

Framer of Innocent Man Who Served 5 Years Is Himself Sent to Philadelphia Prison

SPECIAL TO THE NEW YORK TIMES.

PHILADELPHIA, Dec. 4.—Weary and repentant, John Dougherty went to the House of Correction today to begin serving a six months' term for vagrancy, to try to atone for "framing" an innocent man in a court room seventeen years ago.

Dougherty, 45 years old but appearing much older, heard Magistrate Nathan Beifel call him "the worst rascal who ever came before me."

In 1919 when he was collector for a baking company he stood in a court room in Camden, N. J., and pointed to Louis Benevento as a man who had held him up and taken \$192 of the company's money. He admitted to Magistrate Beifel that there was no hold-up and that he lost \$90, not \$192, in a dice game. Benevento was convicted and sentenced to serve from five to fifteen years on a robbery charge.

Dougherty's conscience had bothered him many times since then. He lost his job a few years later, separated from his wife and became a homeless wanderer. On Saturday evening he sat in a mission in this city, listened to a sermon and was

so moved that he went to police and confessed.

Magistrate Beifel expressed regret that he could not make the sentence six years. No Pennsylvania law could be found, however, that Dougherty had broken and the Statute of Limitations saved him from a perjury charge in New Jersey.

"We ought to find the innocent man and help to give him a new lease on life," the magistrate told Detective Sergeant Jacob Gomborrow.

"We're going to try," Gomborrow replied. "The victim was a man named Louis Benevento and he served almost five years in the New Jersey State Prison at Trenton after Dougherty had picked his picture from the Rogues' Gallery, picked him again from the police line-up and testified against him in court.

"Benevento was paroled on July 11, 1924, and his parole period ended recently when he was living in Freeport, N. J. I understand he has a wife and two children. He changed his name to Bennett, trying to get away from the stigma of being a paroled convict."