

# BRITISH CHIEFS STRIVING TO AVERT IRISH WAR

To-Night's Weather—CLOUDY; WARMER.

To-Morrow's Weather—PROBABLY RAIN.

THE EVENING WORLD LATEST EXTRA

The

Evening

World.

LATEST EXTRA THE EVENING WORLD

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## I. R. T. DIRECTORS STAND FIRM; WON'T WAIVE IMMUNITY

### BELMONT SAYS TRANSACTIONS WITH I. R. T. ARE AN OPEN BOOK

Counsel for Directors Declares Signing of Immunity Waiver Would Be Tacit Admission of Being Criminal.

Six of the Seven Subpoenaed Appear at Hearing—Further Action as to Testimony Delayed—Nicolli Hears of Receivership Move.

Six of the seven directors of the Interborough Rapid Transit Co. appeared before the Transit Commission in the inquiry into the affairs of the transit corporation to-day and, through counsel, refused to sign waivers of immunity. After August Belmont had personally refused to sign a waiver, Chairman McAneny of the Transit Commission announced that in view of the developments no further questions would be asked. The Interborough directors were allowed to depart and the hearing continued with Horace M. Fisher, Secretary of the Interborough, on the stand.

While Mr. Belmont was on the witness stand, Delancey Nicolli, who had just received a message, announced that Clarence Yenser, who is trying to throw the Interborough into receivership, had instituted a court action to that end, and he would have to withdraw from the proceedings in order to concentrate his attention on the new angle. John G. Milburn, who took up the legal battle for the directors, then announced that he had advised them to refuse to sign immunity waivers, and suggested that the commission take an adjournment and consider, for a few days, the advisability of allowing the Interborough heads to testify without waiving their rights as to immunity. The dismissal of the directors followed this suggestion.

MR. BELMONT ONLY WITNESS ON THE STAND.

Clarence J. Shearn, counsel to the commission, in speaking to Mr. Belmont, the first and only director witness called, referred to "certain acts of the directors, such as paying dividends which were not earned. Later on Mr. Milburn said that if Mr. Belmont or any other director signed a waiver of immunity he would by that act tacitly admit himself a criminal.

While it would appear that the directors of the Interborough violated the corporation laws as set forth in the Penal Code, the offense is characterized as a misdemeanor. The last allegedly illegal act was the declaration of a dividend on Jan. 2, 1919—thirty-five months ago. Under the law directors of corporations accused of violations of the law amounting to misdemeanors are immune if prosecution is not begun before two years from the date of the allegedly illegal act.

Six solemn looking commanders in chief of finance filed into the hearing room of the Transit Commission at 11 o'clock. Daniel G. Reid and F.

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### LAW ON DIVIDEND PAYMENT OUT OF THE SURPLUS ONLY

Misdemeanor to Pay to Stockholders Any Part of Capital Stock Without Consent of Legislature.

Section No. 584, Chapter No. 11, of the Penal Code provides: A director of a stock corporation who concurs in any vote or act of the directors of such corporation, or any of them, by which it is intended: 1.—To make a dividend except from the surplus profits arising from the business of the corporation and in the cases and manner allowed by law; or

2.—To divide, withdraw or in any manner pay to the stockholders or any of them any part of the capital stock of the corporation; or to reduce such capital stock without the consent of the Legislature; or, &c., IS GUILTY OF A MISDEMEANOR.

Clarence J. Shearn, counsel to the Transit Commission, by questions put to and answered by Chief Auditor Gaynor and President Hedley of the Interborough established:

That dividends were made from funds other than surplus profits arising from the business of the corporation.

That dividends were paid out of the capital stock.

That, by manipulation, the capital stock was reduced without the consent of the Legislature.

It is a question if the Statute of Limitations has not intervened to protect the directors of the Interborough. On Jan. 2, 1919, they voted a dividend which was not warranted by profits. Inasmuch as cases the Statute of Limitations runs only two years, so that, by voting this transaction by itself, liability expired on Jan. 2 of this year.

However, in view of the fact that the last statement of the Interborough, if it were prepared according to the true state of the finances of the corporation, would show a deficit, some lawyers believe that the contention could be set up that the alleged illegal acts of the Interborough can be held to be continuing—that is, such acts might be construed to be repetitions on each occasion when statements were issued which did not show the true financial state of the company. Statements of this kind and reports of this character have been made within two years.

### BOTTOM DROPPED FROM SHIP BUT SHE MAKES PORT

Crew Start to Pump Out the Hold, but Find They were Pumping the Ocean.

A ship without a bottom came into this port to-day—the Standard Oil tanker F. D. Asche, 5,294 gross tons, with Capt. McKenzie and a crew of twenty. With nothing but the ocean where her bottom should have been, she came all the way from the Bahamas.

