

FATHER AND SON GO TO PRISON TO SAVE EACH OTHER

Which Is Guilty? Family Love Versus the Law.

New York, June 6.—[Special.]—New York's endlessly grinding courts of justice have furnished professional and amateur criminologists with a real-life case that might have come from the pen of a fiction writer.

With two men—father and son—convicted in succession for the same crime, the question tickling the imaginations of crime fans is "Who is the guilty man?"

The record, at least for the present, has written fits to one of the strangest cases in court annals—that of a man who went to prison for a crime he is said to have known his father committed, only to have his fidelity come to naught when the father assumed the guilt to take up the prison sentence where the son left off.

Record Tells Story.

That is the story the record tells, but it is one that leaves doubt in the minds of many as to whether the guilty man is now languishing in a penitentiary. Court officials and lawyers admit it is one of the most unusual instances of fidelity between father and son in memory.

Last October, Angelo Grillo, owner of a Brooklyn drug store, was sentenced to two and a half years in the federal penitentiary for the theft of money from registered letters posted at his store, a postal substation. The jury accepted evidence gathered by postal inspectors as pointing to Grillo as the thief and the youthful druggist went off to prison after a spirited defense by his counsel.

Father Confesses.

Young Grillo's attorneys were convinced that an innocent man had been made a convict, and their belief appeared to be vindicated when Vittorio Grillo, 73, father of Angelo, appeared last December and said that he, not his son, was the robber of the mails. It dawned on the attorneys that Angelo, although he may have known what his father had been doing, did not betray him.

Armed with this confession of the elder Grillo, Angelo's counsel appealed for and obtained a new trial last April. The father demonstrated on the stand how he had systematically pilfered letters by steaming them open and resealed them. He used the money, he said, to indulge a craving for wine.

Angelo, six months a convict, was found not guilty at the second trial by a jury that was out less than an hour. He walked from the court a free man, his rights as a citizen and his pharmacist's license restored. Then came the father's trial.

Prosecutor Unconvinced.

He was convicted on his own confession and sentenced to the federal penitentiary for a year and nine months.

So ends the record, but not the mystery. Federal Attorney Howard Amell frankly admits he is still as puzzled over the case as ever. He characterized it as one of the most extraordinary in his career. Not committing himself as to the guilt of either party, Amell pointed out that whereas the son at the outset may have doomed himself to "cover" the old man, there was an equal possibility that the father now had deliberately "taken the rap" to erase the prison stigma from the younger man, with life before him.

Declaring that such a thing was a reversal of the long record of criminology, Amell continued:

"The postal inspectors had the goods on the boy in the first trial—and postal inspectors rarely make mistakes. Prima facie evidence pointed

to his guilt, and there were no suspicious circumstances indicating his innocence. In any event, you can see, it was up to the jury in both trials."

Either Might Have Done It.

Whoever made the sacrifice, Amell said, it was a case of letting human nature take its course.

Saying he recalled "no other case of its kind in this court," Judge Moskowitz, who granted Angelo a new trial, said:

"I am not contending that the defendant [Angelo] was innocent, but the father, who demonstrated before me that he was capable of doing it might have done it."

That is what is puzzling followers of this story with a strong O. Henry flavor. Either "might have done it." But who did do it?

Horner to Hold Hearing on Oleomargarine Bill

Springfield, Ill., June 6.—[Special.]—Gov. Horner announced today that he will hold a public hearing in the executive office at the statehouse Thursday on senate bill No. 294, which, after July 1, 1935, would impose a tax of 10 cents a pound on oleomargarine, and 8 cents a pound on filled cheese. The bill was introduced in the general assembly by Senator C. J. Kribs of Prairie du Rocher and passed both houses over much opposition.