

# BECKER WINS DELAY FOR A MONTH IN COURT BATTLE WITH WHITMAN

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The



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## WITNESS SWEARS IN COURT MRS. SZABO WAS STRANGLER; GIBSON UNDER GUARD HERE

Application Made in Middletown for a Warrant on Charge of Murder. LAWYER SHOWS NO FEAR Legal Tangle May Come Over Question as to Which State Woman Died In.

Application for a warrant calling for the arrest of Lawyer Burton W. Gibson on a charge of murder was made this afternoon before Judge Herbert C. Hoyle in the Orange County Court at Middletown, N. Y. District-Attorney Thomas Rogers of Orange County asked for the warrant and presented affidavits charging that Mrs. Rosa M. Szabo was strangled to death in the waters of Greenwood Lake while boating with Lawyer Gibson on July 28.

The strangling charge was contained in an affidavit signed by Dr. Otto Schultze, "Coroner's Physician of this county, who journeyed to Middletown and appeared before Judge Hoyle. Dr. Schultze was questioned at length by the Orange County Judge and gave a detailed recital of the findings of the four physicians who performed an autopsy on the body of Mrs. Szabo yesterday and of the results of microscopic examination and chemical analysis of the organs of the dead woman made by him in the Cornell College laboratory last night.

In presenting his case Mr. Rogers laid before Judge Hoyle the story of how Lawyer Gibson had drawn a will for Mrs. Szabo in which the woman's dead mother was made sole legatee and he himself sole executor. Papers were presented in proof of how Gibson had offered this will for probate, alleging at the time that the testator was survived by no other relative save her mother. All this, Mr. Rogers alleged, established motive for murder. The testimony of Dr. Schultze was proof that the crime had been committed.

A TANGLE MAY ARISE OVER STATE LINE. Mr. Rogers also dwelt on the alleged cunning of the murder plan in that the killing was accomplished almost on the boundary line dividing the States of New York and New Jersey. The body was recovered at a point about 200 feet within the Orange County line in New York State. There are witnesses to swear to that. The proximity, as in other famous murder cases, might lead to a serious tangle. Only a legal mind would have been capable of estimating the comparative safety of committing a murder on a State line.

(Continued on Second Page.)

## THIS TALE OF CUPID IS NO THRILLER, BUT IT'S GOOD READING

The Heroine's An Heiress and the Hero's a Chauffeur—but No! They Didn't Elope.

MERELY GOT MARRIED.

Rich Miss DeMott and Poor Mr. Jackson Put No Excitement Into Their Romance.

PASSAIC, N. J., Sept. 11.—Warning! No, gentle reader, this is not the story of a sensational elopement, where the poor, but honest, chauffeur skips away in his boss's motor car with the beautiful heiress, contrary opinions of society folk of Passaic, N. J., Clifton, Lakewood and all points west on the Erie notwithstanding.

No elopement, understand, but here are chronicled interesting events in the courtship and marriage of Miss Mary Newkirk DeMott, member of one of the best known families in all New Jersey, and Cyril G. Jackson, chauffeur, who made his home at Fairview. They were married, yesterday, in the parsonage of the First Reformed Church, here. It was a quiet wedding, as the society reporters say in differentiating between an ordinary matrimonial tie-up and the kind where they call out the reserves.

THE HEROINE IS TALL AND FAIR TO SEE.

Miss Mary Newkirk DeMott is tall, fair and slender, with a naturally rosy complexion that would make the lady in the "sure-fire beautifier" ad weep with envy. Jackson is twenty-six, a light-haired, slender, slightly stooped-shouldered chap, who never, never had been set down as a heart-breaker. About five years ago Jackson was employed as a chauffeur by A. D. Sullivan, former city attorney. He drove for him eight months, and it was about this time he met Miss DeMott. But if he started his wooing right at the jump, he kept his secret well, for none of his friends was any the wiser.

(Continued on Last Page.)

## FOUR COPS CAUGHT SLEEPING IN BARN BY SCHMITTBERGER

Inspector Finds Mounted Men in One Stall and Horses in Another.

SEVEN UNDER CHARGES.

Captain and Two Sergeants of Highbridge Station Will Be Placed on Trial.

The sporadic effect of the climate of the Bronx mounted policemen was again proved to-day by Chief Inspector Schmittberger when he stealthily entered an old barn in Ogden avenue, near One Hundred and Seventieth street and found four policemen in uniform asleep in four stalls, and four police horses contentedly munching rations in four stalls on the other side of the building. The raid has caused the suspension of seven policemen of the Highbridge station, who will be placed on trial next Monday.

The seven men accused are Capt. Charles C. Wendell, charged with failing to maintain proper discipline and patrol, and Mounted Patrolmen Fred J. Plump, William T. Donohue, Frank T. Mallon and Leo M. Golden, charged with neglect of duty and being off post.

GUMSHOE TRIO FIND THREE MEN ASLEEP. On two occasions Schmittberger has found mounted policemen supposed to be on post enjoying luxurious repose in the barn on the Morisini estate in Riverdale. He was not surprised when information reached him recently that since the Morisini barn had become discredited as a lodging house for policemen and their horses a new hangout had been established in Ogden avenue near One Hundred and Seventieth street.