On Oct. 29 the tanker left here in ballast for Texas City. A hurricane hit her and on Oct. 26 she was driven scraping across Stranger Reef. The storm washed her a mile farther in to Manatilla Reef, and there she lay while the crew pumped.

The pumps worked all right, but the quantity of water in the hold did not diminish. Soon the men learned that instead of pumping out the hold they were trying to pump out the whole ocean, a discouraging task. Thus they learned that the bottom was gone.

The wireless brought two wrecking tugs of the Merritt-Chapman Company. What they did was to put a lot of tanks in the hold and then pack them full of compressed air. The ship floated off and they towed her to New York.

It is said that this is the first time a ship ever came into port without a bottom. Capt. McKenzie said the reason she didn't go to pieces on the reefs was that she was built on what he called the "longitudinal system," invented by Sir Joseph Isherwood, the beams running lengthways of the ship instead of across.

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### ARBUCKLE CHEERY, HIS FOES DOUBTFUL AS CASE NEARS END

Verdict Is Likely To-Morrow, as Only Two Witnesses Are Yet to Testify.

SAN FRANCISCO, Dec. 1.—With only two more witnesses to be called, the trial of Roscoe (Fatty) Arbuckle was resumed to-day to what will probably be the last day of taking evidence. Counsel for both sides have agreed upon four hours each for argument and the case will likely reach the jury to-morrow. A report of a medical board appointed to determine whether Miss Virginia Rappe was suffering from an organic weakness that may have caused her death was to be the principal evidence to-day.

Arbuckle's lawyers expressed perfect confidence in the outcome of the case. So did Arbuckle. He engaged in a smiling conference outside the courtroom with two of his lawyers. "Goin' home to-night, Roscoe" shouted a friend.

"Yep, come on up," answered the rotund comedian.

"If Arbuckle goes free it will be proof that jails are built for the poor." District Attorney Matthew Brady declared to-day. "If this man was a poor man he would go to jail, but he is 'Fatty' Arbuckle, backed by his own money and all the money of the motion picture industry.

"Everywhere we have turned in this case we have hit a stone wall, and it has certainly taken the heart out of me," he declared.

MAY OPERATE ON ACTOR WILSON. CINCINNATI, Dec. 1.—Francis Wilson, actor, is ill at St. John's Hospital in St. Louis. He took cold and bladder trouble developed, it is said. An operation may be necessary. An actor, Clarke is filling Mr. Wilson's role in "Zirzanie" in this city this week.

### U. S. DESTROYER MAY TAKE MORSE OFF LINER PARIS

Department of Justice Understood to Have Asked Navy to Send Warship.

NOW NEARING HAVRE.

Shipping Man Ordered Held Aboard Ship by Radio, It Is Said.

WASHINGTON, Dec. 1.—The Department of Justice was understood to-day to have asked the Navy Department to send a destroyer to intercept the French liner Paris and bring back Charles W. Morse of New York, who is reported to have left the country in the face of a Grand Jury investigation of his ship contracts. It was understood that a destroyer would put to sea from a French port within a few hours to intercept the Paris, which left New York last Friday.

While neither Attorney General Daugherty nor other Justice Department high officials would discuss the reported departure, it was learned that every agency of the government would be used in effecting his return to this country.

The department's request for assistance from the Navy Department was understood to be on the theory that the legal questions involved in the return of Morse would be thrashed out when he was brought back.

Immediately upon receipt of the report that Morse had left the country, the department was understood to have radioed the liner Paris to hold Morse for return to America. While Justice Department officials would not discuss the sailing of Morse, there were indications that the full faculties of the department were being brought to bear upon his capture.

### SAILED SECRETLY AS "C. MORRIS" ON PARIS LAST WEEK

Departure Escaped Notice in Excitement of Briand Farewells.

Charles W. Morse, it was definitely learned this morning, sailed for France on Friday last on the steamship Paris of the French Line. He booked passage through a clerk who did not know him, three days before the sailing, giving his name as C. Morris. Asked for his address, he replied he preferred for personal reasons not give it. He selected state room No. 339.

At the pier on the day of sailing Joseph Bourgeois, publicity man of the line, was verifying passports when Morse came along. He looked at the passport and said:

"You are Mr. Morse, the shipping man, aren't you?"

"Yes, yes," was the reply. Morse, according to Bourgeois, was very nervous.

Later when checking up the passenger list with the clerk who attended to the baggage, Bourgeois says he failed to see the name of Morse and asked about it. The clerk said he had no Morse on his list, whereupon Bourgeois said:

"I have just been talking to him and verified his passport and he is aboard."

Later on Briand came down and in the excitement the publicity man says the whole incident passed from his mind.

At Morse's home, No. 255 West 84th Street, it was stated he is still in the city and will likely be at his office, No. 300 Madison Avenue, to-day.

