

FORCED TO MURDER BY ROFRANO, HE SAYS

Gaetano Montimagno Asserts Death Threat Compelled Him to Kill Gaimari.

VICTIM'S STEPS DOGGED Defendant Unperturbed as Witness Tells in Detail of the Shooting.

Michael Gaimari didn't have a chance for his life. The gentle art of dogging a man for a meeting him as he left his home, waiting for him outside coffee houses, clinging to him like a shadow until he was shot in the back, was revealed yesterday by Gaetano Montimagno, the State's chief accuser of Michael A. Rofrano and the actual murderer of Gaimari.

Montimagno didn't want to do it, he told the jury. Backlacking or stabbing was all right according to his code, but he balked at shooting until he said, Rofrano drove him to it with threats of death as his own portion if he refused any longer. Little more than an hour before he shot Gaimari, Montimagno met Rofrano under the Brooklyn Bridge to receive what he says were his final instructions.

When he still hesitated, one of the men with Rofrano slashed at him with a knife. And when he shot Gaimari one of Rofrano's club members was watching from across the street, holding his hat in his hands as if used to conceal a revolver in public.

Three times Montimagno said he met Rofrano and each time Rofrano urged him to live up to his promise to kill "The Horse," as Gaimari was called. Once he confided to Montimagno that when "The Horse" was out of the way "the other American citizens will come to me, and then Foley has got to be my slave."

Story Bounces Interest. There was no doubt about the compelling interest that Montimagno and his story aroused in the jurors and others in the court room. Self-confessed murderer, burglar and gambler, he was swayed in an easy confidence game; drawing a picture of the way the murder was planned and carried out, he was conducted through Gaimari's haunts and instructed where to stand, how to shoot and how to handle the case.

Montimagno presented one of the most unusual cases ever seen in Criminal Court Building has ever seen.

Through it all he was impassive; occasionally his eyes flashed from the jurors to Assistant District Attorney Rofrano and then to Rofrano. His answers came without pause, and only when he told how he shot Gaimari did he seem at all moved. Then his eyes flashed at Rofrano and shot out, the trigger finger working.

Montimagno picked up the thread of his story at the place where he came back from Schenectady in 1913 and Cornell and Pennimore began to urge him to keep his promise to "the boss" and kill that person.

"The boss is like the king," they told him, and said he must not be afraid. "You know if you are arrested the boss will do everything for you. He has said so," Pennimore said. "He is a friend of the Mayor, the Governor, the District Attorney, the Police Commissioner and the Judges. These people have to do what Rofrano wants, otherwise on election day he will send them all to the electric chair. The votes we gave to the Mayor elected him."

Tells of Meeting Rofrano. Bill Montimagno put them off and finally they took word to him that "the boss" was angry and he had to go. And then at the house of Brodini, the little bootblack, he said he had his first meeting with Rofrano. The latter took him into a room, and Pennimore and Brodini—have they said anything to you? I said, "Yes, they told me you were to go to the house of Brodini tomorrow, and you have not done anything yet." Chuck came in and said, "Well, you shut up, come persons, and go to the house of Brodini, and you have to be known." They went into another room, Montimagno continued, and Rofrano said:

"Tommy, do this homicide that all men go well. You know who I am in New York and outside of New York. You know many persons of the law. I will tell them to do what you know that by taking away 'The Horse' all the other American citizens will come to me and then Foley has got to be my slave. And then the man you are to go to and then you will fare better than I do. You get a position and you don't have to work and you won't have to be a boy of the underworld."

Told to Shoot Victim in Back. "And he said, 'If you can't get him at that place go to his house, and if you can't get him in the evening, go in the morning, and we will show you where he goes mornings. Then as he leaves his house and goes past you, when he sees his shadow, shoot.'" After they had spent some time in the city, Rofrano's home he came out and Montimagno went out and crossed his path and peered into his face to make sure he would get the right man when the day came to shoot.

but with the revolver in one of them ready for instant use. They started out to look for "The Horse," and Chuck finally found him in a cafe. Brodini was to signal by lifting his hand when Gaimari left, but "The Horse" saved his life that night by having several of his friends with him. Then they took the revolver and coat away from Montimagno and went home. Twice a day after that they went over, and each time saw Gaimari, but Montimagno found excuses to put off killing him. It didn't have courage enough, he said. Then he went to Brodini's house again to talk it over and Rofrano came in.