In the darkest hour just before the dawn to-day Schmittberger and Capt. Thour and Patrolman Creamer of his personal staff motored up to the Bronx, left their car in a safe place and deployed on foot to the specified Ogden avenue barn. They remained for half an hour watching all the exits. Nobody appeared, but there was borne to their ears on the chill morning air sounds as if scores of men and the champing and tail swishing of horses.

Promptly at 5 o'clock Schmittberger and his aides softly opened the door of the barn and entered. Protruding from four stalls they saw the feet and putted lower limbs of four policemen, in four opposite stalls four contented police horses were taking their ease, stripped of saddles and bridles.

The sleepers were allowed to sleep a few minutes. Then they were gently aroused. As they recognized Schmittberger they scrambled out of their warm, soft straw bed and made a concerted dive for their caps and coats, which they had discarded before composing themselves for slumber.

INSPECTOR LED CULPRITS TO STATION HOUSE. Under the watchful eyes of Schmittberger the four patrolmen saddled their horses, mounted and rode out into Ogden avenue. The Chief Inspector conveyed them to the Highbridge station house and created a sensation in that quiet retreat when he lined them up before the desk.

Schmittberger ascertained that the patrolmen were supposed to be patrolling widely separated posts in sparsely populated portions of the Bronx when they were caught asleep. He also learned that the direct duty of seeing that these patrolmen were attending to their business of patrolling had been entrusted to sergeant Benjamin Sadler and Hanesser. And Capt. Wendell, who is supposed to see that his lieutenants, sergeants and patrolmen are all on the job was at his home sleeping.

## Woman Who Was Strangled in Greenwood Lake; Lawyer Who Is Accused of Causing Death.



## NUTMEG REPUBLICANS NOMINATE STUDLEY FOR GOVERNORSHIP

Platform Adopted Gives Praise to Taft and Endorses His Administration.

HARTFORD, Sept. 11.—Judge John P. Studley of New Haven was nominated for Governor by the Republican State Convention here this afternoon.

Senator Peck of Danbury was nominated for Lieutenant-Governor; G. H. Carlson, Middletown, for Secretary of State; Walter Holmes, Waterbury, for Treasurer.

Warm endorsement of the Taft administration was a feature of the platform adopted by the convention. The President's administration was characterized as "one of unostentatious but continuous accomplishment that in its closing year finds the country at the height of prosperity." The Taft tariff board plan was endorsed and the party pledged to find a way to secure loans on farm property and to advance agricultural interests, as well as to the enactment of an adequate workmen's compensation act.

FOURNY BREAKS RECORD FOR DURATION FLIGHT. In Air Almost Ten Hours and Still Going Late To-Day—Also Smashes Distance Figures.

ETAMPES, France, Sept. 11.—M. Fourny, the French aviator, today broke all records for both distance and duration of flight while competing for the Criterion prize offered by the French Aero Club.

FOURNY STARTED OVER THE seven kilometre (4.3 miles) circuit of the Etampes Aerodrome at 5.33 A. M. At 4 o'clock today afternoon the aviator had covered 30 kilometres (18.6 miles), and was still going strong. The aviator hopes to be able to remain in the air until 5 o'clock to-night.

NATIONAL LEAGUE. AT NEW YORK. ST. LOUIS—0 0 HANTS—0 0 Game called on account of rain.

## ENGAGEMENT BROKEN BECAUSE OF GLASS EYE, KILLS HIMSELF

Lipschitz Said He Could See Girl Loved Another, So Inhaled Gas.

Celia Weinstein, who lives in Manhattan, called up the carpenter shop of Bernard Diamond at No. 12 Bergen street, Brooklyn, to-day and asked for Louis Lipschitz, Diamond's helper.

"He is dead," said the voice at the other end of the wire. Miss Weinstein dropped the receiver of the phone and fainted. Louis Lipschitz had been introduced to her by a marriage broker, a friend of her father, in Brooklyn nearly a year ago. They got along well together until June, when a young woman with whom Lipschitz had a quarrel at a party called on Miss Weinstein and told her that her fiancé had a glass eye.

Miss Weinstein at once sent for Lipschitz and broke the engagement. He saw her repeatedly outside of her home after that because her parents would not let him visit the house. Miss Weinstein did not relent.

The young woman forbade him to try to see her again yesterday, and to-day she received a letter from Lipschitz in which he said that with his one good eye he could see clearly enough that she was in love with somebody else, rather than kill her and his rival, he said he would kill himself before the letter reached her.

Diamond on entering the shop this morning found Lipschitz dead in his bunk. He had torn the top from the main supply gas pipe of the house. As much gas had escaped that Miss Ellen Morley and her aunt, Mrs. Beila Kiernan, who occupied an apartment on the floor above, were found unconscious in their beds and were with difficulty restored by the ambulance surgeon who was called to examine Lipschitz.

## SIXTH ARMY AVIATOR MEETS DEATH IN WEEK WHILE SCOUT FLYING

Lieut. Siebert, Latest Victim, Is Killed at Big War Game in Saxony.