### SHIP PROMOTER DESTROYER MAY TAKE OFF LINER



CHARLES W. MORSE

### LANDRU, SMILING, HEARS SENTENCE; WANTS NO MERCY

"Been a Great Show," He Says—Consoles Lawyer Who Lost Hard Fight.

VERSAILLES, Dec. 1 (by the Associated Press).—Henri Desire Landru, "the Bluebeard of Gambia" smiled last night for the first time since his trial opened. A flickering expression of amusement crossed his face as he listened to the fateful words from Judge Gilbert sending him to the guillotine for a series of the most heinous crimes in the history of French jurisprudence.

"Thank you, gentlemen!" said Landru, flourishing his weather beaten hat in a mocking bow to the jury, and he disappeared through the little door leading to the Versailles jail.

While the verdict was awaited, the slayer of ten women and a boy spoke words of encouragement to his counsel, M. Moro-Giafferi, who, tired and worn out after his strenuous efforts to save his client from death, was on the verge of collapse.

"Strange it is that a man standing in the shadow of death should console his defender," Landru remarked at one time to those sitting nearby.

He refused to be a party to a petition asking President Millerand to commute the sentence to life imprisonment, which was signed, among others, by the jurors. "I refuse to ask for mercy," he told the latter. "A man like me wants justice, not mercy. You think I am guilty; then let me die!"

His remarks after reaching the cell were also characteristic of this strange character, the record of whose gruesome deeds as unfolded in the dingy Versailles' court room has drawn the attention of all France.

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### HARDING MAY ASK TARIFF POWERS

President Is Considering Plan to Revise Rates Himself as Relief Measure.

WASHINGTON, Dec. 1.—President Harding may shortly ask Congress to authorize him to revise tariff rates by executive order as an emergency relief measure for American business. Mr. Harding is considering this in connection with his message to Congress next Tuesday. The message will deal emphatically with the need for immediate tariff legislation to pull American business out of its present depression.

### HITCH WITH JAPAN IS OVER U. S. FORTS IN THE PACIFIC

Cavite and Guam, Not 5-5-3 Ratio, Cause of Delay on Navy Plan.

WANT NO MORE BASES.

Nippon Also Seeks Ending of Work on American Fortifications in Far East.

By David Laurence. (Special Correspondent of The Evening World.)

WASHINGTON, Dec. 1 (Copyright 1921).—What's behind the Japanese reluctance to accept the American figures fixing the ratio of present naval strength on a basis of 5 for Great Britain, 5 for the United States and 3 for the Japanese?

The Evening World correspondent has had an opportunity to examine the official correspondence passing between Japan and the United States in the secret sessions wherein the American Navy explains in detail the method by which the 5-5-3 ratio was fixed. It is an open and shut case. The formula used takes account, first, of the Japanese estimate of her own strength based upon the tonnage figures she herself furnished, and also takes into account every contention made by the Japanese and works out finally to a 5-5-3 every time. It is a plain piece of arithmetic and the quandary of all who have had a chance to learn how the American programme was worked out is what possible objection the Japanese have to its acceptance.

The conclusion being generally reached, party from things the Japanese themselves are saying and party from the hints they let fall in the secret sessions, is that the Japanese are getting ready to agree absolutely to the American estimate of existing naval strength, but are planning to condition their acceptance upon another agreement with respect to fortifications and naval bases in the Pacific. This question has heretofore not been raised by the Japanese in the official conferences, though in the meetings with the press the Japanese delegates have emphasized the importance of fortifications.

The American delegation doesn't fear the introduction of the fortification problem, though of course it

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### Mother Must Quit Smoking Or Lose Child

Judge Makes Girl's Custody Dependent on "Uncontaminated Atmosphere."

NEW HAVEN, Dec. 1.—Mrs. Adeline Palmer Lee, who is suing Dr. Harry M. Lee, surgeon at the Memorial Hospital, New London, for divorce, must give up smoking of cigarettes if she is to retain custody of her six-year-old daughter, according to a decision of Judge Allyn L. Brown in the Superior Court.

At the hearing on the matter of custody it was charged that Mrs. Lee smoked between 400 and 500 cigarettes weekly. She admitted that she used cigarettes, whereupon Judge Brown ordered that so long as she had the child she should refrain from cigarettes.

Judge Brown does not attempt to deal with the ethics of cigarette smoking. He says:

"Whatever may be the correct standard for the individual as to the use of cigarettes, expert testimony in this hearing has demonstrated what common sense affirms—that a child of the age of this one will be better if brought up in an atmosphere uncontaminated by smoke from cigarettes."

### FIRST CLASH TO RENEW WAR, BOTH BRITISH AND SINN FEIN FEAR, AS PEACE MOVES FAIL

Only Spark Needed to End Truce at Any Moment, Chiefs Believe, Though Lloyd George Strives for Way Out Not Yet Discovered.