"Mr. Rofrano told me, 'It is several days now that you are following and you don't do the job. When you see him, shoot. I'll take care of you. To-morrow when you go to see "The Horse," shoot him.'"

Rofrano was leaning across the table as Montimagno told this, laughing with Mr. Wylie of his counsel. At no time did he seem disturbed by the details of Montimagno's story, unless scribbling notes faster than usual might be taken as a sign of disturbance. Then Montimagno came down to the day of the killing and the meeting with Rofrano under the bridge. Frank Pennimore and Rocky Cornell went with him.

"Rofrano said, 'Tommy, it is now one week and a half that you are fooling us. Many times John Brodini has given you the signal. You know, Tommy, when a man is taken into a confidence such as this and then refuses, he shall die.' I said, 'I have not the courage to shoot a man.' Then Rocky said, 'If you do not commit this murder this morning you die to-day. The death that is due to him we will give to you. If you haven't the courage I will cut you.'"

Threatened With Knife. "Rocky took his knife out of his pocket and slashed at me twice. I put my head on one side and he slashed my coat. When I saw myself forced and that I did not consent they would kill me, I went. Rofrano said to me: 'Go ahead, do a good job and leave everything to me; and look out, if you do not kill this person somebody will kill you.'"

Then Rofrano left them, he said, and Tommy went ahead with John Brodini. "John Brodini said to me: 'Tommy, you stay on the sidewalk and watch the "Horse" go by. I'll lift my hat, and you follow him a little while, then shoot and after you shoot him so to the saloon and take off your coat. Then go out and run up the street.'"

"Five minutes before I shot Chuck came to me and said, 'Tommy, don't do the way you did the other day. Shoot him, or I'll shoot you.' Then they went across the street and John Brodini was on the same sidewalk with Chuck. John Brodini took his hat off his head. That was the signal that he was coming. "The Horse" passed in front of me. I followed him for about twenty-five feet. Then Chuck said, 'Hello, Mike! Mike said, 'Hello, and I shot him.'"

The first shot he fell down on his face," and Montimagno threw up his hands and lurched forward to show how he felt. "The "Horse" fell on his face," he went on, and again half stood up and crumpled over, working his trigger finger. "Then I ran away."

He then went to the left, he said, a glass of beer and was caught. Martin Littleton, chief of Rofrano's counsel, tried his best to shake Montimagno's story in the short time left before the night session ended, but did not make much impression on it. There is no serious discrepancy between his story and that of Joe La Salle, however. Montimagno said he did not stab Gaimari in the first attempt on his life and named another man, La Salle, as the man who did it and that he saw him running away.

DEMOCRATS ASSAIL BAKER MEXICO TALK Secretary of War Likened Conditions There to American Revolution.

The speech of Newton D. Baker, Secretary of War, in St. Patrick's church in Jersey City Monday night was still being criticized yesterday by both Democrats and Republicans. Many persons of every political faith took exception to every part of Mr. Baker's remarks in which he compared the Mexican revolution to that of the army of George Washington in our own Revolution. After the meeting not a few Democrats alluded to it as the most unfortunate remark of the day.

"Some people say they cannot understand the President's Mexican policy," said Mr. Baker. "We have to tell you why. They have forgotten our own history and the Declaration of Independence, and the President has not forgotten either."

"Why are we impatient at the Mexicans? We say they do not respect the lives and property of our people. Perhaps they don't. We say they do not respect our honest debts. They don't. We say their money is not any good. That's true. It is worth only two or three cents on the dollar. We say they do not respect church property, and that also is true."

"The amazing thing is that people never respect these things in a revolution. We had a revolution, and from its beginning to its end conditions in this country were so like Mexico that it is perfectly astounding to read Washington's army was in rags, and they stole."

SIX of the 14 inch guns of the superdreadnought Arizona, which was put into commission. Like her sister ship, the Pennsylvania, her guns are mounted three in a turret. Below is Capt. John D. McDonald, who took command of the Arizona yesterday.