DRESDEN, Saxony, Sept. 11.—Lieut. Siebert, an aviator attached to the Red Army in the Imperial manoeuvres now in progress in Saxony, fell with his aeroplane while scouting to-day and was killed. His companion, Lieut. Zimmermann was seriously injured.

Five of the six Red Army aeroplanes have been disabled while carrying out military orders, although with the exception of to-day's accident, none of the aviators was badly hurt.

The dirigible balloons are proving very satisfactory. The Zeppelin III, and the Gross IV, are operating successfully from a distant base with their respective stations at Gotha and Berlin as in actual war.

The death of Siebert is the sixth within a week among army aviators in different countries.

Aviators Fall Into a Tree. TAMISE, Belgium, Sept. 11.—Aviator Bussone's machine fell into a tree at the hydroaeroplane post here to-day. Bussone suffered an injury to the head, broke one leg and hung suspended from a limb until help reached him. His mechanical fractured his skull.

## BECKER GETS A STAY THAT POSTPONES HIS TRIAL UNTIL OCT. 7

Justice Bischoff Sets New Date for Beginning Rosenthal Murder Case on Petition of Chief Counsel.

HOT SPRINGS WITNESSES IMPORTANT TO DEFENSE.

Commission to Take Testimony of Three Who Heard Sam Schemps Exonerate Raider.

The plan of District-Attorney Whitman to put Lieut. Charles Becker on trial to-morrow for the murder of Herman Rosenthal was frustrated this afternoon when Justice Bischoff of the Supreme Court granted an application for a stay until the first Monday in October, which will fall on Oct. 7. This decision delays the beginning of the trial of Becker almost a month and gives John F. McIntyre, counsel for the indicted policeman, an opportunity to think up some other methods of postponing the issue until the state of the public mind, inflamed, Mr. McIntyre claims, against his client, shall become normal.

The news that Justice Bischoff had granted Mr. McIntyre's motion reached the District-Attorney's office as a distressing surprise. There was some talk among Mr. Whitman's assistants about Justice Goff setting the stay aside and proceeding with the trial. Mr. McIntyre said there was no uneasiness in his mind on that score. Precedents, according to Mr. McIntyre, are all favorable to Justice Bischoff's ruling.

## FUNNY MR. PERKINS HAS THE BULL MOOSE LAUGH ON BILL TAFT

He Duplicates the President's Wire After Maine's Governor-Elect Flops.

Who says George W. Perkins doesn't carry behind his branching Bull Moose antlers a snarl little patch of gray matter labeled "Wit and Humor?" Listen to George W.'s wheeze on one William Howard Taft of Cincinnati and Washington:

Yesterday, said William Howard Taft sent by wire, from his summer home at Beverly, Mass., the following short note to Governor-elect W. T. Haines of Maine:

"I congratulate you upon redeeming Maine. It is a notable and significant victory."

Now, of course, W. T. Haines was elected on the Republican ticket—the grand old Republican ticket of the State of the Secret Sufferer. But, alas! Word came down from Maine to-day that Governor-elect Haines had switched to the Bull Moose party, which elected him, and was ranged on the battle line of Armageddon.

Whereupon George W. Perkins, from his high tower at Twenty-third street, sent winging over the wire to Haines this little epistle:

Justice Bischoff issued his order after listening to the arguments of Mr. McIntyre for the defense and Assistant District-Attorney Frank Moss.

WHITMAN'S PLAN OF CAMPAIGN ALL UPSET. The decision of the Court is as follows: "I am satisfied that the testimony to be produced by the moving party (Becker) is material and that he should be given an opportunity to obtain it. While some technical objections have been urged in the form of averments, such as might be entertained in a civil case, these objections are not of a character which may appeal to the court's conscience as a ground for refusing to take testimony at the instance of a defendant to an indictment charging a crime the penalty of which is death. A stay of the trial until the first Monday in October is reasonable and will be ordered. The motion is granted."

Name of commission may be submitted on settlement of the order. The District-Attorney put up determined opposition to the motion of Mr. McIntyre, which, now that it is in legal effect, changes the whole programme arranged for the trial of Becker and the John Doe investigation. Mr. Whitman is looking for action of the Supreme Court, convened by order of Gov. Dix on Sept. 8, has done nothing at all to date except reject a Grand Jury and set Becker's trial for Sept. 12.

Assistant District-Attorney Frank Moss delicately called the attention of Justice Bischoff to the fact that there was an extraordinary term of the Supreme Court called by the Governor especially to try Lieut. Becker, with Justice Goff presiding, and that the motion of Mr. McIntyre ought, out of courtesy, to be made to Justice Goff.

COURT HOLDS IT MUST DECIDE ON APPLICATION. Justice Bischoff replied: "If I have the power to entertain the motion which is before this court, it is my duty to decide upon it and not pass responsibility to some one else."

Mr. Moss then contended that the

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The total number of advertisements printed in yesterday's newspapers were as follows:

THE WORLD Printed 6,072 Ads.

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The Times " 1,897  
The Tribune " 256  
The Sun " 259  
The Press " 196

Total " 3,999

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