

LIE DIRECT IS GIVEN TO VARE CHARGES BY JUDGE BONNIWELL

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Ilean Central Campaign Committee and has been associated with me since he was a mere boy of fifteen. He is a splendid type of young American manhood. He was born and raised in the very same neighborhood in which he now lives, where he was married and where he is raising his family. He is known personally to every one in his community and is loved and respected by all.

BECAM AS MESSENGER BOY

Entering my employ as a messenger boy when only a youth, by diligence, perseverance and the closest attention to the performance of his duties he has worked his way up by force of his own ability until he occupied his present high position in public life. Were I not familiar with his entire career, and had I not absolute knowledge of his integrity, his honesty and purpose and his entire innocence in this matter, I would not have become his bondsman. I have retained for the present case William J. Burns, well known the world over as the greatest and most successful investigator of crime in this country. He has turned his operative force into the investigation of this affair with instructions to give to District Attorney Rotan every item of evidence he has already or will hereafter unearth. I pledge to the people of Philadelphia that I will stand behind him with every dollar I possess to bring to justice the actors in this most damnable conspiracy.

We are prepared to prove that these low-lived and under-bred gunmen of the underworld were told that they were being brought here to roughhouse the police in the interest of Deutch. They were given badges to create the impression in their minds that they were under police protection. It was their importation was to have them commit assaults, start riots and commit election irregularities in order that the same could be charged against the Mayor, but more particularly to be-mirch myself.

DOUBTS MURDER INTENDED

I do not believe that murder was intended, but when a drug-crazed thug overstepped his instructions and shot the policeman, the chief conspirators became panic-stricken and fled. They are now trying to shield themselves by implicating innocent men. Some of them have already turned back to the Penrose camp and are relying upon promises of protection on the condition that they carry out their part by perjury and conspiracy to injure me. I have faith in the integrity of the District Attorney, to the end that he will not allow himself to be used in this nefarious plot, and that he will not make himself a party to these promises of immunity. There will be no immunity to any who had the slightest participation in the outrages that led to the murder of this faithful policeman, causing grief to all and breaking the heart of his old mother.

SAM MALONEY AND THREE COPS ARRESTED IN FIFTH WARD CASE

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ing for him with the warrant sworn out by Captain Tate. "You are under arrest," said Detectives Hodge and Farrell. "All right," said Maloney. A fatal delay, from the Department of Public Safety standpoint, followed when the detectives waited for Detective Ebley, who had the warrant, to arrive. Mr. Rotan here executed a coup, rushing Assistant-District Attorney James Gay (Gordon, Jr., and District Attorney's Detectives Joseph McClain and Samuel Young to Maloney's office.

They literally "took away" the prisoner, in spite of the protests from Hodge and Farrell. With Maloney between them, the two District Attorney's detectives marched him to Mr. Rotan's office, seeing to it that no one talked to the prisoner.

Mr. Rotan issued the following statement after Maloney's arrest and release: "We were about to have an interview with Mr. Maloney when we received word that the Department of Public Safety had issued an arrest for Mr. Maloney's arrest. I immediately communicated with Director Wilson over the telephone and told him that I did not want Mr. Maloney arrested at this time. My reason for making this request was that Mr. Maloney was already a witness for the Commonwealth, and that his arrest would interfere with our preparation of the case.

"I also instructed Captain Tate about this. The result was that our men brought Mr. Maloney here. There were other detectives outside in the corridor, waiting to arrest Mr. Maloney. We then swore out a writ of habeas corpus before Judge Gordon, and the proceedings resulted in Mr. Maloney's release in the custody of Judge Gordon."

Asked if he had any comment to make upon the arrest of Maloney by the Department of Public Safety, Mr. Rotan said: "No. The arrest speaks for itself."

Maloney was taken by Assistant District Attorney Gordon's father, former Judge Gordon, before Judge Martin, in Court of Common Pleas No. 5, on the writ of habeas corpus and his release was asked from the warrant upon which he was arrested. Former Judge Gordon said that Maloney was an important Commonwealth's witness in the District Attorney's prosecution against the alleged conspirators and that Maloney had made an important statement now in Mr. Rotan's possession. He said that Mr. Rotan waited his forty-eight-hour right on

to these criminals, high or low, I shall appeal to the Attorney General of this State, the highest peace officer of this Commonwealth, to assume charge personally of this prosecution and to bring every guilty man to judgment. The plot was well laid, but overplayed. I have heretofore remained silent until the complete proof was at hand. The plan was first to publish in certain newspapers exaggerated and false reports as to disorder in the Fifth Ward incident to the registration in order to prepare the public for their plans as to subsequent disorders.

As a matter of fact, up to that time there had been no assault nor any disorders except those which always happened in that ward whenever there has been any political contest, with which I have never been concerned.