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ARIZONA IN NAVY; 3 OTHERS RETIRED

Kansas, Vermont and New Hampshire Put in Reserve to Furnish Crew.

The dreadnought Arizona, newest and most formidable of Uncle Sam's war craft, entered the service of the United States yesterday afternoon. She was commissioned as she lay beside the Cob dock in the New York Navy Yard, having just been towed out of dry dock.

In spite of the efforts of the Navy Department, the Arizona was put into commission with 164 men lacking of her full complement. She should have on board 1,034 men and has only 576. Even these could not be obtained by ordinary methods. To get them, the Navy Department, in spite of all that Secretary Daniels has said about the navy being full of men, had to put three second line battleships in reserve. The Kansas, Vermont and New Hampshire went to the "graveyard," as the sailors call the reserve yard at Philadelphia, so that their crews might be used to man the new ship. This leaves the Atlantic fleet with only thirteen ships in line in commission, as against twenty-one a year ago.

The Arizona was to have been commissioned a month ago. The impossibility of getting a crew for her in time kept her out of the service until yesterday. The commissioning of the new fighter was a brief ceremony and the only chief naval officer who participated in it was Rear Admiral Nathaniel R. Usher, commander of the yard, and his staff. Neither Secretary Daniels nor any of his assistants was present. At 4 o'clock the marines were drawn up in double rank under the great guns of the after turret, with the blue-jackets lined up along each rail. The band was gathered at the taffrail. Inside the hollow square thus formed stood the ship's officers and the chiefs of the fleet and yard.

Rear Admiral Usher read the order from Assistant Secretary of the Navy Franklin Roosevelt placing the Arizona in commission and then Capt. John D. McDonald, formerly chief of staff when Admiral Fletcher was in command of the Atlantic fleet, read the order which attached him again as chief of staff of the fleet and put him in command of the dreadnought. While the band played the national anthem, the commissioning pennant was run up and the flag was hoisted at the taffrail.

The Arizona is a twin of the recently commissioned Pennsylvania. Each is of 31,400 tons displacement, and the Arizona has an estimated horse-power of 34,000, somewhat more than her sister. She is



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POLICE REGIMENTS CAPTURE FIFTH AVE.

2,700 Soldier Cops in Parade Prove Value of Fort-night's Training.

New York city gained two regiments, manned and equipped to full war strength, when 2,700 policemen in khaki marched down Fifth avenue yesterday afternoon. They paraded before Mayor Mitchell, Police Commissioner Arthur Woods and lanes of cheering men and women to demonstrate what had been accomplished for them in the two weeks training at Fort Wadsworth, Staten Island.

Their swing and precision were of the army pattern and proved the value of their fortnight of training. They demonstrated that a fighting force of value has been added to the militia. They gave New York to understand that the old cop—the leisure loving, obese guardian of the peace—is gone for keeps. Clad in their soldier-student uniforms of olive drab they looked a formidable body. They carried rifles of the regulation type with fixed bayonets.

In the reviewing stand in front of the public library in addition to the Mayor and the Police Commissioner were Ambassador James W. Gerard, recently returned from Germany, all the police deputies, a group of army officers from Governors Island and Fort Wadsworth and several women, among them Mrs. Wood. Max Schmitzberger, chief inspector of the department, led the parade with his staff. John Dillon, borough inspector of Brooklyn, commanded the first regiment.

Following the first regiment was a platoon wagon that had been converted into a portable wireless outfit. After the second regiment under command of Inspector John E. Dwyer had passed two squadrons of men trailed one pounders before the reviewers.

It would have been a severe blow to Henry Ford, the pacifist, to see the juxtaposition of his manufacture of machine guns. There was a complete battery of these smaller guns under flivver transport.

DINNER FOR ARMY MEN. Police Present Gifts to Officers Who Trained Them. The United States army officers who trained the two regiments of New York police at Fort Wadsworth were the guests last night of the regiments' officers at a dinner in the Waldorf-Astoria.

Gifts of appreciation were given to several of the army men for their work with the police. A silver tea service was presented to Major Elsie M. Marinade, Capt. Robert N. Campbell received a coffee service, Capt. Albert N. Gilmore a silver platter, Capt. Robert C. Eddy a writing set and Lieut. James C. Waddell a silver punch bowl and a silver teapot and tray.