LONDON, Dec. 1 (Associated Press).—The spectre of renewed bloodshed in Ireland stares the British Isles in the face in consequence of the virtual collapse of the peace negotiations which have proceeded under a truce for the last five months.

### CLUBBER TIGHE LEAVES FOR PRISON

"I've Felt Much Better Than I Feel Now," He Declares Gloomily on Departure.

Former Police man Charles Tighe started for Sing Sing to-day to begin a sentence of from two and a half to five years for beating Mrs. Emma Lennon of No. 261 West 50th St. on the course of a clubbing rampage on which he went during a raid on the restaurant of Patrick Coon at No. 600 Ninth Avenue, July 28 last. Tighe was taken to Police Headquarters from the Tombs, where he has been since his conviction on Oct. 7 except for a few weeks spent at Bellevue under treatment for the effects of alcoholism. His motion for a writ of error on which to base an appeal was denied by Justice Mulvan Tuesday.

While he was waiting to be fingerprinted with four other men who were being taken to Sing Sing Tighe sent for several of his former acquaintances in Police Headquarters and talked with them gloomily. They found nothing of the darddevil swashbuckler about him. To reporters he said only: "I have felt much better than I feel now."

### BANDIT'S ROB MINE OF \$60,000 IN GOLD

Men Armed With Sawed Off Shotguns Hold Up the Argonaut in California.

SACRAMENTO, Dec. 1.—Gold bullion to the amount of \$60,000 was obtained by bandits, armed with sawed off shotguns, who held up the Argonaut mine at Jackson, Amador County, last night, according to a report to the Sacramento Police Department to-day.

### DESTROYER AGROUND NEAR SAN FRANCISCO

Aid Sent to Stranded Ship—Crew Reported Safe.

SAN FRANCISCO, Dec. 1.—The United States destroyer De Long went aground to-day ten miles south of San Francisco, according to a wireless received here. The crew is reported safe. The De Long ran ashore on a rocky coast during a heavy fog. The tug Fairport and Coast Guard cutters from the Golden Gate and Fort Point Stations went to give assistance. The weather continued thick and the swell heavy.

### NEW CORSET O. K.; BRACES FIGURE, SAYS COPELAND

The Slight Waist Line Also Lends Witness to the Wearer.

"The present style corset, if properly fitted, is a distinct benefit to the health of a woman," Dr. Royal S. Copeland, Health Commissioner of New York, declared here to-day. "The new corset serves as a brace for the wearer and at the same time gives a slight waist line, which lends smartness to the figure," Dr. Copeland said.

As to how long the truce will last under present conditions there is no indication. The Sinn Feiners have expressed the view that there would be no formal denunciation of the peace by either side, and this leads to the belief that any spark of combat set off in Ireland with the peace movement apparent; dandelion might start the conflagration anew.

Recent outbreaks it is pointed out, have been passed over merely because hope was still held out for an understanding. Now that this is thought to have passed, further acts of the kind are fraught with unwise possibilities, and if the negotiations are formally broken off they will inevitably lead to general strife.

The Government holds are bending their entire efforts to seeking some avenue of negotiation yet unexplored, but it is believed all possibilities of settlement have been exhausted during the lengthy parleys which seem now to have ended.

The Sinn Fein has stood firm on its demand for an All-Ireland Parliament as the basis of settlement, at the same time refusing to concede allegiance to the British Crown. Ulster has refused point-blank to secede her own Parliament to enter an All-Ireland Legislature "under present conditions" on the ground that she would thereby come directly under the control of the numerically superior South.

The latest plan, that for an All-Ireland Parliament under which Ulster could retain her existing rights until, or unless, she changed her mind, has fallen to the ground under the formal statement by the Sinn Fein delegation here that it cannot be considered.

As a result, in both Government and Irish circles the opinion is expressed that nothing short of a miracle can avert complete collapse of the negotiations and resumption of the warfare in Ireland.

Preservation of the truce, whatever may happen to the peace negotiations, is being urged by a considerable section of the British press. It is suggested that this be achieved through adjournment of the conference to a fixed date a month or six weeks hence.

The Sinn Fein publicity department here reiterated this forenoon that it expected further meetings between the Government and the Sinn Fein delegates, and it is believed arrangements regarding the truce will be considered at the next meeting.

The original truce terms provided no plan for its cessation, and it is felt, it is said, that even if it develops that hostilities must be renewed provision should be made fixing a definite date for abandonment of the pact instead of letting the truce break down without notice, which has been considered in many quarters the probable outcome.

### SINN FEIN READY TO RENEW FIGHT, DE VALERA WARNS

"We Cannot Go Any Further," Says Leader, Blaming Others if Peace Fails.

ENNIS, Ireland, Dec. 1.—In an address delivered here yesterday at the