These conspirators, guided by the advisers of the Penrose forces, pictured an ordinary raid upon a reputed gambling house as a political frame-up, whereby the rights of voters had been denied. The next step was the arrangement through Samuel G. Maloney, James Clark and Michael O'Sullivan, of the Val O'Farrell Detective Agency, to bring these thugs from New York. The men I have named are all operatives of this detective agency whose records, later, will be laid before the public by Detective Burns. Maloney is the Philadelphia manager. I need not tell the people of Philadelphia who Sam Maloney is, Val O'Farrell himself was in Philadelphia early on the day of the outrage and was in consultation with the attorneys of the Penrose forces.

Clark guided these men about the Fifth Ward. He was promised protection before he agreed to allow himself to be arrested. It is worthy of notice that a warrant for arrest was issued by Magistrate Stevenson, and not by Judge Brown, before whom the Mayor, Deutch and Bennett were summoned, and the hearing held for October 10, an unprecedented delay for a preliminary hearing.

These bargains shall not be carried out. I will see that Clark is prosecuted to the full extent of the law. No guilty man shall escape.

The plan for the Academy of Music meeting even was decided upon two hours after the shooting, in order to turn this conspiracy into political benefit for those guilty of the frame-up.

My hands are perfectly clean in this matter, as they always have been in any manly political contest I ever entered. In thirty-five years of public life no one has been able to point to any suspicious transaction ever counseled by me. I have no friends to protect in this matter, but on the contrary, I will use every power in my possession to convict every man whose fingers touched this criminal conspiracy. I will see that every man whose act led up to the death of Policeman Epley will meet punishment, as well as those higher up, whose wicked brains conceived the "frame-up" which led to the arrest of this innocent man Finley.

MALONEY'S STORMY CAREER

Maloney, for days an unknown quantity in the probe after the "men higher up" who hired New York gunmen to intimidate Fifth Ward voters, is a stockholder in the Val O'Farrell Detective Agency. He is a former harbor-master of the port of Philadelphia and former boss of the "Bloody Fifth." His political career began early and he soon attracted attention. So far-reaching were his efforts as leader of the second division of the Seventh Ward that he was made "boss" of the Fifth Ward in 1900. In 1901 Governor Stone appointed him harbor-master in spite of protests, after he had been dismissed as Deputy Collector of Internal Revenue "for the good of the service." In 1908 he resigned at the request of Governor Pennypacker.

Last year Maloney had charge of Harry K. Thaw when the latter, sequestered in a house in West Philadelphia and wanted for assault in New York, attempted to commit suicide. He has been a police official, constable, a member of the Republican city committee and was for years the center of political storm in ward matters.

Mayor Smith, on the eve of his trial on murder conspiracy charges, spent nearly two hours today conferring with James Scarlett, of Internal Revenue, and former Judge Abraham M. Bettler, of his counsel. They mapped out their plan of defense, denying themselves to all callers.

Announcement that no persons arrested in the case had been promised immunity was made today by District Attorney Rotan when he arrived at his office and stated that arrests would be made today.

"The arrests will be five or six arrests made today," he said. "That is positive. The arrests will be made some time this afternoon, I believe. But you can say that there will be arrests."

"Are these men 'higher-ups'?" he was asked. "No," was the reply. "The man 'highest up' so far is Mr. Finley."

Mr. Rotan was asked whether or not

this writ, so that it could become effective immediately.

Mr. Rotan joined in the request for Maloney's release and said he had no objection to Maloney's discharge on his own recognizance. Judge Martin then released Maloney in the custody of former Judge Gordon, to appear when wanted.

Captain of Detectives Tate expressed indignation over the summary manner in which Maloney was taken from his men. "We are not getting a square deal," he said. "We are glad to co-operate with the District Attorney, but from today's developments it appears that we are not getting a square deal."

WIRTSCHAFTER IS ARRESTED

"I don't know why I am arrested," said Maloney, as he was taken to City Hall. "No arrests have been read to me. They simply arrested me, that's all."

He refused to discuss it further. Wirtschafter and Feldman, arrested at their homes by officers of the Municipal Court on warrants sworn out before Judge Brown, were held in \$5000 bail each for hearing tomorrow, when all of the alleged conspirators will be arraigned. Both have been named as taking part in the thugery that terrorized the Fifth Ward on election day and before the shooting.

Court Officers William J. Murphy and Stephen Cavanaugh arrested Feldman at his home, 138 Monroe street. He was taken out of bed and hurried to City Hall, where bail was fixed by Judge Brown. "I know nothing about this plot,"

He was one of the policemen detailed to the Fifth Ward on election day. Wirtschafter, a plain-clothes man, under Lieutenant Bennett, was arrested at his home, 133 Pemberton street, by Court Officer Thomas Mellon.