Police Commissioner Woods said at the dinner that he was proud of the development the men had shown. He said they would attract the attention of the country. Chief Inspector Max Schmitzberger was toastmaster.

STATE MAY LOSE \$40,000,000. Court of Appeals Affirms Damages in Test Water Power Case. ALBANY, Oct. 17.—The Court of Appeals opened the way today for the prosecution of claims against the State aggregating \$40,000,000 by affirming a judgment of \$4,250,000 awarded by the lower court to George L. Pratt of Fulton, for lost water power. The large canal improvement of the Oswego River destroyed the waterhead created by a State dam a mile above the village of Fulton. More than thirty adjacent property owners have similar claims.

The suit brought by Pratt was a test case. He asked damages of \$3,250,000.

Macy's men advertisement featuring a man in a suit, the text 'Macy's men', and 'A Message of Suits, Savings and Satisfaction. Many of you have discovered that Macy Suits for Men at \$17.50 meet the demand of your Personality, your pocketbook and your taste for clothing that is thoroughly up-to-date.'

STATE DAIRYMEN PUNISH A REBEL

Latter, Unable to Market His Milk, Will Sell His Fine Cows.

OTISVILLE, N. Y., Oct. 17.—Frank Pierson, a well to do farmer with a herd of forty or fifty milk cows, was one of the few Orange county dairymen who refused to join the Dairymen's League. He said he was going to remain independent until leases formed in the great beyond, milk strike or no milk strike, and he kept his word.

When his neighbors started to hold back their milk to compel New York dealers to pay the league price Pierson took his milk to the plant of the Mutual-McDermott Dairy Corporation at Howells, according to his usual custom. It wasn't long before strike pickets dumped a load of two on the milkweed at the side of the road, and Pierson was obliged to take. Then the farmers took another tack. They told him that if he really needed the money he could keep on sending his milk to the city and be hanged.

After the Dairymen's League won its strike thirty or more farmers announced their willingness to resume business with the Mutual-McDermott concern. They stipulated, however, that of course they couldn't be expected to deliver milk at the Howells plant if Mr. Pierson's non-union milk was to be received at the same station.

The distributors saw the light and had a little talk with Pierson, after which he took his milk to the Borden plant at Otisville. The Borden agent, who had heard rumblings of trouble, suggested to Pierson that if he would consent to join the league he would save himself and everybody else a lot of embarrassment. The farmer, however, declined to change his mind, and his deliveries ended after the first day.

Having no ready market for his milk and being sure he wouldn't be roped into the league, Pierson has announced that he will sell his cows at auction. The sale will take place Saturday.

NORMAL SUPPLY NEAR. 80.4 Per Cent. of Usual Quantity of Milk Received Yesterday. Reports received at the office of the Department of Health showed that 80.4 per cent. of the usual supply of grade A and grade B milk were received in the city yesterday. Lucius P. Brown, director of foods and drugs, said the normal supply will be arriving daily the latter part of the week.

Justice Pennington approved yesterday the withdrawal of an order obtained by Shephard Farms-Staten Island-Borden Company for the examination before trial in the matter of its injunction proceedings against Commissioner John J. Dillon and the Dairymen's League.

Saks Model #250 for the Young Man advertisement. Includes text: 'Cut on slender lines, with radical innovations in cuffs, pockets and lapels. Plain or small shawl collar vest, and double welted flap pockets. Modeled for young men who have not yet begun to fill out. Includes also one special model for the young man who has grown up and filled out at the same time. The whole idea in evolving this No. 250 range is to give young men clothes that are especially adapted to youthful figures. In other words, Young Man, in this No. 250 range you are treated as an individual, not as a Plaster of Paris model of "the old man." \$23 \$25 \$30 Saks & Company Broadway at 34th Street'

Wrigley's Juicy Fruit advertisement. Includes text: 'A New and Tempting Taste: WRIGLEY'S JUICY FRUIT CHEWING GUM. As toothsome as the name implies. Delicious, long-lasting. The third of the Wrigley trio of refreshing confections. Good for teeth, breath, appetite and digestion. Don't forget WRIGLEY'S after every meal. Three of a kind Keep them in mind. WRAPPED IN COUPONS'