrauding parishioners of the Church of Our Lady of Pompeii, at 210 Bleecker street.

According to the testimony Ravereto went to the home of Mrs. Virginia Di Pierro at 321 Bleecker street, dressed as a priest on April 7, where he induced her to give him $9 upon his promise that he would say a mass for her sick child. Investigation developed that he was not connected with the church, and that no service was held.

Ravereto came here from Italy in 1910. Probation officer Swann, who investigated his record, told the court yesterday that he was "silenced" by the church five years ago for alleged immorality. His last clerical assignment was at Elizabeth, N. J. Two years ago Ravereto was convicted of unlawfully collecting money from church members at Mt. Vernon, but sentence was suspended on his promise that he would return to Italy.

NEW YORK NOW ON DAILY COAL RATION

Donnelly Sees Only Solution in More Cars.

With public utilities in New York able to get only enough coal to carry them from day to day and the time for laying in next winter's supply rapidly drawing nearer, officials are alarmed at the possibility of a fuel famine when cold wgather sets in.

Public Service Commissioner Morgan T. Donnelly, after a conference of three days at Washington with the Interstate Commerce Commission and the National Coal Association, said yesterday he told the commission there is no local authority to regulate distribution except in actual emergency. The belief that the only relief can come from Federal administration during the shortage period is generally expressed.

Staten Island, always a sufferer in a city crisis, had no coal at all for a time yesterday, and only by desperate efforts under the recently adopted pool system obtained sufficient supply to keep the cars running and the lights burning last night. The Interborough reported six days' supply, the B. R. T. two days; the Consolidated Gas Company is "struggling along" and the New York Steam Company has one day's supply.

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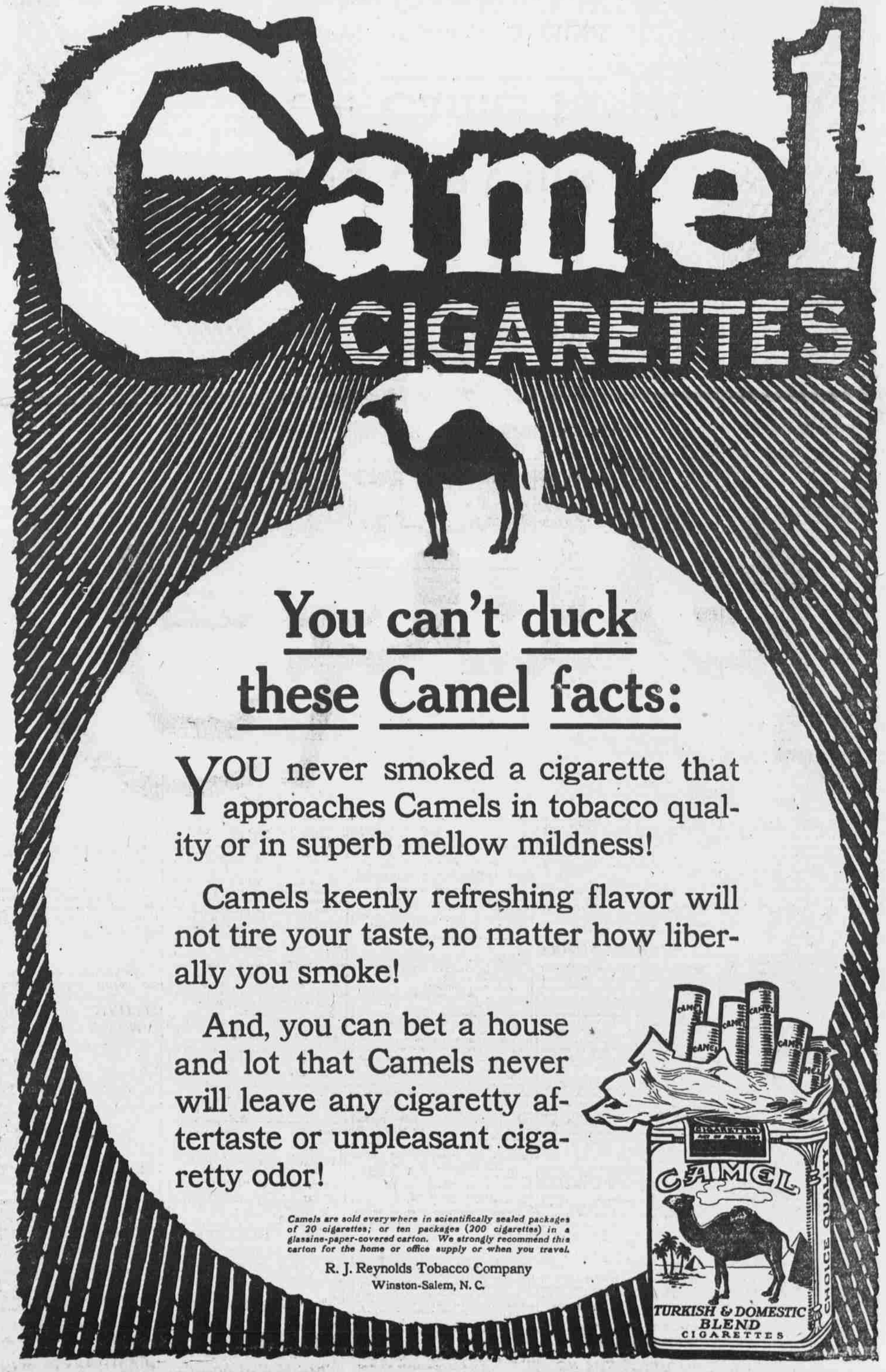
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