"God's honest truth," said Wirtschafter, "I know nothing about the affair. The newspapers have got me in bad."

Wirtschafter, a plain-clothes man, under Lieutenant Bennett, was arrested at his home, 133 Pemberton street, by Court Officer Thomas Mellon.

"I have heard the same report, that O'Sullivan has surrendered," he said. "But he hasn't given himself up to me. My men and I are still searching for him."

"No one is going to make any Becker out of me," said Lieutenant Bennett, who will have to appear before Judge Brown in the Municipal Court tomorrow to answer to the charge of "conspiracy to commit a number of crimes, including murder."

The lieutenant, however, has not as yet indicated any desire to take the District

Finley was implicated in the confession of James Clark, the "man with eyeglasses," whose statement is said to be a complete story of the murder plot.

"I will not say that," replied Mr. Rotan. "Has Clark been promised immunity?" "No, I have promised immunity to no one."

Mr. Rotan, who declined to comment upon Senator Vore's charges that the murder conspiracy charges against Vore leaders were part of a plot by the Penrose-McNichol forces, said that he would accept the co-operation of Detective William J. Burns, hired by Senator Vore to reveal the true status of the case.

"I will co-operate with any one who may have evidence in this case," he said. Christopher ("Mug") Smith, a seventh member of the "Frog Hollow Musketeers" gang that invaded the Fifth Ward, was arrested in New York today, according to word received this afternoon by District Attorney Rotan. Smith, one of the twelve missing members of the band wanted in connection with the killing and blackjacking, was named in the confession of Fred ("Whitey") Burkhardt, one of the four arrested in the "Frog Hollow" section of the Bronx. According to Burkhardt, he and Smith, his "pal," took no part in the assaults and killing. Smith is being held for the action of the Philadelphia authorities.

Henry and Morris Cohen, hardware dealers on South street near Second, today described to Mr. Rotan the man who purchased the blackjacks used by the thugs in their assault on Mercantile Appraiser James A. Carey and Assistant District Attorney John H. Maurer. The description, it was said, tallied exactly with that of Mike O'Sullivan, who is wanted.

SAW CLARK TALKING TO BENNETT

One of the first persons examined today by Mr. Rotan was a witness who was said to have told the District Attorney that on the day of the killing Clark was seen talking to Lieutenant Bennett in the latter's office. The name of the witness was withheld.

Captain of Detectives Tate, discussing the rumor that O'Sullivan had been arrested, said that no city detective had caught him as yet.

"I have heard the same report, that O'Sullivan has surrendered," he said. "But he hasn't given himself up to me. My men and I are still searching for him."

"No one is going to make any Becker out of me," said Lieutenant Bennett, who will have to appear before Judge Brown in the Municipal Court tomorrow to answer to the charge of "conspiracy to commit a number of crimes, including murder."

The lieutenant, however, has not as yet indicated any desire to take the District

Attorney into his confidence as to what he knows of the events of the primary day beyond making the general statement that he "knows nothing about the murder."

Yesterday the lieutenant was at his desk in the Third and De Lancey streets police station, secure in the belief that Mayor the District Attorney to have him removed from that district.

"What do you think will be the outcome of the hearing tomorrow?" he was asked. "I suppose I will be held, but no one is going to put me in the middle—push me against the wall," he replied.

Isaac Deutch, the third man arrested under the warrant sworn out by Isadore Stern, was indignant over published intimations he might know something about the financial transactions which figured in the case. As to his associations with Select Councilman Finley he said he met him, as a matter of course, in councils and that they were based solely on business.

DEUTSCH HE GOT MONEY

"If anybody says I got money from Finley for use in this matter he is lying," Deutch declared. "I never received any from him or any one else for such a purpose."

Deutch and Lieutenant Bennett are jointly represented by William Horik, who will plead the defense for them. Under his advice they said they would have to refrain from making any extended statement.

Colonel Sheldon Potter and James Scarlett, attorneys for the Mayor, have indicated their intention of demanding an immediate hearing to force quick vindication of their client.

Definite announcement as to the presence of James A. Carey at the hearing is expected to be made by his physicians this afternoon. Members of his family last night saw a decided improvement in his condition.

DR. MOSES STEARN IN COURT

Advocate of Free Speech Arrested for Speaking Without Permit

Dr. Moses Stearn, advocate of free speech and liberal Sunday laws, was arraigned before Magistrate Collins in the Central Police Court this morning for speaking on City Hall Plaza yesterday without having obtained a permit from the police.

He was discussing conditions in the Fifth Ward when arrested, according to the police. Magistrate Collins first fined him \$5 and costs and later remitted the fine after Dr. Stearn promised to refrain from speaking without a permit.

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